

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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Bismarck, April 21, 1993

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

The prayer was offered by Senator Graba.

The roll was called and all members were present except Senator Naaden.

A quorum was declared by the President.

## MOTION

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

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

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

MADAM PRESIDENT: The House has failed to pass: SCR 4077.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1208.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1013, HB 1018, HB 1065, HB 1219, HB 1504, HB 1511.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2004, SB 2006, SB 2007, SB 2008, SB 2010, SB 2013, SB 2015, SB 2016, SB 2384.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1012, HB 1015.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SCR 4038.

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

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried on: SB 2019.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCMR 7501.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2009, SB 2017, SB 2020.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1518.

## FIRST READING OF HOUSE CONCURRENT MEMORIAL RESOLUTION

HCMR 7501: A concurrent memorial resolution in memory of South Dakota Governor George Mickelson.

Was read the first time.

**MOTION**

**SEN. MATHERN MOVED** that the rules be suspended, that HCMR 7501 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Freier, Oban and Sens. Wogsland, Nelson, Goetz introduced:

**HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 7501**

A concurrent memorial resolution in memory of South Dakota Governor George Mickelson.

**WHEREAS**, Almighty God in His infinite wisdom has called from our midst an outstanding citizen of the state of South Dakota, George Mickelson, the Governor of the state of South Dakota; and

**WHEREAS**, Governor Mickelson has served his country and state as a member of the United States Armed Forces and Assistant State Attorney General; and

**WHEREAS**, Governor Mickelson's devoted service to his state included three terms in the South Dakota House of Representatives, one of which he served as Speaker, and two terms as South Dakota Governor, the second of which he was serving at the time of his passing; and

**WHEREAS**, Governor Mickelson was a friend and good neighbor to North Dakota, as well as a confidant of past and present governors of this state; and

**WHEREAS**, Governor Mickelson's keen understanding of history and the fundamental principles of state government resulted in a respect for, and appreciation of, the role of the executive, legislative, and judicial branches of government which was evident to all members of each branch and which was evidenced by acts of assistance and courtesy to the citizens of North Dakota;

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

That the Fifty-third Legislative Assembly of the state of North Dakota expresses its keen and personal sorrow over the passing of Governor George Mickelson, and on behalf of the citizens of the state express its deepest appreciation for the outstanding contributions made to this state, the state of South Dakota, and the nation made by Governor George Mickelson; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward an enrolled copy of this resolution to the family of South Dakota Governor George Mickelson.

**SECOND READING OF HOUSE CONCURRENT MEMORIAL RESOLUTION**

**HCMR 7501:** A concurrent memorial resolution in memory of South Dakota Governor George Mickelson.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.;

Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HCMR 7501 was declared adopted on a recorded roll call vote.

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#### MOTION

SEN. MATHERN MOVED that the vote by which HCMR 7501 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### MOTION

SEN. MATHERN MOVED that the rules be suspended and that HCMR 7501 be messaged to the House immediately, which motion prevailed.

#### MOTION

SEN. MATHERN MOVED that the Senate proceed with the election of the President Pro Tem, which motion prevailed.

#### ELECTION OF PRESIDENT PRO TEM

SEN. DOTZENROD: Madam President, members of the Senate: I am proud to place in nomination for office of the President Pro Tempore of the North Dakota state Senate, the Senator from District 12, Senator Byron Langley. Senator Langley was elected to the House in 1973 and served there through the 1979 session. He has served in the Senate since 1985. He has been the chairman of the Senate Industry, Business and Labor Committee for three sessions. He is a family member with five children.

Senator Langley is a practical, down-to-earth person whose success in life has been the result of uncommonly good, common sense and an always present sense of humor that is warm, balanced and personable.

In many ways the characteristics and traits of Senator Langley are the characteristics and traits of the State of North Dakota. He is his own person. He is solid, independent, openminded and fair. His judgment and nature are rooted in the perspectives and heritage of rural North Dakota. He is a Senator with his feet on the ground.

In his role as committee chairman he projects a steady, evenhanded and reassuring presence as he listens to both sides of an argument on a bill. He has a gift of seeing through complicated issues, quickly identifying the crux of the problem and then reducing it to its barest, most essential and sometimes earthy form.

Senator Langley does not believe in long speeches. He likes to get right to the point. He uses his speaking time on the Senate floor sparingly and effectively. If we all took a tip from Senator Langley there would still be Senate floor debates, but there would be no long Senate floor debates.

I will try to follow his example and cut this speech off right now. I encourage you to support Senator Langley for president pro tempore of the North Dakota State Senate.

SEN. LINDGREN: Madam President: It is my distinct privilege to place into nomination for president pro tempore of the North Dakota Senate the Senator from District 45, Senator Donna Nalewaja. Senator Nalewaja is in her sixth session in the legislature, four sessions in the Senate and prior to that served two sessions in the House in 1983 and 1985. Her leadership roles include being caucus chair for the Republicans in 1989, chair of the 1991-92 Interim Budget Committee on Long-Term Care, and past vice chair of the National Conference of State Legislatures Health Care Committee.

Senator Nalewaja has proven herself to be an effective leader for a variety of causes. She knows how to stand up for a position, but always with a sense of fairness and with a sense of equity.

Most importantly, as my seat mate for two sessions, fellow committee member, and, on a personal note, my summer lake cabin neighbor I can personally attest to her friendly demeanor, her ready ear, and her ever present smile. These qualities are just a small number of her vast qualifications for the office of president pro tempore.

**MOTION**

**SEN. MATHERN MOVED** that the nominations cease, which motion prevailed.

**MOTION**

**SEN. NALEWAJA MOVED** that the Senate cast a unanimous ballot for Senator Langley as President Pro Tem, which motion prevailed.

**MOTION**

**SEN. MATHERN MOVED** that a committee of two be appointed to escort the newly elected President Pro Tem to the rostrum, which motion prevailed.

**THE PRESIDENT APPOINTED:** Sens. Dotzenrod and Urlacher.

**SEN. LANGLEY:** Thank you, Madam President, members of the Senate: I think you can be seated. Senator Wogsland, you must have really had to twist tail to get that caucus to go along with me. Senator Kelsh, no more napping, Senator Sands, I am going to get a pad on Senator Solberg's computer there, so that we do not have all that racket in the Senate. We are going to keep some order in the Senate now if I get that good big long gavel up here.

I want to thank each and every one of you for the honor and prestige you have put on me to be President Pro Tempore of the Senate; something I never thought would ever happen to me, never even thought of it or dreamt of it and here I am and I could be sitting and running the Senate some day, just in case the Lieutenant Governor would be busy. I want to thank all of you for the honor; I really appreciate it.

**MOTION**

**SEN. MATHERN MOVED** that the remarks of Sen. Dotzenrod, Sen. Lindgren, and Sen. Langley be printed in the Journal, which motion prevailed.

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

**MR. SPEAKER:** The Senate has passed unchanged: HCMR 7501.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Shide to replace Rep. Keiser on the conference committee on SB 2486.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2448.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1012, as engrossed:** Your conference committee (Sens. Kelly, Lips, Maaden and Reps. Wald, Bateman, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 1370, adopt amendments as follows, and place HB 1012 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1555-1556 of the House Journal and pages 1354-1355 of the Senate Journal and that Engrossed House Bill No. 1012 be amended as follows:

Page 1, line 2, after "department" insert "; and to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits"

Page 1, line 11, replace "9,291,659" with "9,344,087"

Page 1, line 12, replace "361,654" with "349,324"

Page 1, line 13, replace "5,179,429" with "5,452,225"

Page 2, line 4, replace "21,067,476" with "20,780,370"

Page 2, line 26, replace the second "the" with "up to \$1,000,000 of the amount that the state game and fish operating fund balance exceeds \$6,000,000 on July 1, 1993, plus the amount that the game and fish operating fund balance exceeds \$5,500,000 on July 1, 1994, plus any"

Page 2, line 27, after "revenues" insert "are projected to"

Page 2, line 28, remove "but not to exceed \$600,000,"

Page 3, line 1, remove "The 1993-95 estimated revenues are"

Page 3, replace line 2 with:

**"SECTION 6.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For an annual nonresident license to sell minnows or other live bait at wholesale, two hundred dollars."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 720 - GAME AND FISH

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$52,428 to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.

The information services line item is decreased by \$12,330 in accordance with the provisions of House Bill No. 1018.

The operating expenses line item is increased by \$272,796 for indirect cost allocation payments to the Office of Management and Budget.

This amendment increases the maximum of the contingent appropriation by \$400,000, from \$600,000 to \$1,000,000. The amendments provide that the contingent appropriation is based on the amount the game and fish operating fund balance exceeds \$6 million on July 1, 1993, or \$5.5 million on July 1, 1994. The contingent appropriation is also based on revenues exceeding estimates by \$150,000.

The amendment removes the provision that estimated revenues are to include revenue increases provided by the 1993 Legislative Assembly.

Also, the authority for the three FTEs deleted by the House is reinstated without funding. The three FTEs can be filled if additional funding becomes available.

A section is added that creates a new subsection to North Dakota Century Code Section 20.1-03-12 providing for an annual \$200 nonresident license to sell minnows or other live bait.

Engrossed HB 1012 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. KELLY MOVED** that the conference committee report on Engrossed HB 1012 be adopted, which motion prevailed.

Engrossed HB 1012, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1012:** A BILL for an Act making an appropriation for defraying the expenses of the state game and fish department; and to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits.

**ROLL CALL**

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

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

**NAYS:** Stenehjem, B.

HB 1012 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1013, as engrossed:** Your conference committee (Sens. Kelly, Yockim, Goetz and Reps. Wald, Gorman, Huether) recommends that the SENATE RECEDE from the Senate amendments on SJ page 1324, adopt amendments as follows, and place HB 1013 on the Seventh order:

That the Senate recede from its amendments as printed on page 1477 of the House Journal and pages 1294-1295 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 11, replace "3,332,416" with "3,381,472"

Page 1, line 12, replace "51,889" with "55,845"

Page 1, line 13, replace "588,123" with "573,035"

Page 1, line 14, replace "53,259" with "60,759"

Page 1, line 19, replace "5,086,424" with "5,131,848"

Page 1, line 20, replace "1,084,882" with "1,097,841"

Page 1, line 21, replace "4,001,542" with "4,034,007"

Page 2, line 5, replace "tourism" with "recreation"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 701 - HISTORICAL SOCIETY

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$49,056, \$29,206 of which is from the general fund for the following:

	GENERAL FUND	SPECIAL FUNDS	TOTAL
Funding for state employee salary increases in accordance with provisions of House Bill No. 1018	\$29,206		\$ 29,206
Additional funding for volunteer coordinator position		\$12,957	12,957
Pay equity increases		<u>6,893</u>	<u>6,893</u>
Total	\$29,206	\$19,850	\$ 49,056

The information services line item is increased by \$3,956, \$3,441 of which is from the general fund in accordance with provisions of House Bill No. 1018.

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 \$17,500 from the general fund. The House had reduced operating expenses by \$35,000 which the Senate restored.

The equipment line item is increased by \$7,500 from the general fund. The House had reduced equipment by \$15,000 which the Senate restored.

In total, this amendment increases funding for the Historical Society by \$45,424, \$32,465 of which is from the general fund and \$12,959 of other funds.

Engrossed HB 1013 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SEN. KELLY MOVED that the conference committee report on Engrossed HB 1013 be adopted, which motion prevailed.

Engrossed HB 1013, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

#### ROLL CALL

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

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

ABSENT AND NOT VOTING: Wogsland

HB 1013 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

HB 1015, as engrossed: Your conference committee (Sens. Mushik, Redlin, Holmberg and Reps. Wald, Kunkel, Huether) recommends that the SENATE

RECEDE from the Senate amendments on SJ page 1413, adopt amendments as follows, and place HB 1015 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1594-1597 of the House Journal and pages 1400-1404 of the Senate Journal and that Engrossed House Bill No. 1015 be amended as follows:

Page 1, line 2, replace "and" with a comma

Page 1, line 3, replace "; and to amend and reenact sections 1 and 4 of chapter 573 of the" with ", and the centennial trees commission."

Page 1, remove lines 4 and 5

Page 1, line 11, replace "and" with a comma

Page 1, line 12, after "committee" insert ", and the centennial trees commission"

Page 1, line 17, replace "7,012,249" with "7,044,722"

Page 1, line 18, replace "87,192" with "93,747"

Page 1, line 19, replace "7,631,320" with "7,478,650"

Page 2, line 3, replace "53,904,620" with "53,790,978"

Page 2, line 4, replace "48,394,524" with "48,258,894"

Page 2, line 5, replace "5,510,096" with "5,532,084"

Page 2, line 8, replace "472,157" with "419,031"

Page 2, line 9, replace "8,665" with "7,253"

Page 2, line 10, replace "180,386" with "60,558"

Page 2, line 12, replace "785,386" with "745,386"

Page 2, remove line 13

Page 2, line 14, replace "all funds" with "general fund appropriation" and replace "1,507,594" with "1,233,228"

Page 2, replace lines 15 and 16 with:

"Subdivision 3.

CENTENNIAL TREES COMMISSION

Salaries and wages	\$105,368
Information services	2,123
Operating expenses	<u>47,758</u>
Total special funds appropriation	\$155,249"

Page 2, line 17, replace "6,751,073" with "6,765,312"

Page 2, line 18, replace "48,661,141" with "48,414,143"

Page 2, line 19, replace "Grant" with "Grand" and replace "55,412,214" with "55,179,455"

Page 2, line 29, after "in" insert "subdivision 1 of section 1 of"

Page 3, line 23, replace "estimated income" with "total special funds appropriation" and replace "2" with "3"



Page 3, line 24, replace "\$214,131" with "\$155,249"

Page 3, line 26, remove "and the soil conservation committee"

Page 3, line 27, remove "The amounts appropriated"

Page 3, remove lines 28 and 29

Page 4, replace lines 1 through 3 with:

**"SECTION 10. CENTENNIAL TREES COMMISSION - PRIVATIZATION.** The centennial trees commission, during the biennium beginning July 1, 1993, and ending June 30, 1995, shall study the feasibility of creating a private, nonprofit organization to conduct the programs and activities of the centennial trees commission and methods of funding these programs and activities. The commission shall present a report of the commission's recommendations together with any legislation required to implement the commission's recommendations to the fifty-fourth legislative assembly."

Page 4, remove lines 8 through 28

Page 5, remove lines 1 through 24

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE**

CONFERENCE COMMITTEE - This amendment removes funding added by the House for the Centennial Trees Commission operations as follows (Centennial Trees Commission is provided a separate appropriation):

Salaries and wages (1 FTE)	\$ (59,165)
Information services	(1,962)
Operating expenses	(105,490)
Grants	(40,000)
Grants to state agencies	<u>(60,000)</u>
Total special funds	\$(266,617)

The salaries and wages line item is increased by \$6,039 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018.

The information services line item is increased by \$550 from the general fund in accordance with the provisions of House Bill No. 1018.

Funding from the general fund of \$57,840 added in the House for indirect cost allocation payments to the Office of Management and Budget is removed from the operating expenses line item because the agency will not be charged indirect costs during the 1993-95 biennium because it receives funding only from the general fund.

The operating expenses line item is increased by \$43,502 from the general fund for operating costs of the Soil Conservation Committee which would have been paid for from special funds relating to the Centennial Trees Commission.

In total, this amendment reduces funding for the Soil Conservation Committee by \$274,366, \$7,749 of which is from the general fund and \$266,617 from special funds.

**DEPARTMENT 712 - CENTENNIAL TREES COMMISSION**

CONFERENCE COMMITTEE - This amendment provides that the Centennial Trees Commission not be under the supervision of the Soil Conservation Committee and continue in existence until June 30, 2001. The amendment provides a separate appropriation for the Centennial Trees Commission as follows:

Salaries and wages (1 FTE)	\$105,368
Information services	2,123
Operating expenses	<u>47,758</u>

Total funding from centennial trees program trust fund	\$155,249
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In comparison to the House funding for the Centennial Trees Commission, this amendment makes the following changes:

Federal funding of \$50,000 which is not expected to be received is removed including one FTE volunteer coordinator position relating to the America the Beautiful tree program.

Funding for salaries, wages, and benefits of \$105,368 is provided for one FTE director position of \$90,912 and for temporary salaries of \$14,456.

Funding for information services is increased by \$161 in accordance with the provisions of House Bill No. 1018.

The indirect cost allocation payments of \$12,430 are removed from the operating expenses line item.

Funding for grants of \$100,000 is removed.

#### DEPARTMENT 770 - STATE WATER COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	GENERAL FUNDS	OTHER FUNDS	TOTAL
Salaries and wages are adjusted to provide the legislative salary increase recommendation as contained in House Bill No. 1018	\$ 23,661		\$ 23,661
Restore House reduction made to reduce the number of Water Commission meetings from 3 to 2 days per month, will allow funds for reclassification of a clerk position to an accountant	8,812		8,812
Total	<u>\$ 32,473</u>	<u>\$ 0</u>	<u>\$ 32,473</u>
Information services is increased to restore a portion of the House reduction in accordance with the provisions of House Bill No. 1018 (The House cut a total of \$9,688.)	<u>\$ 6,555</u>	<u>\$ 0</u>	<u>\$ 6,555</u>

Operating expenses are reduced \$ (17,040) \$ (135,630) \$ (152,670)  
to adjust costs for indirect  
cost allocation (allows a total  
of \$23,806 from other funds for  
indirect costs, including  
\$10,278 in the original  
executive budget. The House  
had added a total of \$166,198,  
including \$17,040 from the  
general fund.)

Total conference committee \$ 21,988 \$ (135,630) \$ (113,642)  
changes to Engrossed House Bill  
No. 1015

Engrossed HB 1015 was placed on the Seventh order of business on the  
calendar.

#### REPORT OF CONFERENCE COMMITTEE

SEN. MUSHIK MOVED that the conference committee report on Engrossed HB 1015  
be adopted, which motion prevailed.

Engrossed HB 1015, as amended, was placed on the Fourteenth order.

#### 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, the  
soil conservation committee, and the centennial trees commission.

#### ROLL CALL

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

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

ABSENT AND NOT VOTING: Wogsland

HB 1015 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

HB 1018, as engrossed: Your conference committee (Sens. DeMers, Lindaas,  
Holmberg and Reps. Dalrymple, DeWitz, Wilkie) recommends that the  
SENATE RECEDE from the Senate amendments on SJ pages 1378-1384, adopt  
amendments as follows, and place HB 1018 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1572-1578 of  
the House Journal and pages 1378-1384 of the Senate Journal and that  
Engrossed House Bill No. 1018 be amended as follows:

Page 1, line 2, after "agencies" insert "and to provide for transfers between  
line items and statements of intent regarding state employee salary  
increases and state agencies' information services line items"

Page 1, line 12, replace "1,403,256" with "1,410,511"

Page 1, line 13, replace "298,680" with "288,039"

Page 1, line 14, replace "594,723" with "624,641"

Page 1, line 18, replace "2,616,659" with "2,643,191"

Page 1, line 21, replace "1,302,118" with "1,313,564"

Page 2, line 1, replace "396,300" with "381,193"

Page 2, line 2, replace "579,550" with "623,256"

Page 2, line 5, replace "2,335,268" with "2,375,313"

Page 2, line 6, replace "4,951,927" with "5,018,504"

Page 2, after line 6, insert:

**"SECTION 2. TRANSFERS BETWEEN LINE ITEMS.** Notwithstanding the provisions of chapter 54-16, the director of the office of management and budget and the state treasurer shall make transfers of funds between line items of an agency or institution upon the request of the agency or institution in order to provide funding for 3.0 percent employee salary increases for the second year of the 1993-95 biennium as provided in section 3 of this Act.

**SECTION 3. LEGISLATIVE INTENT - STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES.** It is the intent of the legislative assembly that 1993-95 compensation adjustments for state employees are to be \$60 per month beginning with the month of July 1993, to be paid in August 1993, and 3.0 percent beginning with the month of July 1994, to be paid in August 1994. The 3.0 percent adjustment during the second year of the biennium may only be given to the extent that the increase can be paid without an increase in an agency's appropriation. State employees not on a probationary status are entitled to receive the increases provided in this section. Temporary and part-time employees must be provided pro rata increases in accordance with the number of hours worked. Pay grade maximums may not be used to limit the amount of any increases under this section. State agencies and institutions shall report to the office of management and budget the amounts provided for salary increases for the second year of the 1993-95 biennium and any amounts transferred between line items pursuant to section 2 of this Act. The office of management and budget shall report to the budget section at its first meeting after August 1, 1994, concerning the amounts provided by state agencies and institutions for salary increases for the second year of the biennium and line item transfers relating to the increases.

**SECTION 4. LEGISLATIVE INTENT - INFORMATION SERVICES.** It is the intent of the legislative assembly that state agencies and institutions' information services line items in total are to be reduced by \$2,775,817, of which \$1,085,060 is from the general fund and \$1,690,757 is from other funds, from the amounts that were included in bills as introduced."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 190 - RETIREMENT AND INVESTMENT OFFICE

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$7,255 to provide a \$60 per month salary increase effective July 1, 1993, paid August 1, 1993. Also, employees may receive a three percent increase effective July 1, 1994, paid August 1, 1994. The funding for the increase

during the second year can only be given to the extent it can be paid within the limits of this appropriation.

The information services line item is decreased by \$10,641 for an information services rate reduction.

The operating expenses line item is increased by \$29,918 for indirect cost allocation payments to the Office of Management and Budget.

#### DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$11,446 to provide a \$60 per month increase effective July 1, 1993, paid August 1, 1993. Also, employees may receive a three percent increase effective July 1, 1994, paid August 1, 1994. The funding for the increase during the second year can only be given to the extent it can be paid within the limits of this appropriation.

The information services line item is decreased by \$15,107 relating to an information services rate reduction.

The operating expenses line item is increased by \$43,706 for indirect cost allocation payments to the Office of Management and Budget.

A section is added that provides for state employee salary increase guidelines. Salary increases of \$60 per month are provided effective July 1993 for state employees including temporary and part-time employees. Three percent increases may be provided for the year beginning in July 1994 if funding can be provided within the limits of an agency's appropriation. The section also exempts agencies from having to receive Emergency Commission approval for transferring amounts between line items for providing up to three percent salary increases for the second year of the biennium. Agencies are to report to the Office of Management and Budget the amounts provided for second-year salary increases and any transfers between line items relating to the increases. The Office of Management and Budget is to report this information to the Budget Section.

A section of intent is added that state agency and institution information services line items are to be reduced by a total of \$2,775,817, of which \$1,085,060 is from the general fund and \$1,690,757 from other funds, from the amounts recommended in the bills as introduced.

Engrossed HB 1018 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SEN. DEMERS MOVED that the conference committee report on Engrossed HB 1018 be adopted, which motion prevailed.

Engrossed HB 1018, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies and to provide for transfers between line items and statements of intent regarding state employee salary increases and state agencies' information services line items.

#### ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin;

Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

**ABSENT AND NOT VOTING:** Wogsland

HB 1018 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1065, as engrossed:** Your conference committee (Sens. Lindaas, Robinson, Naaden and Reps. Kunkel, Bateman, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 1372, adopt amendments as follows, and place HB 1065 on the Seventh order:

That the Senate recede from its amendments as printed on page 1562 of the House Journal and pages 1361-1362 of the Senate Journal and that Engrossed House Bill No. 1065 be amended as follows:

Page 1, line 16, replace "71,391" with "71,817"

Page 1, line 20, replace "2,003,641" with "2,004,067"

Page 2, line 18, replace "716,475" with "717,271"

Page 2, line 23, replace "3,672,315" with "3,673,111"

Page 2, line 26, replace "361,509" with "364,442"

Page 3, line 1, replace "503,441" with "506,374"

Page 3, line 2, replace "8,664,397" with "8,668,552"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 607 - MILK STABILIZATION BOARD**

**CONFERENCE COMMITTEE** - The salaries and wages line item is increased by \$2,933 of special funds to reflect the state employee salary increase provisions of House Bill No. 1018.

**DEPARTMENT 608 - OILSEED COUNCIL**

**CONFERENCE COMMITTEE** - The salaries and wages line item is increased by \$426 of special funds to reflect the state employee salary increase provisions of House Bill No. 1018.

**DEPARTMENT 625 - WHEAT COMMISSION**

**CONFERENCE COMMITTEE** - The salaries and wages line item is increased by \$796 of special funds to reflect the state employee salary increase provisions of House Bill No. 1018.

Engrossed HB 1065 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. LINDAAS MOVED** that the conference committee report on Engrossed HB 1065 be adopted, which motion prevailed.

Engrossed HB 1065, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1065:** A BILL for an Act making an appropriation for defraying the expenses of various agricultural boards, councils, and commissions.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Maxson; O'Connell

**ABSENT AND NOT VOTING:** Holmberg; Wogsland

HB 1065 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1219, as engrossed:** Your conference committee (Sens. O'Connell, Schoenwald, Tennefos and Reps. Boehm, Skarphol, Cleary) recommends that the **SENATE RECEDE** from the Senate amendments on SJ pages 901-902, adopt amendments as follows, and place HB 1219 on the Seventh order:

That the Senate recede from its amendments as printed on page 1185 of the House Journal and pages 901-902 of the Senate Journal and that Engrossed House Bill No. 1219 be amended as follows:

Page 1, line 13, replace "one" with "fifty"

Page 1, line 14, remove "hundred"

ReNUMBER accordingly

Engrossed HB 1219 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. O'CONNELL MOVED** that the conference committee report on Engrossed HB 1219 be adopted, which motion prevailed.

Engrossed HB 1219, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1219:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to statutory fees for failure to yield the right of way to a pedestrian.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin;

Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Holmberg; Wogsland

HB 1219 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

HB 1504, as engrossed: Your conference committee (Sens. Krauter, Mathern, Malewaja and Reps. Price, Stenehjem, Brodshaug) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 974-978, adopt amendments as follows, and place HB 1504 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1317-1321 of the House Journal and pages 974-978 of the Senate Journal and that Engrossed House Bill No. 1504 be amended as follows:

Page 1, line 1, after "to" insert "group health care coverage and"

Page 1, line 2, replace "a" with "two" and replace "section" with "sections"

Page 1, line 3, after the first "to" insert "copayments, prenatal and children's preventive health services, and" and after the semicolon insert "to amend and reenact section 26.1-36-37.1 of the North Dakota Century Code, relating to a standard health insurance proof of loss form;"

Page 1, line 7, underscore "Definitions. As used in this Act, unless the context" and after "in" insert "sections 1 through 12 and section 16 of"

Page 1, underscore lines 8 through 20

Page 2, underscore lines 1 through 29

Page 3, underscore lines 1 through 28

Page 4, underscore lines 1 through 28

Page 5, underscore lines 1 through 28

Page 6, underscore lines 1 through 29

Page 7, underscore lines 1 through 10

Page 7, line 11, underscore "Applicability and scope."

Page 7, underscore lines 12 through 29

Page 7, line 12, replace "This" with "Sections 1 through 12 and section 16 of this" and replace "applies" with "apply"

Page 7, line 26, after "by" insert "sections 1 through 12 and section 16 of"

Page 8, underscore lines 1 through 26

Page 8, line 3, after "of" insert "sections 1 through 12 and section 16 of"

Page 8, line 27, underscore "Establishment of classes of business."

Page 9, underscore lines 1 through 22



Page 9, line 23, underscore "Restrictions relating to premium rates."

Page 9, underscore lines 24 through 28

Page 9, line 24, after "to" insert "sections 1 through 12 and section 16 of"

Page 10, underscore lines 1 through 28

Page 11, underscore lines 1 through 29

Page 12, underscore lines 1 through 29

Page 13, underscore lines 1 through 28

Page 14, underscore lines 1 through 28

Page 15, underscore lines 1 through 10

Page 15, line 6, after "of" insert "sections 1 through 12 and section 16 of"

Page 15, line 11, underscore "Renewability of coverage."

Page 15, underscore lines 12 through 28

Page 15, line 12, after "to" insert "sections 1 through 12 and section 16 of"

Page 16, underscore lines 1 through 21

Page 16, line 22, underscore "Availability of coverage."

Page 16, underscore lines 23 through 29

Page 17, underscore lines 1 through 29

Page 17, line 4, after "with" insert "sections 1 through 12 and section 16 of"

Page 18, underscore lines 1 through 29

Page 18, line 17, after "of" insert "sections 1 through 12 and section 16 of"

Page 19, underscore lines 1 through 29

Page 20, underscore lines 1 through 29

Page 21, underscore lines 1 through 29

Page 22, underscore lines 1 through 3

Page 22, line 4, underscore "Small employer carrier reinsurance program."

Page 22, underscore lines 5 through 29

Page 23, underscore lines 1 through 28

Page 24, underscore lines 1 through 29

Page 24, line 15, after "of" insert "sections 1 through 12 and section 16 of"

Page 24, line 26, after "under" insert "sections 1 through 12 and section 16 of"

Page 25, underscore lines 1 through 29

Page 26, underscore lines 1 through 29

Page 26, line 3, after "under" insert "sections 1 through 12 and section 16 of"

Page 27, underscore lines 1 through 28

Page 27, line 13, after "under" insert "sections 1 through 12 and section 16 of"

Page 28, underscore lines 1 through 28

Page 29, underscore lines 1 through 28

Page 30, underscore lines 1 through 28

Page 31, underscore lines 1 through 29

Page 31, line 23, after "by" insert "sections 1 through 12 and section 16 of"

Page 32, underscore lines 1 through 25

Page 32, line 8, after "in" insert "sections 1 through 12 and section 16 of"

Page 32, line 15, replace "the provisions" with "sections 1 through 12 and section 16"

Page 32, line 16, after "of" insert "sections 1 through 12 and section 16 of"

Page 32, line 25, replace "all provisions" with "sections 1 through 12 and section 16"

Page 32, line 26, underscore "Health benefit plan committee."

Page 32, underscore lines 27 through 29

Page 33, underscore lines 1 through 26

Page 33, line 27, underscore "Periodic market evaluation. In consultation with members"

Page 33, underscore lines 28 and 29

Page 33, line 28, after the second "of" insert "sections 1 through 12 and section 16 of"

Page 34, underscore lines 1 through 8

Page 34, line 1, after "of" insert "sections 1 through 12 and section 16 of"

Page 34, line 5, after "of" insert "sections 1 through 12 and section 16 of"

Page 34, line 9, underscore "Waiver of certain state laws. Any law requiring the"

Page 34, underscore lines 10 through 13

Page 34, line 13, after "under" insert "sections 1 through 12 and section 16 of"

Page 34, line 14, underscore "Standards to assure fair marketing."

Page 34, underscore lines 15 through 29

Page 35, underscore lines 1 through 28

Page 36, underscore lines 1 through 15

Page 36, line 16, underscore "Restoration of terminated coverage. The commissioner may"

Page 36, underscore lines 17 through 23

Page 36, after line 23, insert:

"SECTION 13. Group health care coverage - Cooperative agreement allowed. The commissioner of insurance shall adopt rules to enable groups to form a cooperative that would allow those groups to purchase group health insurance coverage as one entity.

SECTION 14. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Preventive health care - Copayments. The standard health benefit plan developed under section 8 of this Act must provide coverage for prenatal care visits for a covered person and recommended immunizations and well child visits for a covered person from birth to the age of five years. The plan may impose only a five dollar copayment for each prenatal care visit and a two dollar copayment for each well child visit or immunization visit.

SECTION 15. AMENDMENT. Section 26.1-36-37.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

26.1-36-37.1. Standard health insurance proof of loss form - Claim payment time limits. The commissioner shall prescribe by rule a standard health insurance proof of loss and claim form for use in filing proof of loss and a claim for all health care services. For purposes of this section, "health care service" means any service included in providing an individual with medical, dental, or hospital care or any service incident to providing medical, dental, or hospital care as well as any service provided to prevent, alleviate, care, or heal human illness or injury. After receipt of a health insurance proof of loss form, the insurer shall, within fifteen business days, pay the claim or that portion of the claim that is not contested, deny the claim, or make an initial request for additional information. If a claim or a portion of a claim is contested, the insured or the insured's assignee must be notified in writing that the claim is contested and the reasons for the contest. Nothing in this notification precludes the insurer from denying the claim in whole or in part, for other reasons at a later date. Within fifteen business days of the receipt of the information initially requested, the insurer shall pay or deny the claim."

Page 36, underscore lines 26 through 29

Page 37, underscore lines 1 through 7

ReNUMBER accordingly

Engrossed HB 1504 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

SEN. KRAUTER MOVED that the conference committee report on Engrossed HB 1504 be adopted, which motion prevailed.

Engrossed HB 1504, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1504:** A BILL for an Act relating to group health care coverage and small employer employee health insurance coverage; to create and enact two new sections to chapter 26.1-36 of the North Dakota Century Code, relating to copayments, prenatal and children's preventive health services, and loss ratios; to amend and reenact section 26.1-36-37.1 of the North Dakota Century Code, relating to a standard health insurance proof of loss form; 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, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Holmberg; Wogsland

HB 1504 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1511:** Your conference committee (Sens. Langley, Schoenwald, Krebsbach and Reps. Stenehjem, Henegar, Boucher) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 1384, adopt amendments as follows, and place HB 1511 on the Seventh order:

That the Senate recede from its amendments as printed on page 1578 of the House Journal and page 1384 of the Senate Journal and that House Bill No. 1511 be amended as follows:

Page 1, line 21, remove "guaranty or"

Renumber accordingly

HB 1511 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

SEN. LANGLEY MOVED that the conference committee report on HB 1511 be adopted, which motion prevailed.

HB 1511, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1511:** A BILL for an Act to amend and reenact subsection 8 of section 26.1-38.1-02 of the North Dakota Century Code, relating to including nonprofit health service corporations in the definition of member insurer under the life and health guaranty association.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Naaden; Nalewaja; Nething; O'Connell; Robinson; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Yockim

**NAYS:** Andrist; Bowman; Grindberg; Heinrich; Krauter; Maxson; Mutch; Nelson; Redlin; Sand; Solberg; Streibel; Tennefos; Urlacher

**ABSENT AND NOT VOTING:** Wogsland

HB 1511 passed and the title was agreed to.

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**POINT OF PERSONAL PRIVILEGE**

**SEN. NALEWAJA:** Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Yesterday, Tuesday, April 20, 1993, 8-year old Danielle Cossette died from a rare form of cancer. She was the beautiful daughter of Greg and Lori Cossette of Horace, North Dakota.

Because of the critical illness of Danielle this past year, coworkers of Greg Cossette, where he is employed as a baker in the food service division at North Dakota State University, wanted to donate their vacation hours enabling the family to spend more time caring for Danielle; but, there was no provision in the state law to allow for this generosity among our state employees.

I wish to express my deepest gratitude to this 53rd Legislative Assembly for passing SB 2243 and to Governor Schafer for signing this bill into law that will now provide for the generous donation of annual leave from our caring state employees in response to a coworker facing a critical situation in their immediate family.

I am sure I speak on behalf of everyone here in expressing our sincere sympathy to the Greg Cossette family on the death of their daughter Danielle.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1011.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HCR 3072.

**MOTION**

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

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

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HCMR 7501.

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

**MADAM PRESIDENT:** The House has passed and the emergency clause failed on SB 2542.

**SIGNING OF BILLS AND RESOLUTIONS**

The President signed the following enrolled resolution: HCMR 7501.

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

**MR. SPEAKER:** The President has signed: HCMR 7501.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1011, as engrossed:** Your conference committee (Sens. Tallackson, Lindaas, Naaden and Reps. Bateman, Gorman, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 1157, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on page 1470 of the House Journal and page 1157 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, line 9, replace "2,661,994" with "2,683,352"

Page 1, line 10, replace "20,000" with "19,800"

Page 1, line 15, replace "3,846,656" with "3,867,814"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 616 - SEED DEPARTMENT

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$21,358 of special funds to reflect the state employee salary increase provisions of House Bill No. 1018.

The information services line item is reduced by \$200 of special funds in accordance with provisions of House Bill No. 1018.

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.

Engrossed HB 1011 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. TALLACKSON MOVED** that the conference committee report on Engrossed HB 1011 be adopted, which motion prevailed.

Engrossed HB 1011, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1011:** A BILL for an Act making an appropriation for defraying the expenses of the state seed department.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin;

Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1011 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2022, as engrossed:** Your conference committee (Sens. Redlin, Lindaas, Holmberg and Reps. Gates, Gorman, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 910-911, adopt amendments as follows, and place SB 2022 on the Seventh order:

That the House recede from its amendments as printed on pages 910-911 of the Senate Journal and pages 1008-1009 of the House Journal and that Engrossed Senate Bill No. 2022 be amended as follows:

Page 1, line 11, replace "2,280,946" with "2,234,283"

Page 1, line 12, replace "63,120" with "61,692"

Page 1, line 15, replace "14,800,114" with "15,055,114"

Page 1, line 21, replace "500,000" with "250,000"

Page 2, line 3, replace "25,257,509" with "25,214,418"

Page 2, line 4, replace "11,027,505" with "11,003,952"

Page 2, line 5, replace "14,230,004" with "14,210,466"

Page 2, remove lines 6 through 12

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 270 - VOCATIONAL EDUCATION**

**CONFERENCE COMMITTEE** - The salaries and wages line item is decreased by \$46,663, of which \$23,331 is from the general fund and \$23,332 from other funds, to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.

The information services line item is reduced by \$1,428, \$1,207 of which is from the general fund and \$221 from other funds, in accordance with the provisions of House Bill No. 1018.

The grants line item is increased by \$255,000 from the general fund for secondary education grants to ensure meeting the maintenance of effort requirement.

The adult farm management line item is decreased by \$250,000, from \$500,000 to \$250,000, from the general fund, and Section 2 regarding the intent of the use of the \$250,000 is deleted. Section 2 stated it is the intent of the Legislative Assembly that \$250,000 of the \$500,000 be used in a cooperative program between vocational education, Farm Credit Review Board, and other appropriate agencies. The Senate had added \$250,000 and the intent section. The remaining \$250,000 provides the amount recommended by both governors.

In total, the amendments reduce the general fund appropriation by \$19,538, other funds by \$23,553, and all funds by \$43,091.

Engrossed SB 2022 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SEN. REDLIN MOVED that the conference committee report on Engrossed SB 2022 be adopted, which motion prevailed.

Engrossed SB 2022, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act making an appropriation for defraying the expenses of the state board of vocational education.

#### ROLL CALL

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

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

SB 2022 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

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

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

Page 1, line 7, replace the first "and" with "to create and enact section 4 to House Bill No. 1488, as approved by the fifty-third legislative assembly, which relates to driving without liability insurance and reissuance of a motor vehicle operator's license following certain cancellations of financial responsibility, and declaring retroactive application of that Act;"

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

Page 3, remove lines 19 through 27

Page 3, line 28, remove "3."

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

Page 5, line 21, remove "or"

Page 5, remove lines 25 through 29

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

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



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

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

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

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

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

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

Page 7, remove lines 24 through 27

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

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

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

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

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

Page 14, replace lines 26 through 29 with:

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

Page 15, remove lines 1 through 10

Page 16, after line 2, insert:

"SECTION 15. Section 4 to House Bill No. 1488, as approved by the fifty-third legislative assembly, is created and enacted as follows:

SECTION 4. RETROACTIVE APPLICATION OF ACT. Section 2 of this Act applies retroactively to cases arising after April 9, 1990.

SECTION 16. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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

#### REPORT OF CONFERENCE COMMITTEE

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

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

#### SECOND READING OF SENATE BILL

SB 2174: A BILL for an Act to create and enact nine new sections to chapter 39-06.2, and a new subdivision to subsection 1 of section 39-06.2-10 of the North Dakota Century Code, relating to alcohol-related offenses in a commercial motor vehicle, implied consent requirements, hearings, sanctions, judicial appeals, temporary driver permits, out-of-service orders, and operating a commercial motor vehicle while having an alcohol concentration of four one-hundredths of one percent by weight or greater; to create and enact section 4 to House Bill No. 1488, as

approved by the fifty-third legislative assembly, which relates to driving without liability insurance and reissuance of a motor vehicle operator's license following certain cancellations of financial responsibility, and declaring retroactive application of that Act; to amend and reenact subsections 4 and 7 of section 39-06-32, subsection 2 of section 39-06.2-04, section 39-06.2-11, and subsection 1 of section 39-20-07 of the North Dakota Century Code, relating to sanctions for violating the implied consent laws of another state stemming from the operation of a commercial motor vehicle in another state, employer's notification of certain traffic offenses, providing a class D driver's license when a commercial driver's license is suspended, revoked, or disqualified, and alcohol concentration and its application to commercial drivers' licensing; and to declare an emergency.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Wogsland

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

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#### MOTION

**SEN. SCHOENWALD MOVED** that the Senate Conference Committee on SB 2200 be dissolved and that a new conference committee be appointed, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on SB 2200: Sens. Maxson, Mathern, Lindgren.

#### MOTION

**SEN. SCHOENWALD MOVED** that the Senate Conference Committee on SB 2108 be dissolved and that a new conference committee be appointed, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on SB 2108: Sens. Maxson, Mathern, Lindgren.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2001, as engrossed:** Your conference committee (Sens. Mushik, Robinson, Nething and Reps. Gerntholz, Clayburgh, Laughlin) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1219-1220, adopt amendments as follows, and place SB 2001 on the Seventh order:

That the House recede from its amendments as printed on pages 1219-1220 of the Senate Journal and pages 1361-1362 of the House Journal and that Engrossed Senate Bill No. 2001 be amended as follows:

Page 1, line 17, replace "1,892,558" with "1,862,734"

Page 1, line 20, replace "5,996,231" with "5,966,407"

Page 2, line 2, replace "3,158,349" with "3,101,222"

Page 2, line 3, replace "1,327,542" with "1,307,648"

Page 2, line 5, replace "4,497,716" with "4,420,695"

Page 2, line 6, replace "10,493,947" with "10,387,102"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 150 - LEGISLATIVE ASSEMBLY**

CONFERENCE COMMITTEE - The amendments reduce operating expenses by \$29,824 from the general fund in accordance with the provisions of House Bill No. 1018.

**DEPARTMENT 160 - LEGISLATIVE COUNCIL**

CONFERENCE COMMITTEE - The salaries and wages line item is decreased by \$57,127 from the general fund to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.

The operating expenses line item is decreased by \$9,894 from the general fund in accordance with the provisions of House Bill No. 1018. The operating expenses line item is reduced by \$10,000 from the general fund to reduce funding for committee travel.

In total, the amendments reduce the bill's general fund appropriation by \$106,845.

Engrossed SB 2001 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

SEN. MUSHIK MOVED that the conference committee report on Engrossed SB 2001 be adopted, which motion prevailed.

Engrossed SB 2001, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2001:** A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; to amend and reenact subsection 2 of section 28-32-03, section 28-32-03.1, and subsections 3 and 4 of section 28-32-03.2 of the North Dakota Century Code, relating to publication of the administrative code; and to declare an emergency.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Wogsland

SB 2001 passed, the title was agreed to, and the emergency clause carried.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1518 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1518: Reps. Dorso; Froseth; Mahoney

## REPORT OF STANDING COMMITTEE

HB 1519, as engrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO NOT PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1519 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2543: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2543 was placed on the Eleventh order on the calendar.

## MOTION

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

## MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, April 22, 1993, which motion prevailed.

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

CAROL SIEGERT, Secretary