

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, March 23, 1995

The Senate convened at 9:30 a.m., with President Myrdal presiding.

The prayer was offered by Rev. Peary Wilson, McCabe United Methodist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 1115, line 45, replace "reengrossed" with "engrossed"

Page 1115, line 48, replace "Reengrossed" with "Engrossed"

Page 1159, line 8, replace "engrossed" with "reengrossed"

Page 1159, line 10, replace "Engrossed" with "Reengrossed"

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

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:01 a.m., March 23, 1995: SB 2024, SB 2135, SB 2194, SB 2203, SB 2213, SB 2215, SB 2216, SB 2220, SB 2223, SB 2230, SB 2267, SB 2278, SB 2280, SB 2290, SB 2295, SB 2296, SB 2297, SB 2302.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:01 a.m., March 23, 1995: SB 2304, SB 2315, SB 2334, SB 2336, SB 2354, SB 2356, SB 2360, SB 2362, SB 2416, SB 2418, SB 2433, SB 2461, SB 2489, SB 2521.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1012, HB 1020, HB 1052, HB 1055, HB 1145, HB 1177, HB 1217.

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

MR. SPEAKER: The Senate has failed to pass: HB 1325.

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

MR. SPEAKER: The Senate has failed to pass: HB 1194.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1076, HB 1276, HB 1344.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1009, HB 1051, HB 1129, HB 1138, HB 1243, HB 1286, HB 1289, HB 1337, HB 1378, HB 1392, HB 1407, HB 1452, HCR 3006.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2533, SB 2535, SCR 4001, SCR 4002, SCR 4018, SCR 4023, SCR 4043, SCR 4059.

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

MADAM PRESIDENT: The House has failed to pass: SCR 4009, SCR 4036.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2016, SB 2209, SB 2211, SB 2231, SB 2288, SB 2391, SB 2403, SB 2491.

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2016

Page 1, line 14, replace "5,880,945" with "4,780,945"

Page 1, line 15, replace "8,257,909" with "7,157,909"

Page 1, line 17, replace "1,398,081" with "298,081"

ReNUMBER accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

HOUSE - This amendment makes the following changes:

	SENATE VERSION	REMOVE GENERAL FUND FLOOD DISASTER FUNDING	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$1,630,084			\$1,630,084
Operating expenses	623,180			623,180
Equipment	123,700			123,700
Grants	<u>5,880,945</u>	<u>\$(1,100,000)</u>	<u>\$(1,100,000)</u>	<u>4,780,945</u>
Total all funds	\$8,257,909	<u>\$(1,100,000)</u>	<u>\$(1,100,000)</u>	\$7,157,909
Less estimated income	<u>6,859,828</u>			<u>6,859,828</u>
Total general fund	\$1,398,081	<u>\$(1,100,000)</u>	<u>\$(1,100,000)</u>	\$ 298,081
FTE	20			20

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2209

Page 1, line 7, remove "15-27.3-14,"

Page 2, line 27, after "levies" insert ", except those to retire bonded debt existing before the annexation or attachment"

Page 3, line 2, after "levies" insert ", except those to retire bonded debt existing before annexation,"

Page 8, line 7, replace "reorganization proposal must be prepared by the school districts" with "school district may become involved in a reorganization proposal by a majority vote of its school board members. A reorganization proposal must be prepared by the school districts that have voted to become involved in the reorganization proposal."

Page 8, remove line 8

Page 12, remove lines 1 through 10

Page 14, line 7, after the underscored period insert "In addition, no annexation petitions involving any of the same territory may be filed with the county superintendent."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2211**

Page 4, line 28, after the underscored comma insert "itinerant outreach teachers,"

Page 5, line 25, remove "and"

Page 5, line 26, replace the underscored period with ";

e. Continuing contract rights; and

f. Discharge and nonrenewal hearing rights."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2231**

In addition to the amendments to Engrossed Senate Bill No. 2231 adopted by the House as printed on pages 1085 and 1086 of the House Journal, Engrossed Senate Bill No. 2231 is amended as follows:

Page 3, line 16, after "deputy" insert ", after consultation with the parent or guardian,"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2231**

Page 3, line 3, remove the overstrike over "~~The coroner or~~", after "his" insert "the coroner's", and remove the overstrike over "~~medical deputy shall notify the~~"

Page 3, line 4, remove the overstrike over "~~parent or guardian of the child of~~", after "his" insert "the", and remove the overstrike over "~~right to the performance of~~"

Page 3, remove the overstrike over line 5

Page 3, line 12, remove "or the state department of health and consolidated laboratories"

Page 3, line 15, after "suspected" insert "by the child's parent or guardian or the coroner or the coroner's medical deputy"

Page 7, line 3, after "siblings" insert ", and offer the same"

Page 7, after line 16, insert:

"11. Information that apprises a parent or guardian of the parent's or guardian's rights and the procedures taken after the death of a child."

Page 8, line 27, after the comma insert "except for criminal liability as provided by section 50-25.1-13,"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2288**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 54-16-01 and 54-16-04 of the North Dakota Century Code, relating to emergency commission membership and authority to authorize line item transfers.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 54-16-01 of the North Dakota Century Code is amended and reenacted as follows:

**54-16-01. Emergency commission - Members - Organization - Quorum - Meetings - Duties.** The emergency commission shall consist ~~consists~~ of the governor, the ~~commissioner of agriculture chairman of the legislative council, and the secretary of state, except when the membership is expanded as herein provided.~~ Whenever, during the biennium, an allocation or allocations out of the state contingency fund, a transfer of money between funds and line items, or an approval to spend federal funds in excess of ten thousand dollars is to be made to any institution or department of government ~~the director of the office of management and budget, and the chairman~~ chairmen of the senate appropriations committee and the chairman of the ~~and~~ house of representatives appropriations committee ~~must be members of the commission committees.~~ The aggregate total of transfers from the state contingency fund, within the limits of legislative appropriations, can exceed five hundred thousand dollars only to the extent that requests for transfers from the state contingency fund have been approved by the budget section of the legislative council. If the chairman of either an appropriations committee ~~should die or resign~~ ceases to be a member of the legislative assembly, the vice chairman of that committee shall ~~become a member of~~ succeeds to that position on the commission. A ~~An~~ appropriations committee vice chairman may also serve in the place of the appropriations committee chairman as a member of the commission at the request of the appropriate appropriations committee chairman, if the appropriations committee chairman is unable to attend a particular commission meeting. ~~Two~~ Four members of the commission constitute a quorum, except when the membership is expanded, in which case ~~four~~ members constitute a quorum. The governor ~~must be~~ is the chairman of the commission, and the secretary of state ~~must be~~ is the secretary of the commission. The commission shall meet ~~upon~~ at the call of the chairman. The commission shall exercise the powers and perform the duties imposed upon it by law.

**SECTION 2. AMENDMENT.** Section 54-16-04 of the North Dakota Century Code is amended and reenacted as follows:

**54-16-04. May order transfer of moneys between funds - Line item transfers - Order may draw from state treasury.** Whenever it is made to appear ~~A state officer may present to the emergency commission by an itemized, verified petition of any board, commission, or officer authorized to expend public funds, and after receiving requesting approval of a transfer of spending authority from the state contingencies appropriation, a transfer of money or spending authority between funds or line items, or expenditure of federal funds. The emergency commission shall request and receive information from the director of the office of management and budget, regarding the petition.~~ If the emergency commission finds that an emergency exists, the emergency commission shall assume that an emergency exists and may order money or spending authority transferred from one fund or line item to another fund or line item belonging to or appropriated ~~from~~ for the same institution or board or the same state enterprise, may order a transfer of spending authority from the state contingencies appropriation, may authorize expenditure of federal funds, or in an extremity may authorize money to be drawn from the state treasury to meet the emergency until such time as the legislative assembly can make an appropriation available therefor. The term "emergency" is limited to calamities or unforeseen happenings subsequent to the time such appropriation was made and which were clearly not within the contemplation of the legislative assembly and the governor. The following transfers may not be authorized by the emergency commission without approval by the budget section of the legislative council.

1. A transfer of spending authority from the state contingencies appropriation after the aggregate amount transferred from that appropriation during the biennium exceeds five hundred thousand dollars.
2. A transfer of moneys or spending authority which would eliminate or make impossible the accomplishment of a program or objective funded by the legislative assembly.
3. A transfer exceeding one hundred thousand dollars from one fund or line item to another fund or line item, unless the transfer is necessary to comply with a court order or to avoid:
  - a. An imminent threat to the safety of people or property due to a natural disaster or war crisis; or
  - b. An imminent financial loss to the state."

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2391

Page 1, line 3, after "agencies" insert "; and to provide for the development of a plan to implement a uniform employer reporting system between job service North Dakota, the workers compensation bureau, and the state tax commissioner"

Page 1, line 10, after the period insert "The procedures must address the measures that are necessary to maintain the confidentiality of information protected by federal or state law."

Page 1, line 11, after the period insert "If the original information is input, provided, compiled, or submitted by any political subdivision, the fees must be shared by the state and the political subdivision based on their proportional costs to make the data available."

Page 1, after line 14, insert:

"SECTION 2. DEVELOPMENT OF A UNIFORM EMPLOYER REPORTING SYSTEM. Job service North Dakota, the workers compensation bureau, and the state tax commissioner shall develop a plan to implement an employer reporting system to provide a single form for the submission of employer information. Job service North Dakota, the workers compensation bureau, and the state tax commissioner shall present any legislation necessary to implement this system to the fifty-fifth legislative assembly."

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2403

Page 1, line 1, replace "section" with "sections 65-04-01 and"

Page 1, line 2, after "to" insert "classification of employments for workers' compensation premium rates and"

Page 1, line 3, remove "; and to provide for retroactive application"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 65-04-01 of the North Dakota Century Code is amended and reenacted as follows:

**65-04-01. Classification of employments - Premium rates - Requirements.**

1. The bureau shall classify employments with respect to their degrees of hazard, determine the risks of different classifications, and fix the rate of premium for each of ~~said~~ the classifications sufficiently high to provide for:
  - 1- a. The payment of the expenses of administration of the bureau;
  - 2- b. The payment of compensation according to the provisions and schedules contained in this title; and
  - 3- c. The maintenance by the fund of adequate reserves and surplus to the end that it may be kept at all times in an entirely solvent condition.
2. In the exercise of the powers and discretion conferred upon it, the bureau shall fix and maintain for each class of occupation, the lowest rate which still will enable it to comply with the other provisions of this section.
3. Before the effective date of any premium rate change, the bureau shall hold a public hearing on the rate change. Chapter 28-32 does not apply to a hearing held by the bureau under this subsection."

Page 1, line 20, replace "reduce the minimum rate assigned to an employer with a" with "amend its experience rating system by emergency rulemaking."

Page 1, remove line 21

Page 2, remove lines 1 through 4

Re-number accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2491

Page 2, line 26, after "certification" insert "to teach North Dakota native languages", remove "North Dakota", replace "board" with "language boards", and after the second "the" insert "four North Dakota"

Page 4, line 21, remove the overstrike over "student" and insert immediately thereafter "and eminence-credentialed" and remove the overstrike over "student"

Page 4, line 22, remove the overstrike over "teacher" and remove "person"

Page 4, line 23, remove "hired or assigned as an alternate", overstrike "teacher", and after the overstruck comma insert "or eminence-credentialed teacher hired or assigned in this capacity"

Page 4, line 24, remove the overstrike over "student" and replace "alternate" with "or eminence-credentialed"

Page 4, line 26, remove the overstrike over "student" and replace "alternate" with "or eminence-credentialed"

Page 5, line 1, remove the overstrike over "student" and replace "alternate" with "or eminence-credentialed"

Page 5, line 2, replace "alternate" with "student or eminence-credentialed"

Page 5, line 4, replace "alternate" with "student or eminence-credentialed"

Page 5, line 7, replace "alternate" with "student or eminence-credentialed"

Page 5, line 10, replace "alternate" with "eminence-credentialed" and remove "student teacher or a"

Renumber accordingly

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

**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2031, SB 2161.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1210, HB 1309, and HB 1367 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1210:** Reps. Brown; Drovdal; Gulleon  
**HB 1309:** Reps. K. Henegar; Thoreson; Boucher  
**HB 1367:** Reps. Poolman; Soukup; Coats

**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 2044:** Reps. Price; Galvin; Mutzenberger

**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 2149:** Reps. Maragos; Koppelman; Delmore  
**SB 2207:** Reps. Poolman; Maragos; Delmore  
**SB 2332:** Reps. Froseth; Gunter; Coats  
**SB 2430:** Reps. Thoreson; Walker; Sandvig  
**SB 2442:** Reps. Froseth; Kretschmar; Glassheim  
**SB 2453:** Reps. Jacobs; Walker; Coats  
**SB 2463:** Reps. Wald; Kunkel; Wilkie

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 21, 1995, I signed the following: SB 2001, SB 2002, SB 2007, SB 2041, SB 2054, SB 2150, SB 2160, SB 2263, SB 2283, and SB 2460.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 22, 1995, I signed the following: SB 2344.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. B. STENEHJEM MOVED** that the Senate do not concur in the House amendments to SCR 4026 as printed on SJ page 984 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SCR 4026: Sens. Mutch, Tennesfos, Langley.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2103 as printed on SJ pages 1118-1120 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2103: Sens. Traynor, Christmann, Krauter.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to SB 2115 as printed on SJ page 1036 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2115: Sens. W. Stenehjem, Traynor, C. Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2264 as printed on SJ pages 1120-1121 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2264: Sens. W. Stenehjem, Traynor, C. Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2455 as printed on SJ page 1122 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2455: Sens. Watne, W. Stenehjem, C. Nelson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TENNEFOS MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1134, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1134: Sens. Tennefos, Kringstad, Kinnoin.

**MOTION**

**SEN. GOETZ MOVED** that HB 1178, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1016, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED** that the amendments on SJ page 1146 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1016: A BILL** for an Act making an appropriation for defraying the expenses of the children's services coordinating committee.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1016, as amended, passed and the title was agreed to.

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**MOTION**

SEN. GOETZ MOVED that HB 1017 be placed at the bottom of the Sixth order, which motion prevailed.

**MOTION**

SEN. GOETZ MOVED that HB 1284, HB 1416, and HB 1432, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

HB 1018, as engrossed: SEN. STREIBEL (Appropriations Committee) MOVED that the amendments on SJ pages 1148-1155 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

**SECOND READING OF HOUSE BILL**

HB 1018: A BILL for an Act making an appropriation for defraying the expenses of the department of corrections and rehabilitation; 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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Stenehjem, B.

Engrossed HB 1018, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

SEN. GOETZ MOVED that HB 1131, which is on the Sixth order, be laid over two legislative days, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

HB 1260, as engrossed: SEN. FREBORG (Natural Resources Committee) MOVED that the amendments on SJ pages 1155-1156 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

**SECOND READING OF HOUSE BILL**

HB 1260: A BILL for an Act to amend and reenact sections 15-05-10 and 38-09-18 of the North Dakota Century Code, relating to modification of oil and gas leases for public lands.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1260, as amended, passed and the title was agreed to.

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#### MOTION

**SEN. GOETZ MOVED** that HB 1017, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1423: SEN. GRINDBERG (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 1158-1159 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1423:** A BILL for an Act to amend and reenact sections 54-23.3-03, 54-44.1-02, 54-44.3-11, and 54-44.5-02 of the North Dakota Century Code, relating to the appointment of the director of the department of corrections and rehabilitation, the executive budget analyst, the director of the central personnel division, and the director of the office of intergovernmental assistance.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 26 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher; Wanzek; Watne

**NAYS:** DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Nelson, -C.; O'Connell; Redlin; Robinson; Scherber; St. Aubyn; Tallackson; Thane; Tomac; Wogsland; Yockim

HB 1423, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1488, as engrossed: SEN. WANZEK (Education Committee) MOVED** that the amendments on SJ page 1161 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1488:** A BILL for an Act to amend and reenact sections 15-34.1-06 and 15-34.1-07 of the North Dakota Century Code, relating to home-based instruction.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Langley; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

**NAYS:** DeMers; Heinrich; Heitkamp; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mushik; Nelson, C.; Redlin; Robinson; Sand; Tallackson; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tennefos

Engrossed HB 1488, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1501**, as engrossed: **SEN. SCHERBER** (Government and Veterans Affairs Committee) **MOVED** that the amendments on SJ pages 1161-1162 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1501:** A BILL for an Act to amend and reenact sections 54-44.3-07 and 54-44.3-12.2 of the North Dakota Century Code, relating to the duties of the state personnel board and appeal procedures for state employee complaints.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Heinrich; Kelsh; Krauter; LaFountain; Lindaas; Lips; Mathern; Nelson, C.; O'Connell; Tallackson; Wogsland; Yockim

Engrossed HB 1501, as amended, passed and the title was agreed to.

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#### MOTION

**SEN. GOETZ MOVED** that HB 1171, which is on the Fourteenth order, be moved to the bottom of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1176:** A BILL for an Act to create and enact a new section to chapter 6-06 of the North Dakota Century Code, relating to examination of credit union computer servicers.

#### ROLL CALL

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**ABSENT AND NOT VOTING:** Wogsland

Engrossed HB 1176 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1225:** A BILL for an Act to amend and reenact subsection 9 of section 65-01-02 of the North Dakota Century Code, relating to the definition of compensable injury for workers' compensation purposes.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

**NAYS:** DeMers; Heinrich; Kelsh; LaFountain; Lindaas; Mathern; Mushik; O'Connell; Scherber; Wogsland; Yockim

Engrossed HB 1225 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1227:** A BILL for an Act to amend and reenact section 65-05-35 of the North Dakota Century Code, relating to the presumption that a workers' compensation claim is closed.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 32 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

**NAYS:** DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Scherber; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Freborg

Engrossed HB 1227 passed and the title was agreed to.

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#### MOTION

**SEN. GOETZ MOVED** that HB 1228, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1235:** A BILL for an Act to amend and reenact subsection 1 of section 34-14-03 of the North Dakota Century Code, relating to employees who are separated from payroll before payday.

## ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1235 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

HB 1245: A BILL for an Act to amend and reenact sections 44-08-04 and 54-06-09 of the North Dakota Century Code, relating to state officer and employee expense reimbursement.

## ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1245 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

HB 1254: A BILL for an Act to amend and reenact subsection 3 of section 34-06-03, subsection 3 of section 34-06-05, and section 34-06-09 of the North Dakota Century Code, relating to minimum wage standards adopted by the commissioner of labor, illegal employment under certain conditions, and investigations by the commissioner of labor.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 30 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1254 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1257:** A BILL for an Act to create and enact three new subsections to section 57-51.1-01 and two new subsections to section 57-51.1-03 of the North Dakota Century Code, relating to definitions and exemptions for purposes of the oil extraction tax; to amend and reenact subsection 8 of section 57-51.1-01 and subsection 3 of section 57-51.1-03 of the North Dakota Century Code, relating to stripper wells and oil extraction tax exemptions for certain inactive wells, horizontal reentry wells, and horizontal wells; to provide an effective date; and to declare an emergency.

## ROLL CALL

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1257 passed, the title was agreed to, and the emergency clause was declared carried.

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## MOTION

**SEN. GOETZ MOVED** that the Senate stand in recess until 3:00 p.m., which motion prevailed.

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

## MOTION

**SEN. GOETZ MOVED** that the Senate resolve itself into a Confirmation Session, which motion prevailed.

## REPORT OF SELECT COMMITTEE

**MADAM PRESIDENT:** Your Select Committee (Sen. W. Stenehjem, Chairman) appointed to consider the nominations for the State Gaming Commission, do advise and consent to the appointment of Lois Altenburg.

**SEN. W. STENEHJEM MOVED** that the report be adopted, which motion prevailed.

## ROLL CALL

The question being "will the Senate advise and consent to the nomination of Lois Altenburg for the State Gaming Commission", the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**ABSENT AND NOT VOTING:** Heinrich; Nelson, G.; Stenehjem, B.; Tallackson; Wogsland

The Senate advises and consents to the nomination of Lois Altenburg for the State Gaming Commission.

## REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your Select Committee (Sen. W. Stenehjem, Chairman) appointed to consider the nominations for the State Gaming Commission, do advise and consent to the appointment of Robert Wefald.

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

## ROLL CALL

The question being "will the Senate advise and consent to the nomination of Robert Wefald for the State Gaming Commission", the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne; Yockim

ABSENT AND NOT VOTING: Nelson, G.; Tallackson; Wogsland

The Senate advises and consents to the nomination of Robert Wefald for the State Gaming Commission.

## REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your Select Committee (Sen. W. Stenehjem, Chairman) appointed to consider the nominations for the State Gaming Commission, do advise and consent to the appointment of Sandy Tjaden.

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

## ROLL CALL

The question being "will the Senate advise and consent to the nomination of Sandy Tjaden for the State Gaming Commission", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

The Senate advises and consents to the nomination of Sandy Tjaden for the State Gaming Commission.

## REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your Select Committee (Sen. W. Stenehjem, Chairman) appointed to consider the nominations for the State Gaming Commission, do advise and consent to the appointment of Carrol Torgerson.

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

## ROLL CALL

The question being "will the Senate advise and consent to the nomination of Carrol Torgerson for the State Gaming Commission", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik;

Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tallackson

The Senate advises and consents to the nomination of Carrol Torgerson for the State Gaming Commission.

#### REPORT OF SELECT COMMITTEE

**MADAM PRESIDENT:** Your Select Committee (Sen. Goetz, Chairman) appointed to consider the nomination for the State Board of Higher Education, do advise and consent to the appointment of John H. Hoeven, Jr.

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

#### ROLL CALL

The question being "will the Senate advise and consent to the nomination of John H. Hoeven, Jr. for the State Board of Higher Education", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tallackson

The Senate advises and consents to the nomination of John H. Hoeven, Jr. for the State Board of Higher Education.

#### MOTION

**SEN. GOETZ MOVED** that the Confirmation Session be dissolved, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1273:** A BILL for an Act to repeal chapter 594 of the 1993 Session Laws, relating to regulation of the disposal of dredged and fill material in certain waters of the state.

#### ROLL CALL

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

**YEAS:** Christmann

**NAYS:** Andrist; Bowman; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tallackson

HB 1273 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1290:** A BILL for an Act to amend and reenact section 25-01.3-02 of the North Dakota Century Code, relating to the appointment of members of the committee on protection and advocacy; to provide for application of this Act; to provide an effective date; and to declare an emergency.

**ROLL CALL**

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

**NAYS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tallackson

Engrossed HB 1290 lost.

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**MOTION**

**SEN. GOETZ MOVED** that HB 1305, HB 1322, and HB 1362, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1313:** A BILL for an Act to create and enact a new section to chapter 4-19 of the North Dakota Century Code, relating to the powers of the state forester; to amend and reenact sections 4-19-01, 4-19-02, and 4-19-03 of the North Dakota Century Code, relating to the duties of the state forester, the state nursery, and the distribution of planting stock; and to repeal sections 4-19-01.1 and 4-19-04 of the North Dakota Century Code, relating to the qualifications of district foresters and assistance provided by the state forester.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tallackson

HB 1313 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1320:** A BILL for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to requirements for fishing guides.

**ROLL CALL**

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

has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Heinrich; Lips; Mathern; Walewaja; Scherber; Stenehjem, B.; Thane

**NAYS:** Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Mushik; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tallackson

Engrossed HB 1320 lost.

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#### MOTION

**SEN. GOETZ MOVED** that HB 1171 be moved to the top of the Fourteenth order, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1171:** A BILL for an Act to create and enact three new sections to chapter 15-40.1 of the North Dakota Century Code, relating to equalization of per student payments, additional payments for small but necessary schools, and increased weighting factors for students attending school out-of-state; and to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, 15-40.1-09, and 15-44-03 of the North Dakota Century Code, relating to per student payments, weighting factors, computation of foundation aid, and apportionment of the state tuition fund.

#### MOTION

**SEN. YOCKIM MOVED** that Reengrossed HB 1171 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-40.1-06 and 57-38-29 and subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to per student payments, the school district equalization factor, and an increase in individual income tax rates; to provide an appropriation; and to provide an effective date.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15-40.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**15-40.1-06. Declaration of legislative intent - Educational support per student - School district equalization factor - Limitations.**

1. It is the intent of the legislative assembly, not considering any separate and supplemental payments as may be provided by law, to support elementary and secondary education in this state from state funds based on the educational cost per student. In determining the educational cost per student, the following criteria may not be used:
  - a. Expenditures for capital outlay for buildings and sites, or debt service.
  - b. Expenditures from school activities and school lunch programs.

- c. Expenditures for the cost of transportation, including the cost of schoolbuses.
2.
    - a. The educational support per student during the first year of the ~~1993-95~~ biennium must be one thousand ~~five~~ eight hundred ~~seventy~~ seventy-two dollars and for the second year of the biennium the educational support per student must be one thousand ~~six~~ nine hundred ~~thirty-six~~ eighty-two dollars and is the basis for calculating grants-in-aid on a per student basis as provided in sections 15-40.1-07 and 15-40.1-08.
    - b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 must be supported in the amount of two hundred twenty dollars, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07.
    - c. School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the ~~1991-92 school year or for the~~ first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid a school district is entitled to under this subsection for each high school that is not accredited must be reduced by two hundred dollars times the number of students in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per student in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-07 for the entire school year in which the school becomes accredited.
    - d. School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the ~~1992-93 school year or for the~~ first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of students in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-08 for the entire school year in which the school becomes accredited.
3. In determining the amount of payments due school districts for per student and transportation aid under this section,

the amount of per student aid and transportation aid for which a school district is eligible must be added together, and from that total, the following amounts must be subtracted:

- a. ~~The product of twenty three mills for the 1993-94 school year and twenty four mills for each year thereafter the mills provided for in subsection 4 of this section times the latest available net assessed and equalized valuation of property of the school district.~~
  - b. The amount that the unobligated general fund balance of a school district on the preceding June thirtieth is in excess of three-fourths of the actual expenditures, plus an additional twenty thousand dollars.
4. a. The superintendent of public instruction shall determine annually the number of mills to be used in the calculation provided in subsection 3.
- b. (1) The superintendent of public instruction shall determine the amount of foundation aid to be distributed during the current year and subtract from that amount the amount of foundation aid distributed during the prior year, and divide the result by the amount of foundation aid distributed during the prior year.
  - (2) The superintendent of public instruction shall multiply the quotient determined under paragraph 1 by the statewide average school district general fund mill levy and add fifty percent of the product to the number of mills used in the calculation provided in subsection 3 during the prior year to determine the deduction for the current year.
- c. In no event may the number of mills to be used under this section fall below twenty-four nor rise above twenty-five percent of the latest available statewide average school district general fund mill levy, as determined by the superintendent of public instruction.
5. No school district may receive foundation payments beyond the October payment unless the following reports have been filed with the superintendent of public instruction:
- a. Annual average daily membership report.
  - b. Annual school district financial report.
  - c. The September tenth fall enrollment report.
  - d. The personnel report forms for certified and noncertified employees.
- 5- 6. No school district may receive the January foundation payment unless the taxable valuation and mill levy certifications are on file with the department of public instruction by December fifteenth.

**SECTION 2. AMENDMENT.** Section 57-38-29 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-29. Rate of tax on individuals.** A tax is hereby imposed upon every individual, to be levied, collected, and paid annually with

respect to the taxable income of such individual as defined in this chapter, computed at the following rates:

1. On taxable income not in excess of three thousand dollars, a tax of two and ~~sixty-seven~~ eighty-six hundredths percent.
2. On taxable income in excess of three thousand dollars and not in excess of five thousand dollars, a tax of four and twenty-nine hundredths percent.
3. On taxable income in excess of five thousand dollars and not in excess of eight thousand dollars, a tax of five and ~~thirty-three~~ seventy-one hundredths percent.
4. On taxable income in excess of eight thousand dollars and not in excess of fifteen thousand dollars, a tax of ~~six~~ seven and ~~sixty-seven~~ fifteen hundredths percent.
5. On taxable income in excess of fifteen thousand dollars and not in excess of twenty-five thousand dollars, a tax of eight and fifty-seven hundredths percent.
6. On taxable income in excess of twenty-five thousand dollars and not in excess of thirty-five thousand dollars, a tax of ~~nine and thirty-three~~ ten percent.
7. On taxable income in excess of thirty-five thousand dollars and not in excess of fifty thousand dollars, a tax of ~~ten~~ eleven and ~~sixty-seven~~ forty-three hundredths percent.
8. On taxable income in excess of fifty thousand dollars, a tax of twelve and eighty-six hundredths percent.

**SECTION 3. AMENDMENT.** Subsection 2 of section 57-38-30.3 of the North Dakota Century Code is amended and reenacted as follows:

2. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. This tax is ~~fourteen~~ fifteen percent of the individual's, estate's, or trust's adjusted federal income tax liability for the taxable year.

**SECTION 4. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$453,506,833, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of distributing foundation aid and transportation payments to school districts for the biennium beginning July 1, 1995, and ending June 30, 1997.

**SECTION 5. EFFECTIVE DATE.** Sections 2 and 3 of this Act are effective for taxable years beginning after December 31, 1994."

Renumber accordingly

#### REQUEST

**SEN. YOCKIM REQUESTED** that his remarks be printed in the Journal, which request was granted.

#### REMARKS OF SENATOR YOCKIM

Madame President and members of the Senate. At the time of the lawsuit against the state of North Dakota, some school districts were spending \$2,300 a year on students and others were spending \$23,000 per year. Some schools were levying 280 mills and others were levying less than 100 mills. In 1973

a 20-mill deduct was created as an equity factor. At that time the state average general fund mill levy was 65 mills. The deduct represented 30.8 percent of the total. In 1993 the mill deduct was 22 mills or 12.6 percent of the total statewide average of 175.29 mills. In order for us to return to those days of the 30.8 percent of the statewide average, the mill deduct would need to be 53 mills.

In my district the amount of money spent per student at the time of the lawsuit was \$2,803. That compares to the average of large schools of \$3,608. Yet we have one of the highest mill levies in the state at well over 250 mills.

Judge Hodny in his school funding decision stated: "The North Dakota school financing system also arbitrarily and irrationally denies equal educational opportunities to children in low-wealth districts. This system classifies children by the taxable wealth of their school districts. The taxable wealth of a child's school district is an arbitrary and irrational basis for determining the education opportunities available to a North Dakota child." ... Article VIII, Section 2, of the North Dakota Constitution requires that the Legislative Assembly provide for a "uniform system of free public schools throughout the state".

The state of North Dakota through this Legislative Assembly holds the key to achieving an adequate and equitable funding formula. Our state goal is to provide for 70 percent of the cost of education from statewide sources. This is expressed in statute North Dakota Century Code Section 57-51.1-08. Currently we are well under 50 percent funding. Clearly we have the means to increase this funding share. I say that because local governments have raised their taxes to make up the difference. The question really is one of how we raise the money and who will be responsible for making that decision. I believe we clearly have the constitutional obligation and further that we have a statutory obligation. But above all, I maintain that we have a moral obligation to provide for equitable and adequate funding.

I have watched this session and previous sessions when we voted to increase taxes and fees. Just recently we passed an increase in the state gas tax. In fact, our spending levels this biennium will be up over \$90 million from last biennium. I applaud the step taken by the Department of Public Instruction and the executive branch to add some \$37 million to this budget. It was a modest beginning in the battle for equity. Yet forces are at work to water down this modest proposal and to ignore the challenge we face as a policymaking branch to address this key issue of our time. It is unfortunate that the needs of our children are not enough reason to get us to act. It is also unfortunate that the threat of intervention by the court was not enough to get us to act. And I believe it is unfortunate that the veiled threat of a veto still does not seem to move us.

I am asking this assembly to take hold of this window of opportunity and to recognize with urgency the emergency we face. The challenge to our educational system is real, it is serious, and it is urgent. The proposal before you is a plea to act as a policymaking branch and to send the message that we can resolve adequately the funding crisis that we have. This is a statement of this legislature's intent and willingness to deal with this issue or to not deal with it. Others will probably pass judgments on what we do from the standards we set in our constitution and in our statutes. They will in all likelihood judge our good-faith efforts during this session in the areas of adequacy and equity. I encourage you and urge you to adopt this proposal. It is fair, it provides reasonable movement towards equity, and it holds harmless the most important players in this issue, the children.

#### REQUEST

**SEN. YOCKIM REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1171, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed HB 1171, the roll was called and there were 9 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Heinrich; Mathern; Nelson, C.; Redlin; Robinson; Scherber; Tallackson; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

The proposed amendments to Reengrossed HB 1171 failed.

## ROLL CALL

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

**YEAS:** Schobinger

**NAYS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Reengrossed HB 1171 lost.

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## SECOND READING OF HOUSE BILL

**HB 1339:** A BILL for an Act to amend and reenact subsection 1 of section 47-16-07.1 of the North Dakota Century Code, relating to real property and dwelling security deposits.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 32 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1339 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1342:** A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to agreements between the department of transportation and tribal governments; and to amend

and reenact section 54-40.2-02 of the North Dakota Century Code, relating to agreements between public agencies and tribal governments.

#### ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1342 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1343: A BILL for an Act to amend and reenact section 4-10.6-02 of the North Dakota Century Code, relating to membership elections of the North Dakota corn utilization council.

#### ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

Engrossed HB 1343 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1349: A BILL for an Act to create and enact a new subsection to section 11-11-14 of the North Dakota Century Code, relating to the prohibition of animals running at large.

#### MOTION

SEN. GOETZ MOVED that the question be put at 4:26 p.m., which motion prevailed.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Langley; Naaden; Tennefos

**ABSENT AND NOT VOTING:** Krebsbach; Scherber

HB 1349 passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 4:35 p.m., which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1356:** A BILL for an Act to amend and reenact section 4-10-12.1 of the North Dakota Century Code, relating to liability for potato crop quantity and quality.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**ABSENT AND NOT VOTING:** Krebsbach; Lee; Scherber; Tennefos; Wogsland

HB 1356 passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that HB 1363 be moved to the bottom of the calendar, which motion prevailed.

**MOTION**

**SEN. G. NELSON MOVED** that the Senate request the return of HB 1194 from the House, for the purpose of possible reconsideration, which motion prevailed.

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

**MR. SPEAKER:** The Senate respectfully requests the return of: HB 1194.

**SECOND READING OF HOUSE BILL**

**HB 1366:** A BILL for an Act to amend and reenact subsection 4 of section 65-01-02 of the North Dakota Century Code, relating to the definition of average weekly wage for purposes of determining workers' compensation benefits.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Kringstad; Langley; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn;

Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne

**NAYS:** DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Krebsbach; Lee; Scherber

Engrossed HB 1366 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1373:** A BILL for an Act to amend and reenact sections 49-02-01.1 and 49-02-02 of the North Dakota Century Code, relating to the powers of the public service commission concerning public utilities and the sale of materials or services to a public utility by an affiliated company.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne; Wogsland; Yockim

**NAYS:** LaFountain

**ABSENT AND NOT VOTING:** Krebsbach; Lee; Scherber

HB 1373 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1374:** A BILL for an Act to create and enact a new subdivision to subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to exclusions from the definition of employment for unemployment compensation purposes.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Krebsbach; Lee; Scherber

HB 1374 passed and the title was agreed to.

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## THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Stan Wright.

## SECOND READING OF HOUSE BILL

HB 1385: A BILL for an Act to amend and reenact subsections 4, 16, and 33 of section 54-03-01.9 of the North Dakota Century Code, relating to legislative redistricting.

## ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lee

HB 1385 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

HB 1389: A BILL for an Act to amend and reenact section 9-08-06 of the North Dakota Century Code, relating to exceptions to contracts that restrain business.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Tennefos; Traynor

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lee

Engrossed HB 1389 lost.

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## SECOND READING OF HOUSE BILL

HB 1394: A BILL for an Act to amend and reenact subsection 1 of section 24-06-28 of the North Dakota Century Code, relating to the obstruction of section lines.

## ROLL CALL

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Lee

HB 1394 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1398:** A BILL for an Act to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to requiring an insurance loss reporting service to furnish a copy of a claims history report to an automobile insurance applicant.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Kelsh; Watne

**NAYS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Lee

Engrossed HB 1398 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1399:** A BILL for an Act limiting claims by community service workers.

#### ROLL CALL

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

**NAYS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Lee

Engrossed HB 1399 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1415:** A BILL for an Act to create and enact a new section to chapter

54-35 of the North Dakota Century Code, relating to the establishment of a legislative ethics committee.

#### ROLL CALL

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

YEAS: O'Connell

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lee

Engrossed HB 1415 lost.

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#### SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to amend and reenact section 37-15-21 of the North Dakota Century Code, relating to funds available to the veterans' home.

#### ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lee

HB 1419 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1426: A BILL for an Act to amend and reenact section 15-21-01 of the North Dakota Century Code, relating to gubernatorial appointment of the superintendent of public instruction; to repeal section 15-21-01.1 of the North Dakota Century Code, relating to the office of the superintendent of public instruction; and to provide a contingent effective date.

#### ROLL CALL

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

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin;

Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Lee

Engrossed HB 1426 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1435:** A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the authority of the legislative council; and to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code, relating to reconvened sessions of the legislative assembly.

#### ROLL CALL

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Lee

HB 1435 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1459:** A BILL for an Act to amend and reenact section 49-02-01.1 of the North Dakota Century Code, relating to jurisdiction of the public service commission.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzen; Wogsland; Yockim

**NAYS:** Bowman; Heinrich; Heitkamp; Kelsh; Lindaas; Mushik; Solberg; Tennefos; Watne

**ABSENT AND NOT VOTING:** Lee; Stenehjem, B.

HB 1459 passed and the title was agreed to.

\*\*\*\*\*

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

**MADAM PRESIDENT:** The House accedes to the Senate request for the return of: HB 1194.

## SECOND READING OF HOUSE BILL

**HB 1461:** A BILL for an Act to create and enact two new sections to chapter 23-17.3 of the North Dakota Century Code, relating to a penalty for a violation of home health agency licensure and the development of annual licensure fees; to amend and reenact section 23-17.3-01 and subsection 1 of section 23-17.3-05 of the North Dakota Century Code, relating to standards of home health agency licensure; 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 21 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lee; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Robinson; Scherber; Stenehjem, B.; Tallackson; Thane; Tomac; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lindaas; Mutch; Naaden; Malewaja; Nelson, G.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Langley

Reengrossed HB 1461, as amended, lost.

\*\*\*\*\*

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2103, SB 2115, SB 2264, SB 2455, and SCR 4026 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2103: Sens. Traynor; Christmann; Krauter  
 SB 2115: Sens. W. Stenehjem; Traynor; C. Nelson  
 SB 2264: Sens. W. Stenehjem; Traynor; C. Nelson  
 SB 2455: Sens. Watne; W. Stenehjem; C. Nelson  
 SCR 4026: Sens. Mutch; Tennefos; Langley

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

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

**HB 1134:** Sens. Tennefos; Kringstad; Kinnoin

## 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 2101: Reps. Maragos; Kliniske; Christenson  
 SCR 4049: Reps. Price; Gunter; Sandvig

## MOTION

**SEN. ST. AUBYN MOVED** that the Senate reconsider its action whereby HB 1194 failed to pass, which motion prevailed.

## MOTION

**SEN. GOETZ MOVED** that HB 1194 be laid over one legislative day, which motion prevailed.

## MOTION

**SEN. G. NELSON MOVED** that Senate Rule 507 be amended to read "fifty-seventh" day, which motion prevailed.

## MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:30 a.m., Friday, March 24, 1995, which motion prevailed.

## REPORT OF STANDING COMMITTEE

HB 1001, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1001 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "create and enact sections 23-12-10.4" with "amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation and expense reimbursement of members of the legislative assembly"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "committee rooms"

Page 1, line 6, after the semicolon insert "to provide for a legislative council study; to provide an effective date;"

Page 2, replace lines 19 through 29 with:

"SECTION 3. AMENDMENT. Section 54-03-20 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-03-20. Compensation and expense reimbursement of members of the legislative assembly. Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of ninety dollars for each calendar day during any organizational, special, or regular legislative session. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred dollars per calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may not exceed thirty-five cents per mile based upon air mileage. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed six hundred dollars per month. The amount to which each legislator is entitled must be paid following the organizational session in December and following each month during a regular or special session.

A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session must be included as a calendar day during a legislative session for the purposes of this section.

In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of ~~one~~ two hundred ~~eighty~~ fifty dollars a month, which is payable every six months. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.

Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)]."

Page 3, remove lines 1 through 7

Page 3, after line 13, insert:

**"SECTION 5. LEGISLATIVE COUNCIL STUDY OF BOARDS AND COMMISSIONS.**

The legislative council shall study the membership, duties, and responsibilities of all boards, councils, committees, and commissions of state government. The study should include consideration of whether any of the boards, councils, committees, and commissions have overlapping powers and duties, whether any boards, councils, committees, and commissions should be eliminated or consolidated, whether each board, council, committee, and commission presently performs the functions for which it was originally created, and whether the membership of each board, council, committee, and commission is responsive to the people of the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-fifth legislative assembly.

**SECTION 6. EFFECTIVE DATE.** Section 3 of this Act becomes effective on January 1, 1997."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

HB 1006, as engrossed: Appropriations Committee (Sen. Mething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1006 was placed on the Sixth order on the calendar.

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

Page 1, remove line 3

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

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

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

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

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

Page 2, line 1, replace "56,073,016" with "56,084,566"

Page 2, line 2, replace "14,790,737" with "15,237,965"

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

Page 2, replace lines 25 through 28 with:

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

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 301 - DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORE 3 FTE HEALTH CARE REFORM	RESTORE 1 FTE MEDICAL EXAMINER	RESTORE 1 FTE LAB ANALYSIS - SB 2358	RESTORE 2 FTE FIRE INSPECTIONS	OTHER SENATE CHANGES	SENATE VERSION
Salaries and wages	\$22,564,886	\$231,513	\$289,096	\$92,583	\$120,586		\$23,298,664
Operating expenses	31,384,002						31,384,002
Equipment	847,000						847,000
Capital improvements	28,143						28,143
Grants	15,539,722					\$ (50,000)	15,489,722
Abandoned motor vehicle	400,000					(225,000)	175,000
Physician loan program	100,000						100,000
Health care program	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$70,863,753	\$231,513	\$289,096	\$92,583	\$120,586	\$(275,000)	\$71,322,531
Less estimated income	<u>56,073,016</u>	<u>23,381</u>	<u>0</u>	<u>92,583</u>	<u>120,586</u>	<u>(225,000)</u>	<u>56,084,566</u>
General fund	\$14,790,737	\$208,132	\$289,096	\$ 0	\$ 0	\$ (50,000)	\$15,237,965
FTE	298	3	1	1	2	1	306

The other Senate changes are:

- Reduce grants by \$50,000 from the general fund relating to health promotion and education.
- Reduce the spending from the abandoned motor vehicle fund from \$400,000 to \$175,000.
- Authorizes 1 FTE related to House Bill No. 1318, the establishment of a trauma system; funding is included in House Bill No. 1318.

This amendment:

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

#### REPORT OF STANDING COMMITTEE

HB 1007, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "250,000" with "200,000"

Page 1, remove lines 14 and 15

Page 1, line 16, replace "227,983" with "427,983"

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 316 - INDIAN AFFAIRS COMMISSION

SENATE - This amendment makes the following changes:

	HOUSE VERSION	REDUCE GRANTS AND CHANGE FUNDING SOURCE	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$195,099			\$195,099
Operating expenses	31,884			31,884
Equipment	1,000			1,000
Grants	<u>250,000</u>	<u>\$ (50,000)</u>	<u>\$ (50,000)</u>	<u>200,000</u>
Total all funds	\$477,983	<u>\$ (50,000)</u>	<u>\$ (50,000)</u>	\$427,983
Less estimated income	<u>250,000</u>	<u>(250,000)</u>	<u>(250,000)</u>	<u>0</u>
Total general fund	\$227,983	\$ 200,000	\$ 200,000	\$427,983
FTE	2.5		0	2.5

#### REPORT OF STANDING COMMITTEE

HB 1015, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1015 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "2,347,125" with "2,424,653"

Page 1, line 13, replace "4,992,627" with "4,995,467"

Page 1, remove line 14

Page 1, line 15, replace "7,397,120" with "7,420,120"

Page 1, line 16, replace "\$4,992,627" with "\$4,995,467"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 226 - LAND DEPARTMENT

SENATE - This amendment adds \$23,000 special funds authority to the salaries and wages line item for temporary secretarial staff. This amendment also transfers the salary and benefit adjustment line item of \$57,368 to the asset management and Energy Development Impact Office program line items in proportion to the salaries and wages included in each program. The changes are summarized as follows:

## ANALYSIS OF SENATE CHANGES TO HOUSE VERSION

(By object code-based line item)

	1995-97 EXECUTIVE RECOMMENDATION	REMOVAL OF VACANT FTE POSITIONS	HOUSE VERSION	INCREASE SALARIES AND WAGES FOR TEMPORARY STAFF	SENATE VERSION
Salaries and wages	\$1,643,264	\$(46,080)	\$1,597,184	\$23,000	\$1,620,184
Operating expenses	576,920		576,920		576,920
Equipment	62,090		62,090		62,090
Grants	5,110,926		5,110,926		5,110,926
Contingency	<u>50,000</u>		<u>50,000</u>		<u>50,000</u>
Total	\$7,443,200	\$(46,080)	\$7,397,120	\$23,000	\$7,420,120
General fund					
Special funds	<u>\$7,443,200</u>	<u>\$(46,080)</u>	<u>\$7,397,120</u>	<u>\$23,000</u>	<u>\$7,420,120</u>
Total	\$7,443,200	\$(46,080)	\$7,397,120	\$23,000	\$7,420,120
FTE	20	(1)	19		19

(By program-based line item)

	1995-97 EXECUTIVE RECOMMENDATION	REMOVAL OF VACANT FTE POSITIONS	HOUSE VERSION	INCREASE SALARIES AND WAGES FOR TEMPORARY STAFF	ALLOCATE SALARY ADJUSTMENT	SENATE VERSION
Asset management	\$2,385,832	\$(38,707)	\$2,347,125	\$23,000	\$ 54,528	\$2,424,653
Energy Development Impact Office	5,000,000	(7,373)	4,992,627		2,840	4,995,467
Salary and benefit adjustment	<u>57,368</u>	<u>          </u>	<u>57,368</u>	<u>          </u>	<u>(57,368)</u>	<u>          </u>
Total	\$7,443,200	\$(46,080)	\$7,397,120	\$23,000	\$ 0	\$7,420,120
General fund						
Special funds	<u>\$7,443,200</u>	<u>\$(46,080)</u>	<u>\$7,397,120</u>	<u>\$23,000</u>	<u>          </u>	<u>\$7,420,120</u>
Total	\$7,443,200	\$(46,080)	\$7,397,120	\$23,000	\$ 0	\$7,420,120
FTE	20	(1)	19			19

## REPORT OF STANDING COMMITTEE

HB 1019, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1019 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Dakota" insert "; to amend and reenact subsection 11 of section 1 and section 2 of chapter 493 of the 1993 Session Laws, relating to the new jobs training program; to repeal section 6 of chapter 493 of the 1993 Session Laws, relating to the expiration date of the new jobs training program; and to declare an emergency"

Page 1, line 10, replace "31,867,366" with "32,873,476"

Page 1, line 12, replace "345,000" with "445,000"

Page 1, line 15, replace "555,000" with "1,180,000"

Page 1, line 16, replace "50,576,534" with "52,307,644"

Page 1, line 17, replace "50,021,534" with "51,127,644"

Page 1, line 18, replace "555,000" with "1,180,000"

Page 2, line 4, replace "\$46,000,000" with "\$40,000,000"

Page 2, line 5, replace "\$46,000,000" with "\$40,000,000"

Page 2, line 10, replace "\$46,000,000" with "\$40,000,000"

Page 2, line 14, after "common" insert "reporting" and replace the comma with "and"

Page 2, line 15, after "transmission" insert "of the wage information" and remove the second "or"

Page 2, line 16, after "communications" insert ", or any other method of transmission deemed appropriate"

Page 2, after line 17, insert:

**"SECTION 5. WORK FORCE 2000 ALLOCATIONS.** For the year beginning July 1, 1995, a minimum of \$125,000, of the \$1,180,000 provided for work force 2000, is to be available for projects in areas in the state which are not within five miles [8.05 kilometers] of any city with a population of more than eight thousand. Any work force 2000 funds remaining after June 30, 1996, may be used for projects in any area of the state.

**SECTION 6. AMENDMENT.** Subsection 11 of section 1 of chapter 493 of the 1993 Session Laws is amended and reenacted as follows:

11. "Primary sector business" means an employer engaged in locating to or in this state which previously had no presence in this state, or in expanding its operations within this state, which through the employment of knowledge or labor, adds value to a product, process, or export service that results in the creation of new wealth, excluding production agriculture, if it meets the following eligibility criteria:
  - a. An employer entering into an agreement, and increasing its base employment level by ~~ten percent, or two employees, whichever is greater,~~ at least one employee, or in the case of an employer without an established base employment level in this state creating a ~~minimum of at~~

least five employees, within the time set in the agreement, is entitled to the new jobs credit from withholding.

- b. An employer must have an economically productive and socially desirable purpose within the state.
- c. An employer must not be closing or reducing its operation in one area of the state and relocating substantially the same operation in another area.

**SECTION 7. AMENDMENT.** Section 2 of chapter 493 of the 1993 Session Laws is amended and reenacted as follows:

**SECTION 2. Job service North Dakota - Agreements.** Program services developed and coordinated by job service North Dakota must be provided to primary sector businesses found eligible for loans or grants under this Act. Job service North Dakota may enter into an agreement to establish a project with an employer which meets the following conditions:

1. Sets a date of commencement of the project.
2. Identifies program costs, including deferred costs, which are to be paid from available sources including new jobs credit from withholding to be received or derived from new jobs resulting from the project.
3. Provides for a guarantee by the employer of payment for program costs.
4. Provides that any deferral of program cost payments may not exceed ten years from the date of commencement of the project.
5. Provides that on-the-job training costs for employees may not exceed fifty percent of the annual gross payroll costs of the new jobs in the first full year after the date of commencement of the project. For purposes of this subsection, "gross payroll" is the gross wages and salaries for the new jobs.
6. Provides the maximum amount of new jobs credit from withholding, or tuition and fee payments, allowed for a project.
7. Provides that every employee participating in the new jobs training program must be paid an income of at least equal to one hundred twenty percent of the federal poverty level for a family of four as determined at the date of commencement of the project seven dollars and fifty cents per hour, plus benefits, by the end of the first year of employment under the project and for the remaining life of the loan.

A project requiring a loan from the department or a community may not be approved, and an agreement may not be executed by job service North Dakota, until notification from the department or community that the employer has qualified for a loan. Upon execution of the agreement, job service North Dakota shall notify the state tax commissioner of the agreement and the identity of the employer. Job service North Dakota may adopt rules to implement this Act. Job service North Dakota shall prepare an annual report for the governor and the legislative assembly with respect to the new jobs training program.

**SECTION 8. REPEAL.** Section 6 of chapter 493 of the 1993 Session Laws is repealed.

**SECTION 9. EMERGENCY.** Section 8 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 480 - JOB SERVICE NORTH DAKOTA

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORE VACANT POSITIONS	RESTORE EQUIPMENT	RESTORE WORK FORCE 2000 <sup>1</sup>	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$31,867,366	\$1,006,110			\$1,006,110	\$32,873,476
Operating expenses	8,108,168					8,108,168
Equipment	345,000		\$100,000		100,000	445,000
Capital improvements	190,000					190,000
Grants	9,511,000					9,511,000
Work Force 2000	<u>555,000</u>	<u>          </u>	<u>          </u>	<u>\$625,000</u>	<u>625,000</u>	<u>1,180,000</u>
Total all funds	\$50,576,534	\$1,006,110	\$100,000	\$625,000	\$1,731,110	\$52,307,644
less estimated income	<u>50,021,534</u>	<u>1,006,110</u>	<u>100,000</u>	<u>          </u>	<u>1,106,110</u>	<u>51,127,644</u>
Total general fund	\$ 555,000	\$ 0	\$ 0	\$625,000	\$ 625,000	\$ 1,180,000
FTE	391	29.5			29.5	420.5

<sup>1</sup> Job Service North Dakota may spend up to \$20,000 of the Work Force 2000 appropriation for the administration of the program.

The amendment also decreases the minimum balance guideline for the job insurance trust fund from \$46 million to \$40 million.

The amendment also repeals the expiration of the new jobs training program, changes the wage requirement of the new jobs training program from 120 percent of the federal poverty level, for a family of four, to \$7.50 per hour plus benefits, and reduces the increase in base employment requirement from 10 percent or two employees to at least one employee.

The amendment also adds a section providing that at least \$125,000 of the Work Force 2000 funding is to be available for rural areas during the first year of the biennium. Any funds left after the first year could go to projects in any area.

The following agencies are to continue to cooperate and work together on all jobs training programs in an effort to continue to maximize the delivery of services while minimizing any duplication of services between the agencies:

1. Job Service North Dakota.
2. State Board for Vocational and Technical Education.
3. North Dakota University System.
4. Workers Compensation Bureau.
5. Department of Economic Development and Finance.
6. Governor's Work Force Development Council.
7. Other appropriate agencies.

#### REPORT OF STANDING COMMITTEE

HB 1022, as engrossed: Appropriations Committee (Sen. Mething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1022 was placed on the Sixth order on the calendar.

Page 1, line 2, after "education" insert "; to provide a statement of legislative intent; and to allow the transfer of appropriation authority to the salaries and wages line item"

Page 1, line 14, replace "20,105,750" with "20,055,750"

Page 1, line 19, replace "24,007,941" with "23,957,941"

Page 1, line 21, replace "10,812,550" with "10,762,550"

Page 1, after line 21, insert:

**"SECTION 2. INTENT.** It is the intent of the fifty-fourth legislative assembly that the state board for vocational and technical education, job service North Dakota, the North Dakota university system, the workers compensation bureau, the department of economic development and finance, the governor's work force development council, and any other appropriate state agencies or institutions continue to cooperate on the development and implementation of jobs training programs in an effort to maximize the delivery of services while minimizing any duplication of services between the agencies during the 1995-97 biennium.

**SECTION 3. TRANSFER.** The state board for vocational and technical education may transfer general fund and special funds appropriation authority of \$130,981 from the various line items

contained in House Bill No. 1022 as passed by the fifty-fourth legislative assembly to the salaries and wages line item for the position of deputy director, only upon approval by the budget section of the legislative council."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 270 - STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION**

SENATE - This amendment reduces general fund authority for undesignated grants to school districts for vocational education programs by \$50,000 and provides legislative intent that the following agencies continue to cooperate on all jobs training programs in an effort to continue to maximize the delivery of services while minimizing any duplication of services between the agencies:

1. Job Service North Dakota.
2. Vocational and Technical Education.
3. North Dakota University System.
4. Workers Compensation Bureau.
5. Department of Economic Development and Finance.
6. Governor's Work Force Development Council.
7. Other appropriate agencies.

This amendment also allows the Board for Vocational and Technical Education to transfer appropriation authority of \$130,981, subject to Budget Section approval, from other line items to the salaries and wages line item for the deputy director position.

This amendment is summarized as follows:

	HOUSE VERSION	GRANTS REDUCTION	SENATE VERSION
Salaries and wages	\$ 2,378,039		\$ 2,378,039
Operating expenses	471,066		471,066
Equipment	18,680		18,680
Grants	20,105,750	\$(50,000)	20,055,750
COVE	325,500		325,500
Adult farm management	226,600		226,600
Postsecondary education	380,000		380,000
vocational grants			
Small business management	<u>102,306</u>		<u>102,306</u>
Total	\$24,007,941	\$(50,000)	\$23,957,941
General fund	\$10,812,550	\$(50,000)	\$10,762,550
Special funds	<u>13,195,391</u>		<u>13,195,391</u>
Total	\$24,007,941	\$(50,000)	\$23,957,941
FTE	32.5		32.5

**REPORT OF STANDING COMMITTEE**

**HB 1154: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEARS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1154 was placed on the Sixth order on the calendar.**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 5 of section 15-29-08, subsection 1 of section 15-35-01.1, subsection 6 of section 15-60-01, subsection 1 of section 15-60-10, section 15-60-11, subsection 7 of section 21-03-07, subsection 1 of section 57-15-16, and subsection 1 of section 57-15-17 of the North Dakota Century Code, relating to authority of school boards, approval of school construction projects, approval of school construction loans by the board of university and school lands, and financing of school construction.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 5 of section 15-29-08 of the North Dakota Century Code is amended and reenacted as follows:

5. To purchase, lease, sell, and exchange schoolhouses and rooms, school buildings and facilities and lots, or sites for schoolhouses, teacherages, and dormitories, and to lease such facilities for a period not to exceed one year school buildings and facilities. However, nothing in this subsection shall prevent a school board from leasing any vocational education facility constructed with financing acquired, in whole or in part, pursuant to chapter 40-57 for a period of up to twenty years. A school board may enter into a contract or lease for a term of up to twenty years, for the use of a building or facility, whereby the school district has a right or option to purchase the building or facility. For the purpose of the contract or lease, the school board may use moneys available in the general fund or the building fund which are not otherwise obligated.

**SECTION 2. AMENDMENT.** Subsection 1 of section 15-35-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding the powers and duties of school boards of public school districts otherwise provided by law, all construction, purchase, repair, improvement, renovation, or modernization of any school building or facility within a school district, including those used or intended to be used under any contract by which the school district has any right or option to purchase the building or facility, estimated by the school boards to cost in excess of twenty-five more than two hundred fifty thousand dollars, or ten percent of the school district's total expenditures the preceding year, whichever is less, may not be commenced unless approved by the superintendent of public instruction. ~~No such~~ The approval of the superintendent of public instruction is not required if the project is estimated to cost twenty-five thousand dollars or less. The construction, purchase, repair, improvement, renovation, or modernization of any school building or facility may not be approved unless the school district proposing the project demonstrates the need and the educational utility of the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32 after receiving input from the state board of public school education. In the event of disagreement between the superintendent of public instruction and the school board applying for approval of a construction project under this section, the school board may appeal the application to the state board of public school education and the decision of the state board approving or disapproving the application is final.

**SECTION 3. AMENDMENT.** Subsection 6 of section 15-60-01 of the North Dakota Century Code is amended and reenacted as follows:

6. "Project" means any structure building or facility that a school district is authorized to construct ~~or, purchase, repair, improve, renovate, or modernize~~ under section 15-35-01.1 and which is estimated to cost in excess of fifty thousand dollars.

**SECTION 4. AMENDMENT.** Subsection 1 of section 15-60-10 of the North Dakota Century Code is amended and reenacted as follows:

1. The board may make loans for purposes ~~described in this chapter~~ projects to school districts from moneys deposited in the coal development trust fund established pursuant to section 21 of article X of the Constitution of North Dakota and subsection 1 of section 57-62-02. The board shall consider an application for a loan in the order of its approval by the superintendent under subsection 2 of section 15-35-01.1. The outstanding principal balance of loans made from the fund under this chapter may not exceed twenty-five million dollars.

**SECTION 5. AMENDMENT.** Section 15-60-11 of the North Dakota Century Code is amended and reenacted as follows:

**15-60-11. School board may issue evidences of indebtedness.**

1. The school board of a school district may issue and sell evidences of indebtedness pursuant to chapter 21-03 to finance ~~the construction or improvement of~~ a project approved under this chapter. The principal amount of the loan and the evidences of indebtedness to repay the loan may not exceed the lesser of thirty percent of the taxable valuation of the school district or five million dollars. Evidences of indebtedness issued ~~pursuant to~~ under this chapter subsection constitute a general obligation of the school district.
2. The school board of a school district may, by resolution adopted by a two-thirds vote, dedicate the tax levies as authorized by section 57-15-16 to pay the loan approved under this chapter. The initial resolution authorizing the tax levy dedication must be published twice in the official newspaper of the school district, and any owner of taxable property within the school district may, within sixty days after the first publication, file with the business manager of the school district a protest against the adoption of the resolution. Protests must be in writing and must describe the property that is the subject of the protest. If the school board finds the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the school district, as theretofore last finally equalized, it may either abandon the matter or seek approval of the tax levy dedication at a regular or special election. If more than fifty percent of the qualified electors casting votes approve the school board's proposed dedication of the building fund tax levy, the school board may proceed in accordance with the resolution.

**SECTION 6. AMENDMENT.** Subsection 7 of section 21-03-07 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7. The governing body of any public school district may also, by resolution adopted by a two-thirds vote, dedicate the tax levies as authorized by section 15-51-11, 15-51-13, or 57-15-16 and may authorize and issue general obligation bonds to be paid by these dedicated levies for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public school buildings or for the construction or improvement of a project pursuant to chapter 15-60. The initial resolution authorizing the tax levy dedication and issuance of general obligation bonds must be published twice in the official newspaper of the school district, and any owner of taxable property within the school district may, within sixty days after the first publication, file with the business manager of the school district a protest against the adoption of the resolution. Protests must be in writing and must describe the property that is the subject of the protest. If the governing body finds the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the school district, as theretofore last finally equalized, all further proceedings under the initial resolution are barred it may either abandon the matter or seek approval of the tax levy dedication and issuance of general obligation bonds at a regular or special election. If more than fifty percent of the qualified electors casting votes approve the governing body's proposed tax levy dedication and issuance of general obligation bonds, the governing body may proceed in accordance with the resolution.

**SECTION 7. AMENDMENT.** Subsection 1 of section 57-15-16 of the North Dakota Century Code is amended and reenacted as follows:

1. The governing body of any school district shall levy taxes annually for a school building fund, not in excess of twenty mills, which levy is in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty percent of the qualified electors voting upon the question at a regular or special election in any school district. The governing body of the school district may create the building fund by appropriating and setting up in its budget for an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law. If a portion or all of the proceeds of the levy have been allocated by contract to the payment of rentals upon contracts with the state board of public school education as administrator of the state school construction fund, the levy must be made annually by the governing body of the school district until the full amount of all such obligations is fully paid. The governing body of any school district may, by resolution adopted by a two-thirds vote, dedicate the tax levies as authorized by this section for the purpose of a contract or lease entered into pursuant to subsection 5 of section 15-29-08 for the use of a building or facility whereby the school district has the right or option to purchase the building or facility. The initial resolution authorizing the tax levy dedication must be published twice in the official newspaper of the school district, and any owner of taxable property within the school district may, within sixty days after the first publication, file with the business manager of the school district a protest against the adoption of the resolution. Protests must be in writing and must describe the property that is the

subject of the protest. If the governing body finds the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the school district, as theretofore last finally equalized, it may either abandon the matter or seek approval of the tax levy dedication at a regular or special election. If more than fifty percent of the qualified electors casting votes approve the governing body's proposed dedication of the building fund tax levy, the governing body may enter into the contract or lease. Any portion of a levy for a school building fund which has not been allocated by contract with the state board of public school education or lease entered into pursuant to subsection 5 of section 15-29-08 must be allocated by the governing body pursuant to section 57-15-17. Upon the completion of all payments to the state school construction fund under the contract or lease, or upon payment and cancellation or defeasance of the bonds, the levy may be discontinued at the discretion of the governing body of the school district, or upon petition of twenty percent of the qualified electors who voted in the last school election, the question of discontinuance of the levy must be submitted to the qualified electors of the school district at any regular or special election and, upon a favorable vote of sixty percent of the qualified electors voting, the levy must be discontinued. Any school district, executing a contract or lease with the state board of public school education or issuing general obligation bonds, which contract or lease or bond issue requires the maintenance of the levy provided in this section, shall immediately file a certified copy of the contract, lease, or bond issue with the county auditor or auditors of the county or counties in which the school district is located. The county auditor or auditors shall register the contract, lease, or bond issue in the bond register in substantially the manner provided in section 21-03-23. Upon the filing of the contract, lease, or bond issue with the county auditor or auditors, the school district may not discontinue the levy and the levy must automatically be included in the tax levy of the school district from year to year by the county auditor or auditors until a sufficient sum of money has been collected to pay to the state treasurer for the retirement of all obligations of the school district with the state board of public school education under the contract or lease, or to pay to the custodian of the bond sinking fund all amounts due or to become due on the bonds.

**SECTION 8. AMENDMENT.** Subsection 1 of section 57-15-17 of the North Dakota Century Code is amended and reenacted as follows:

1. a. All revenue accruing from appropriations or tax levies for a school building fund together with such amounts as may be realized for building purposes from all other sources, must be placed in a separate fund known as a school building fund, and must be deposited, held, or invested in the same manner as the sinking funds of such school district or in the purchase of shares or securities of federal or state-chartered savings and loan associations within the limits of federal insurance.
- b. The funds may only be used for the following purposes:
  - (1) The erection of new school buildings or facilities, or additions to old school buildings or facilities, or the making of major repairs to existing buildings

or facilities, or improvements to school land and site. For purposes of this paragraph, facilities may include parking lots, athletic complexes, or any other real property owned by the school district.

- (2) The payment of rentals upon contracts with the state board of public school education payments under a contract or lease as provided in subsection 1 of section 57-15-16.
  - (3) The payment of rentals upon contracts with municipalities for vocational education facilities financed pursuant to chapter 40-57.
  - (4) Within the limitations of school plans as provided in subsection 2 of section 57-15-16.
  - (5) The payment of principal, premium, if any, and interest on bonds issued pursuant to subsection 7 of section 21-03-07.
  - (6) The payment of premiums for fire and allied lines, liability, and multiple peril insurance on any building and its use, occupancy, fixtures, and contents.
  - (7) The making of loan payments for school construction as authorized by chapter 15-60.
- c. The custodian of the funds may pay out the funds only upon order of the school board, signed by the president and the business manager of the school district. The order must recite upon its face the purpose for which payment is made."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1256, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1256 was placed on the Sixth order on the calendar.

Page 5, line 4, overstrike "means and"

Page 5, line 8, overstrike the second "the" and after "surgical" insert an underscored comma

Page 5, line 10, after "structures" insert "including oral maxillofacial surgery and any adjunctive procedures to the oral maxillofacial surgery"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1493, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1493 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to a fleet committee to represent the board of higher education's interests in state-owned motor vehicles; to"

Page 1, line 3, after "titles" insert "; and to provide an expiration date"

Page 2, after line 9, insert:

"SECTION 3. A new section to chapter 24-02 of the North Dakota Century Code is created and enacted as follows:

Board of higher education fleet committee. The director shall adopt rules that include provisions for meeting the special motor vehicle-related needs of the board of higher education and institutions under its jurisdiction and for the assignment of motor vehicles purchased with student fees and private or federal funds. The director shall seek advice in adopting these rules from the higher education fleet committee. The commissioner of higher education shall appoint the fleet committee. The members of the committee must represent the campuses and agriculture.

SECTION 4. EXPIRATION DATE. Section 3 of this Act is effective through August 1, 1999, and after that date is ineffective."

Renumber accordingly

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

William C. Parker, Secretary