

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, March 29, 1995

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

The prayer was offered by Rev. Harold S. Reitz, New Life Lutheran Church, Minot.

The roll was called and all members were present except Senators Tennefos and Tomac.

A quorum was declared by the President.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2085 as printed on SJ page 1216 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 2085: Sens. Mutch, Sand, Krauter.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2403 as printed on SJ pages 1167-1168 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 2403: Sens. Mutch, Sand, Langley.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. BOWMAN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2428 as printed on SJ pages 1329-1331 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 2428: Sens. Wanzek, Andrist, Tomac.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do not concur in the House amendments to SB 2466 as printed on SJ pages 1217-1218 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 2466: Sens. Krebsbach, Andrist, Krauter.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1154, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1154: Sens. Grindberg, Wanzek, O'Connell.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1289, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1289: Sens. Krebsbach, Mutch, Langley.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1488, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1488: Sens. Wanzek, Grindberg, Heinrich.

CONSIDERATION OF AMENDMENTS

HB 1003, as engrossed: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 1312-1317 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. C. NELSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1003, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed HB 1003, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Christmann; Heinrich; Heitkamp; Kelsh; Krauter; Krebsbach; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Scherber; Stenehjem, B.; Tallackson; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

The motion to adopt the amendments to Engrossed HB 1003 passed. Engrossed HB 1003, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education; to provide an exemption to the provisions of section 54-44.1-11; to authorize an agreement for the operation and leasing of the North Dakota state art gallery; to amend and reenact section 15-10-12 of the North Dakota Century Code, relating to higher education special funds; and to declare an emergency.

MOTION

SEN. TENNEFOS MOVED that Engrossed HB 1003 be further amended as follows:

In addition to the amendments to Engrossed House Bill No. 1003 as printed on pages 1312-1317 of the Senate Journal, Engrossed House Bill No. 1003 is further amended as follows:

Page 8, after line 28, insert:

"SECTION 17. NEW BUILDING MORATORIUM. Notwithstanding any other law, the board of higher education may not construct any new building at an institution of higher education until state funding is provided for a building maintenance schedule that provides a 100-year replacement cycle or less."

Renumber accordingly

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed HB 1003, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1003, the roll was called and there were 24 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Heitkamp; Kelsh; Kinnoin; Krauter; Langley; Mathern; Mushik; Mutch; Naaden; Scherber; Schobinger; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Wanzenk; Watne; Wogsland; Yockim

NAYS: DeMers; Goetz; Grindberg; Heinrich; Holmberg; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, W.; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Tomac

The proposed further amendments to Engrossed HB 1003 failed for lack of a majority.

MOTION

SEN. C. NELSON MOVED that Engrossed HB 1003 be amended as follows:

In lieu of the amendments as printed on pages 1312-1317 of the Senate Journal, Engrossed House Bill No. 1003 is amended as follows:

Page 1, line 4, remove "and"

Page 1, line 6, after "gallery" insert "; to amend and reenact section 15-10-12 of the North Dakota Century Code, relating to higher education special funds; and to declare an emergency"

Page 3, line 19, replace "95,513,204" with "95,835,032"

Page 3, line 22, replace "1,225,000" with "3,770,000"

Page 3, line 24, replace "125,894,160" with "128,760,988"

Page 3, line 25, replace "47,522,227" with "50,067,227"

Page 3, line 26, replace "78,371,933" with "78,693,761"

Page 4, line 1, replace "76,963,362" with "77,258,332"

Page 4, line 4, replace "929,950" with "1,129,950"

Page 4, line 5, replace "103,072,264" with "103,567,234"

Page 4, line 6, replace "41,224,964" with "41,424,964"

Page 4, line 7, replace "61,847,300" with "62,142,270"

Page 5, line 20, replace "475,000" with "525,000"

Page 5, line 22, replace "13,033,541" with "13,083,541"

Page 5, line 24, replace "9,395,252" with "9,445,252"

Page 6, line 7, replace "1,510,732" with "1,542,048"

Page 6, line 12, replace "2,142,634" with "2,173,950"

Page 6, line 14, replace "1,332,108" with "1,363,424"

Page 6, line 17, replace "55,586,409" with "55,638,295"

Page 6, line 20, replace "75,318,818" with "75,370,704"

Page 6, line 22, replace "25,769,427" with "25,821,313"

Page 6, line 23, replace "266,663,743" with "270,986,258"

Page 6, line 24, replace "187,937,903" with "193,582,903"

Page 6, line 25, replace "454,601,646" with "464,569,161"

Page 7, line 7, remove "or so"

Page 7, line 8, replace "much of the sum as may be necessary" with "from special funds derived from federal funds, the sum of \$900,000"

Page 7, line 9, replace "sum" with "sums"

Page 7, line 15, after "funds" insert "derived from other income"

Page 7, line 19, after "treasury" insert "up to the following amounts is hereby appropriated and may be spent subject to board of higher education approval:

INSTITUTION	AMOUNT
North Dakota university system office	\$ 80,052
Bismarck state college	202,800
University of North Dakota - Lake Region	42,744
University of North Dakota - Williston	66,857
University of North Dakota	1,425,667
North Dakota state university	1,236,749
North Dakota state college of science	241,733
Dickinson state university	156,371
Mayville state university	78,369
Minot state university	429,663
Valley City state university	109,149
North Dakota state university - Bottineau	42,186
North Dakota state forest service	24,316
University of North Dakota medical school	<u>1,486,482</u>
Total	\$5,623,138

Any additional excess estimated income"

Page 8, line 10, replace "Funds" with "Up to \$1,350,000 of funds"

Page 8, line 24, remove "to a nonprofit corporation of similar entity"

Page 8, after line 28, insert:

"SECTION 10. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not

otherwise appropriated, to the various institutions of higher education under the supervision of the board of higher education for the purpose of enhancing instructional programs for students, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

INSTITUTION	AMOUNT
Bismarck state college	\$ 162,520
University of North Dakota - Lake Region	33,955
University of North Dakota - Williston	55,780
University of North Dakota	1,123,460
North Dakota state university	1,113,385
North Dakota state college of science	183,100
Dickinson state university	125,740
Mayville state university	60,940
Minot state university	350,035
Valley City state university	84,455
North Dakota state university - Bottineau	33,335
University of North Dakota medical school	95,810
Total general fund appropriation	\$3,422,515

The board of higher education shall notify the office of management and budget of the object code line item allocations of such general fund appropriations.

SECTION 11. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating, tax-exempt bonds in an amount not exceeding \$2,000,000, for the purpose of constructing an addition to and remodeling of the student union at Dickinson state university for the biennium beginning July 1, 1995, and ending June 30, 1997. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota.

SECTION 12. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 12, or so much of the sum as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the purpose of constructing an addition to and remodeling of the student union at Dickinson state university and providing equipment for the facility for the biennium beginning July 1, 1995, and ending June 30, 1997. Any unexpended balance from the sale of bonds must be placed in sinking funds for the retirement of the authorized bonds.

SECTION 13. LEGISLATIVE INTENT - HASTINGS HALL PURCHASE. It is the intent of the legislative assembly that North Dakota state university enter into an agreement to purchase the Hastings hall facility from the state seed department for \$350,000 for the biennium beginning July 1, 1995, and ending June 30, 1997. The source of funds used to purchase the facility is to be determined by North Dakota state university.

SECTION 14. VALLEY CITY STATE UNIVERSITY - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to Valley City state university, for the purpose of defraying its expenses resulting from lower than estimated 1993-95 revenue collections, for the period beginning with the effective date of this Act and ending June 30, 1997.

SECTION 15. AMENDMENT. Section 15-10-12 of the North Dakota Century Code is amended and reenacted as follows:

15-10-12. Board may accept gifts and bequests - State treasurer to have custody of school funds. The state board of higher education may, subject to the limitations of section 15-10-12.1, receive

donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests must be used for the specific purpose for which they are donated or given. A special revenue fund, for each institution of higher education under the control of the board or subject to its administration, must be maintained within the state treasury and all institutional income and ~~institutional collections of public funds of each institution, except institutional funds received as donations, gifts, grants, and bequests, from tuition collections~~ must be placed in the special fund for the use of the institution for which the money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the Constitution of North Dakota must be deposited in the special revenue fund of each institution and expended in accordance with section 1 of article IX of the Constitution of North Dakota. Moneys in the special revenue fund are subject to legislative appropriations. All other funds, unless restricted by the terms of a grant, donation, or bequest, received by the institutions from federal, state, and local grants and contracts, indirect cost recoveries, special student fees, room and board fees and other auxiliary enterprise fees, student activity fees, continuing education program fees, internal service fund revenues, and all other revenues shall be deposited in the Bank of North Dakota. Biennial estimates of revenue and expenditures of the other funds by source of funds shall be presented at the same time biennial budget requests for appropriations from the special revenue fund and state general fund are prepared and submitted to the office of the budget pursuant to section 15-10-15. Payments from each institution's general fund appropriation must be made in amounts as may be necessary for the operation and maintenance of each institution, except that at the close of the biennium the balance of funds not paid from the general fund appropriation must be deposited in the special revenue funds of the institutions. All such appropriations are subject to proration in the same manner as other appropriations are prorated if insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds must be deposited pursuant to section 15-55-06.

SECTION 16. EMERGENCY. Section 14 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment makes the following changes:

GENERAL FUND CHANGES

	HOUSE VERSION	ADD CAPITAL IMPROVEMENTS	RESTORE VACANT POSITIONS ²	INSTRUCTIONAL ENHANCEMENTS ³	OTHER CHANGES	TOTAL CHANGES	SENATE VERSION
System Office	\$ 10,180,461						\$ 10,180,461
Bismarck State College	11,274,522			\$ 162,520		\$ 162,520	11,437,042
UND-Lake Region	3,843,958			33,955		33,955	3,877,913
UND-Williston	3,871,612			55,780		55,780	3,927,392
University of North Dakota	78,371,933		\$321,828	1,123,460		1,445,288	79,817,221
North Dakota State University	61,847,300		294,970	1,113,385		1,408,355	63,255,655
State College of Science	19,953,849			183,100		183,100	20,136,949
Dickinson State University	10,788,145			125,740		125,740	10,913,885
Mayville State University	6,888,770			60,940		60,940	6,948,710
Hiram State University	19,914,362			350,035		350,035	20,264,397
Valley City State University	9,395,252	\$50,000 ¹		84,455	\$150,000 ⁴	284,455	9,679,707
NDSU-Bottineau	3,235,035			33,335		33,335	3,268,370
Forest Service	1,332,108		31,316			31,316	1,363,424
UND Medical School	25,769,427		51,886	95,810		147,696	25,917,123
UND Rehabilitation Hospital							
Total general fund - HR1003	\$266,663,743	\$50,000	\$700,000	\$3,422,515	\$150,000	\$4,322,515	\$270,986,258

¹ Provides funding which was included in Senate Bill No. 2030 for the following projects:

University of North Dakota:

Building connection	\$ 750,000 other funds
Medical School animal quarters	750,000 federal funds
Apartment storage facility	420,000 other funds
Auxiliary storage facility	250,000 other funds
Plant services storage and recycling facility	375,000 other funds
Total	\$2,545,000 other and federal funds

North Dakota State University - President residence - \$200,000 other funds

Valley City State University - Additional funding for McFarland Hall project - \$50,000 general fund (The executive budget provided \$514,000 of bond proceeds and other funds for the project. The House provided \$250,000 from the general fund for the project.)

² Restores vacant positions removed by the House as follows:

University of North Dakota	Restores four of the 13.44 FTE positions removed
North Dakota State University	Restores three of the 11.3 FTE positions removed
Forest Service	Restores the one FTE position removed
UND Medical School	Restores one of the two FTE positions removed

³ Provides additional funding from the general fund for enhancing instructional programs for students.

⁴ Provides \$900,000 of federal funds relating to the Bute Gym remodeling project at North Dakota State College of Science.

⁵ Authorizes the Board of Higher Education to issue revenue bonds in the amount of \$2 million to remodel, construct an addition to, and equip the student union at Dickinson State University.

GENERAL FUND CHANGES

⁶ Provides additional operating funds for Valley City State University for the remainder of the 1993-95 biennium as a result of lower than estimated revenue collections during the 1993-95 biennium.

Section 3 of the bill is amended to authorize each higher education institution to spend excess estimated income of up to three percent of its estimated income line item subject to Board of Higher Education approval. Any additional excess estimated income may be spent only upon Emergency Commission approval. Previously, this section provided that all excess income may be spent upon Emergency Commission approval.

A section is added amending North Dakota Century Code Section 15-10-12 clarifying the definition of institutional income as it relates to higher education and providing that the Board of Higher Education submit to the Office of Management and Budget at the time the budget is submitted biennial estimates of all other fund revenues and expenditures, by source.

A section of legislative intent is added providing that North Dakota State University enter into an agreement to purchase Hastings Hall from the Seed Department for \$350,000 from funding sources to be determined by North Dakota State University.

Section 9 of the bill is amended to remove provisions that the Forest Service provide centennial trees grants to a nonprofit corporation or similar entity. The amendment provides no restrictions on grant recipients.

REQUEST

SEN. C. NELSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1003, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1003, the roll was called and there were 19 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Naaden; Nelson, C.; O'Connell; Redlin; Scherber; Stenehjem, B.; Stenehjem, W.; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Malewaja; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzen; Watne

ABSENT AND NOT VOTING: Tomac

The proposed amendments to Engrossed HB 1003 failed.

REQUEST

SEN. NETHING REQUESTED that the following remarks be printed in the Journal, which request was granted.

REMARKS OF SENATOR NETHING

Madam President and ladies and gentlemen of the Senate, let me conclude this presentation by advising you, the university system is in excellent hands. We have a chancellor who knows the legislative and the executive branches of our state government. He is a man of great integrity and has been tremendously helpful in all of our efforts throughout this hearing process and in presenting this bill to you.

REQUEST

SEN. C. NELSON REQUESTED that the following remarks be printed in the Journal, which request was granted.

REMARKS OF SENATOR C. NELSON

Ladies and gentlemen of the Senate, I have been affiliated with the university system since 1953. Some of you were not even born then, but at that particular point in time I was a university brat. I guess they called me that because my father was on the staff at the university. I have watched the system grow. I attended the university, I married a faculty member, I became faculty, and I think I know relatively well what happens on the campus. Two of my children have attended this school. In the early days we were very proud of the fact that we had very low tuition. Basically we had financial aid for everyone. But as we watched over the years that tuition increased. If we extend the line of what's happening with the burden on the students compared to the burden on the state and project it out a few years, it looks like that soon after we hit the year 2000 the burden is going to be more on the students than it is on the state. I have grave concerns about this bill. I have not yet decided how I am going to vote on it, but I certainly am opposed to more burden on the students, be it with the fees, or with the tuition, and I hope you will give consideration when you vote.

REQUEST

SEN. MALEWAJA REQUESTED that the following remarks be printed in the Journal, which request was granted.

REMARKS OF SENATOR MALEWAJA

Madam President and members of the Senate: The Senate Appropriations Committee has worked hard to put together a budget for higher education to meet the needs of our students.

The chancellor has stated that considering tuition only, North Dakota's colleges and universities are average with other comparable universities and colleges of similar size. If board and room were included, along with tuition, the chancellor said we were low in costs to students.

Another factor that we must keep in mind that has not been brought up in this debate is the factor that our state colleges and universities provide for over \$600,000 in free tuition for cultural diversity. The majority of the free tuition is directed to encourage enrollment of our Native American students. This is tremendous generosity from higher education.

Students tell me that they appreciate having access to a number of higher education institutions and can accept tuition and fee increases if they can be justified by the State Board of Higher Education. HB 1003 is NOT legislating tuition increases, but gives the State Board of Higher Education the authority to consider tuition increases. They can use this authority to consult with students and come to a decision on this issue.

HB 1003 presents a good budget for the system of higher education and I hope we support the bill.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Heitkamp; Krauter; LaFountain; Nelson, C.

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1003, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REQUEST

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

REMARKS OF SENATOR WOGSLAND

Madam President, I voted in favor of HB 1003 because of the necessity to fund the higher education system in the state of North Dakota, but I am very much against the tuition increase contained in this bill, whether real or implied.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2085, SB 2403, SB 2428, and SB 2466 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2085: Sens. Mutch; Sand; Krauter

SB 2403: Sens. Mutch; Sand; Langley

SB 2428: Sens. Wanzek; Andrist; Tomac
SB 2466: Sens. Krebsbach; Andrist; Krauter

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 1154: Sens. Grindberg; Wanzek; O'Connell
HB 1289: Sens. Krebsbach; Mutch; Langley
HB 1488: Sens. Wanzek; Grindberg; Heinrich

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

MADAM PRESIDENT: The House has reconsidered its action whereby it did not concur in the Senate amendments to HB 1032, HB 1151, HB 1436, and HB 1493, as printed on pages 1141-1142, 1221, 1018-1019, and 1392-1393 of the House Journal. The House has now concurred in the Senate amendments, dissolved the conference committees, and subsequently passed the same.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1015, HB 1017, HB 1432.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2006.

HOUSE AMENDMENTS TO SENATE BILL NO. 2006

Page 1, line 13, replace "10,783,330" with "10,885,330"

Page 1, line 19, replace "14,695,620" with "14,797,620"

Page 1, line 20, replace "250,000" with "352,000"

Page 2, after line 6, insert:

"SECTION 3. LEGISLATIVE INTENT - REVENUE COLLECTIONS. It is the intent of the legislative assembly that the general fund revenue collections for the biennium beginning July 1, 1995, and ending June 30, 1997, will not be affected by the funding level approved by the legislative assembly for the tax department for the 1995-97 biennium.

SECTION 4. LEGISLATIVE INTENT - FTE POSITIONS. It is the intent of the legislative assembly that the tax commissioner determine any employee position reductions or pay equity increase rescissions relating to tax department employees for the biennium beginning July 1, 1995, and ending June 30, 1997, which may be necessary as a result of salary increases provided to tax department employees during the 1993-95 biennium. Although the tax commissioner has the authority to establish salary levels for tax department employees, the legislative assembly expresses concern that compression and salary increase inequity among all state employees may result from salary increases being provided that have not been authorized by the legislative assembly."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 127 - TAX COMMISSIONER

HOUSE - The salaries and wages line item is increased by \$102,000 of federal funds for one FTE compliance position.

A section of legislative intent is added providing that the 1995-97 general fund revenue collections will not be affected by the 1995-97 funding level provided to the Tax Department.

A section of legislative intent is added relating to Tax Department employee and salary increase decisions.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1013 and HB 1021 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1013: Reps. Bernstein; Kunkel; Laughlin
HB 1021: Reps. Dalrymple; Clayburgh; Kroeber

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1284 and HB 1439 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1284: Reps. Wardner; Thoreson; Christenson
HB 1439: Reps. Kelsch; Kretschmar; Mahoney

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1376, HCR 3003, HCR 3023.

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

MR. SPEAKER: The President has signed: HB 1011, HB 1090, HB 1305, HB 1322.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1027, HB 1064, HB 1094, HB 1165.

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 2017: Reps. Martinson; Bernstein; Kroeber
SB 2029: Reps. Clayburgh; Tollefson; Kroeber
SB 2475: Reps. Bateman; DeWitz; Wilkie

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2004, SB 2020, SB 2021, SB 2028, SB 2090, SB 2104, SB 2134, SB 2155, SB 2176, SB 2212, SB 2270, SB 2306, SB 2309, SB 2342, SB 2343, SB 2351, SB 2352, SB 2353, SB 2383, SB 2388, SB 2399, SB 2402.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4069.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2010, SB 2011, SB 2022, SB 2023, SB 2025.

CONSIDERATION OF AMENDMENTS

HB 1152, as engrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 1267-1269 be replaced with the following amendments, that the following amendments be adopted, and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

In lieu of the amendments printed on pages 1267-1269 of the Senate Journal, Engrossed House Bill No. 1152 is amended as follows:

Page 1, line 1, remove "subsections 1, 2, 3, 5, and 6 of"

Page 1, line 3, after the second "offenders" insert "and community notification; and to provide a penalty"

Page 1, line 5, replace "Subsections 1, 2, 3, 5, and 6 of section" with "Section"

Page 1, line 6, replace "are" with "is"

Page 1, after line 7, insert:

**"12.1-32-15. Offenders against children and sexual offenders -
Registration requirement - Penalty."**

Page 3, after line 14, insert:

- "4. A person who is required to register pursuant to this section who is released on probation or discharged upon payment of a fine must, before the release or discharge, be informed of that person's duty to register under this section by the court in which that person is convicted. The court shall require the person to read and sign a form as required by the attorney general, stating that the duty of the person to register under this section has been explained to that person. The court shall obtain the address where the person expects to reside upon release or discharge and shall report the address to the attorney general within three days. The court shall give one copy of the form to the person and shall send two copies to the attorney general. The attorney general shall forward one copy to the appropriate law enforcement agency having jurisdiction where the person expects to reside upon discharge, parole, or release."

Page 4, after line 12, insert:

- "7. A person required to register under this section who violates this section is guilty of a class A misdemeanor. A court may not relieve a person who willfully violates this section from serving a term of at least ninety days in jail and completing probation of one year. A person who violates this section who previously has pled guilty or been found guilty of violating this section is guilty of a class C felony.
8. When a person is released on parole or probation and is required to register pursuant to this section, but fails to do so within the time prescribed, the court shall order the probation, or the parole board shall order the parole, of the person revoked. The statements, photographs, and fingerprints required by this section are open to inspection by the public.
9. If a person required to register pursuant to this section is temporarily sent outside the facility or institution where that person is confined under conviction or sentence, the local law enforcement agency having jurisdiction over the place where that person is being sent must be notified within a reasonable time period before that person is released from the facility or institution. This subsection does not apply to any person temporarily released under guard from the facility or institution in which that person is confined.
10. Relevant and necessary registration information may be disclosed to the public by a law enforcement agency if the agency determines that the individual registered under this

section is a public risk and disclosure of the registration information is necessary for public protection. The department, in a timely manner, shall provide law enforcement agencies any information the department determines is relevant concerning individuals required to be registered under this section who are about to be released or placed into the community. A law enforcement agency, its officials, and its employees are not subject to civil or criminal liability for disclosing or for failing to disclose information as permitted by this section. Nonregistration information concerning an offender required to register under this section consisting of the name of the offender, the last known address of the offender, the offense or offenses as defined in subsection 1 to which the offender pled guilty or of which the offender was found guilty, the date of the judgment or order imposing a sentence or probation and the court entering the judgment or order, the sentence or probation imposed upon the offender, and any disposition, if known, of a sentence or probation may be disclosed to the public. The attorney general shall compile nonregistration information concerning offenders required to register under this section from criminal history record information maintained pursuant to chapter 12-60 or from an agency or department of another state or the federal government and shall provide the information upon request at no cost."

Renumber accordingly

SECOND READING OF HOUSE BILL

HB 1152: A BILL for an Act to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to registration requirements for offenders against children and sexual offenders and community notification; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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.; Nothing; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzenk; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1152, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1178, as engrossed: SEN. O'CONNELL (Education Committee) MOVED that the amendments on SJ page 1113 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1178: A BILL for an Act relating to the implementation of weapons policies and the expulsion of a student for possessing a firearm on school property; and to amend and reenact subsection 13 of section 15-29-08 of the North Dakota Century Code, relating to the suspension or expulsion of a student from school.

MOTION

SEN. O'CONNELL MOVED that Engrossed HB 1178 be amended as follows, which motion prevailed.

In lieu of the amendments as printed on page 1113 of the Senate Journal, Engrossed House Bill No. 1178 is amended as follows:

Page 1, line 1, after "to" insert "the implementation of weapons policies and"

Page 1, line 12, after the first period insert "Weapons policies -"

Page 1, line 13, after "rescution" insert "implement a policy governing the possession of weapons on school property and at school functions and provide for the punishment of any student found to be in violation."

2. The weapons policy must

Page 1, line 16, replace "may" with "must", after "include" insert "immediate", replace "or" with "and", and replace "a" with "at least one year"

Page 1, line 17, remove "period up to twelve months" and after the underscored period insert "The policy must authorize the school district superintendent or the school principal if the school district does not have a superintendent to modify an expulsion under this section on a case-by-case basis in accordance with criteria established by the board."

Page 1, line 19, remove "full"

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

Page 2, line 5, replace "911-230" with "91-230"

Page 2, line 6, replace "3" with "4"

Page 2, line 18, replace "1" with "2"

Page 2, line 19, replace "1" with "2"

Renumber accordingly

HB 1178: A BILL for an Act relating to the implementation of weapons policies and the expulsion of a student for possessing a firearm on school property; and to amend and reenact subsection 13 of section 15-29-08 of the North Dakota Century Code, relating to the suspension or expulsion of a student from school.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 1 NAY, 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; Sanc; Scherber; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Schobinger

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1178, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3012: A concurrent resolution for the amendment of sections 12 and 13 of article V of the Constitution of North Dakota, relating to the removal of the requirement that the superintendent of public instruction be chosen by the qualified electors of the state; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 13 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Christmann; Goetz; Grindberg; Lee; Naaden; Nelson, G.; Nething; Sand; Solberg; Stenehjerm, B.; Stenehjerm, W.; Urlacher; Wanzek

NAYS: Andrist; Bowman; DeMers; Freborg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Schobinger; St. Aubyn; Streibel; Tallackson; Tennefos; Thane; Traynor; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed HCR 3012 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3013: A concurrent resolution urging Congress to repeal those sections of a recently passed federal mandate requiring a percentage of federal highway funds be transferred from states that do not enact statutes requiring the use of helmets by motorcyclists.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3013 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3016: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing a community notification process by which communities would be informed of the release of a convicted sexual offender and of persons charged with or convicted of sexual offenses.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3016 was declared adopted on a voice vote, and the title was agreed to.

MOTION

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

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

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Freborg, Chairman) has cast a unanimous ballot to recommend the introduction of a concurrent resolution authorizing the retention of sufficient employees of the House and Senate to complete legislative work after the close of the session.

The resolution will be SCR 4068.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Naaden introduced:

(Approved by the Delayed Bills Committee)

SCR 4068: A concurrent resolution authorizing the retention of sufficient employees of the House and Senate to complete legislative work after the close of the session.

Was read the first time.

MOTION

SEN. NAADEN MOVED that the rules be suspended, that SCR 4068 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sen. Naaden introduced:

(Approved by the Delayed Bills Committee)

SENATE CONCURRENT RESOLUTION NO. 4068

A concurrent resolution authorizing the retention of sufficient employees of the House and Senate to complete legislative work after the close of the session.

WHEREAS, it is necessary to complete and close work of the regular session of the Fifty-fourth Legislative Assembly; and

WHEREAS, sufficient legislative employees should be retained to complete and close this work;

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

That the Secretary of the Senate and the Chief Clerk of the House each retain sufficient employees to complete the work of the Fifty-fourth Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate and the Chief Clerk of the House determine which employees are necessary after consulting with the majority and minority leaders in their respective houses, coordinate and assign work in their respective houses, and supervise the work to maximize the efficiency of postsession work; and

BE IT FURTHER RESOLVED, that the total employment authorized by this resolution, including the postsession work of the Secretary of the Senate and the Chief Clerk of the House, may not exceed 200 days in the aggregate; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate and the Chief Clerk of the House shall minimize the number of days required to complete legislative business; and

BE IT FURTHER RESOLVED, that employees retained after the session be paid the regular rates of pay for work under this resolution as specified in House Concurrent Resolution No. 3015, and that these employees be paid from funds appropriated for the Legislative Assembly, provided that each employee must be paid on a prorated basis if the total number of days exceeds the aggregate limit.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4068: A concurrent resolution authorizing the retention of sufficient employees of the House and Senate to complete legislative work after the close of the session.

ROLL CALL

The question being on the final adoption of the resolution, 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, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

SCR 4068 was declared adopted and the title was agreed to.

MOTION

SEN. NAADEN MOVED that the vote by which SCR 4068 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. NAADEN MOVED that SCR 4068 be messaged to the House immediately, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

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

REMARKS OF SENATOR CHRISTMANN

North Dakota will soon be losing the services of a longtime distinguished public servant when our state veterinarian, Dr. Robert Velure, retires.

Dr. Velure was raised on a diversified livestock farm near Hastings, North Dakota, and graduated from N.D.A.C. in 1954. In 1963 he returned to school to pursue his dream of becoming a veterinarian. After graduation in 1968 he co-owned and operated the West River Veterinarian Clinic at Hettinger.

Dr. Velure became North Dakota's assistant state veterinarian in 1984 and was appointed to his current position as North Dakota State Veterinarian in 1988.

Over the years he has been honored as Honorary Grand Marshall of the State Fair in 1990. He was awarded the Honorary State Farmer Degree at the State FFA convention in 1992, the Distinguished Sheep Service Award from the North Dakota Lamb and Wool Growers in 1993, and this past February he was named the Agriculturalist of the Year at the 69th Little International at Fargo.

During his tenure with the state, Dr. Velure has worked hard in livestock disease control. His efforts and belief in North Dakota agriculture have helped us develop one of the best health records in the nation.

Dr. Velure will be greatly missed and we wish him all the best upon his retirement.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3025: A concurrent resolution to acknowledge the one hundredth anniversary of the founding of the chiropractic profession and the

significant contribution that chiropractic has made to the health and welfare of Americans.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3025 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3030: A concurrent resolution to create and enact a new section to article XIII of the Constitution of North Dakota, relating to the compact with the United States; and for the amendment of sections 1 and 2 of article XIII of the Constitution of North Dakota, relating to jurisdiction over certain military reservations.

ROLL CALL

The question being on the final adoption of the resolution, 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; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed HCR 3030 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3033: A concurrent resolution directing the Legislative Council to study the role and mission of the Milk Stabilization Board, including the effectiveness and necessity of regulating the production, transportation, processing, storage, distribution, and sale of milk and milk products.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3033 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3039: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing four major regional air transportation terminals in the state and of developing a system of intrastate commuter air and ground transportation to serve those regional facilities.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3039 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3040: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of merging the State Gaming Commission and the State Racing Commission into a single commission.

The question being on the final adoption of the bill, which has been read, and has committee recommendation of DO PASS.

HCR 3040 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3041: A concurrent resolution directing the Legislative Council to study the state's wetlands laws and related issues.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3041 was declared lost on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2202 as printed on SJ pages 1306-1307, which motion prevailed on a voice vote.

Engrossed SB 2202, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation permanent impairment; to repeal sections 65-05-12, 65-05-12.1, 65-05-13 and 65-05-14 of the North Dakota Century Code, relating to permanent impairment disputes and scheduled injuries; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; LaFountain; Mathern; Mushik; Nelson, C.; O'Connell; Scherber; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed SB 2202, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2239 as printed on SJ pages 1216-1217, which motion prevailed on a voice vote.

Engrossed SB 2239, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to amend and reenact section 43-12.1-04 of the North Dakota Century Code, relating to persons exempt from the provisions of the Nurse Practices Act.

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, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed SB 2239, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to Engrossed SB 2359 as printed on SJ pages 1309-1311, which motion prevailed on a voice vote.

Engrossed SB 2359, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

SB 2359: A BILL for an Act to create a one-call excavation notice system; to repeal sections 11-18-16, 11-18-17, 11-18-18, 11-18-19, and 11-18-20 of the North Dakota Century Code, relating to buried transmission facilities; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Krauter; O'Connell; Stenehjem, B.; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Tomac

Engrossed SB 2359, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do concur in the House amendments to Reengrossed SB 2192 as printed on SJ pages 1307-1309, which motion prevailed on a voice vote.

Reengrossed SB 2192, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

SB 2192: A BILL for an Act to amend and reenact sections 32-03.1-06, 43-12.1-01, 43-12.1-02, 43-12.1-03, 43-12.1-04, 43-12.1-05, 43-12.1-06, 43-12.1-08, 43-12.1-09, 43-12.1-10, 43-12.1-11, 43-12.1-12, 43-12.1-13, 43-12.1-14, 43-12.1-15, and 43-17-02 of the North Dakota Century Code, relating to the practice of nursing; to repeal sections 43-12-26.1, 43-12-27, 43-12.1-08.1, 43-12.1-13.1, 43-12.1-13.2, and 43-12.1-14.1 of the North Dakota Century Code, relating to definitions applicable to and duties of the board of nursing, the practice of nursing, and the disciplining of persons assisting nurses; to provide for a joint rulemaking committee; and to provide an expiration date.

ROLL CALL

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

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

NAYS: Andrist; Kinnoin; O'Connell

ABSENT AND NOT VOTING: Tomac

Reengrossed SB 2192, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the conference committees on HB 1032, HB 1151, HB 1436, and HB 1493 be dissolved due to action taken in the House, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2027, SB 2030, SB 2075, SB 2179, SB 2358, SB 2404, SB 2405, SB 2406, SB 2438, SB 2452, SB 2477, SB 2482, SB 2491, SB 2500, SB 2508.

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

MR. SPEAKER: The Senate has failed to pass: HB 1363, HCR 3011.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1194, HB 1228, HB 1473, HB 1478, HB 1489, HB 1492, HB 1500, HB 1502.

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

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

SB 2081: Reps. Wardner; Timm; Sitz

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 2085: Reps. Keiser; Berg; Coats
 SB 2403: Reps. Skarphol; Soukup; Coats
 SB 2466: Reps. Carlson; Soukup; Schmidt

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1002 and HB 1005 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1002: Reps. Clayburgh; Tollefson; Kroeber
 HB 1005: Reps. Wald; Payne; Kaldor

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1129.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2313.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2313

In lieu of the amendments to Reengrossed Senate Bill No. 2313 as printed on pages 1264 and 1265 of the House Journal, Reengrossed Senate Bill No. 2313 is amended as follows:

Page 1, line 1, replace "section" with "sections" and after "1" insert "and 3"

Page 1, line 3, remove the semicolon and remove "repeal section 3 of chapter 411"

Page 1, line 4, remove "of the 1993 Session Laws, relating to"

Page 1, line 5, after "system" insert "; and to provide an appropriation"

Page 1, line 16, remove the overstrike over "~~deposited into~~", after "general" insert "a special", remove the overstrike over "~~fund~~", and replace "~~allocated~~" with "in the state treasury for allocation, after appropriation by the legislative assembly,"

Page 1, line 17, replace "of centralized automation through training, software" with "and maintenance of the central filing system by the secretary of state,"

Page 1, line 18, remove "development, and equipment purchases"

Page 1, line 19, replace "REPEAL" with "AMENDMENT"

Page 1, line 20, replace "repealed." with "amended and reenacted as follows:

SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through ~~June 30, 1995~~ December 31, 1996, and after that date is ineffective.

SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the special fund in the state treasury, established in section 1 of this Act and not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the secretary of state for the purpose of carrying out section 1 of this Act, for the biennium beginning July 1, 1995, and ending December 31, 1996."

Re-number accordingly

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1353.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1362, HCR 3009.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4063.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4068.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1082, HB 1100.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1163, HB 1207, HB 1298, HB 1300.

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your **Delayed Bills Committee (Sen. Freborg, Chairman)** has cast a unanimous ballot to recommend the introduction of a concurrent resolution commending Chester E. Nelson, Jr., on 30 years of service to the Legislative Council.

The resolution will be SCR 4070.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Andrist, Bowman, Christmann, DeMers, Freborg, Goetz, Grindberg, Heinrich, Heitkamp, Holmberg, Kelsh, Kinnoin, Krauter, Krebsbach, Kringstad, Langley, LaFountain, Lee, Lindaas, Lips, Mathern, Mushik, Mutch, Naaden, Nalewaja, C. Nelson, G. Nelson, Nething, O'Connell, Redlin, Robinson, Sand, Scherber, Schobinger, Solberg, St. Aubyn, B. Stenehjem, W. Stenehjem, Streibel, Tallackson, Tennefos, Thane, Tomac, Traynor, Urlacher, Wanzek, Watne, Wogsland, Yockim and Reps. Aarsvold, Austin, Bateman, Belter, Berg, Bernstein, Boehm, Boucher, Brown, Byerly, Carlisle, Carlson, Christenson, Christopherson, Clark, Clayburgh, Coats, Dalrymple, Delmore, Delzer, DeKrey, DeWitz, Dobrinski, Dorso, Drovdal, Freier, Froseth, Galvin, Gertholz, Glasshiem, Gorder, Gorman, Grosz, Grumbo, Gulleson, Gunter, Hagle, Hanson, Hausauer, D. Henegar, K. Henegar, Holm, Howard, Huether, Jacobs, Johnson, Kaldor, Keiser, Kelsch, Kempenich, Kerzman, Klein, Kliniske, Koppelman, Kretschmar, Kroeber, Kunkel, Laughlin, Lloyd, Mahoney, Maragos, Martin, Martinson, Mickelson, Monson, Mutzenberger, Nicholas, Nichols, Nottestad, Oban, Olson, Payne, Poolman, Price, Rennerfeldt, Retzer, Rydell, Sabby, Sandvig, Schimke, Schmidt, Shide, Sitz, Skarphol, Soukup, Stenehjem, Svedjan, Sveen, Thompson, Thoreson, Timm, Tollefson, Torgerson, Wald, Walker, Wardner, Wentz, Wilkie introduced:

(Approved by the Delayed Bills Committee)

SCR 4070: A concurrent resolution commending Chester E. Nelson, Jr., on 30 years of service to the Legislative Council.

Was read the first time.

MOTION

SEN. G. NELSON MOVED that the rules be suspended, that SCR 4070 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Andrist, Bowman, Christmann, DeMers, Freborg, Goetz, Grindberg, Heinrich, Heitkamp, Holmberg, Kelsh, Kinnoin, Krauter, Krebsbach, Kringstad, Langley, LaFountain, Lee, Lindaas, Lips, Mathern, Mushik, Mutch, Naaden, Malewaja, C. Nelson, G. Nelson, Nething, O'Connell, Redlin, Robinson, Sand, Scherber, Schobinger, Solberg, St. Aubyn, B. Stenehjem, W. Stenehjem, Streibel, Tallackson, Tennefos, Thane, Tomac, Traynor, Urlacher, Wanzek, Watne, Wogsland, Yockim and Reprs. Aarsvold, Austin, Bateman, Belter, Berg, Bernstein, Boehm, Boucher, Brown, Byerly, Carlisle, Carlson, Christenson, Christopherson, Clark, Clayburgh, Coats, Dalrymple, Delmore, Delzer, DeKrey, DeWitz, Dobrinski, Dorso, Drovodal, Freier, Froseth, Galvin, Gertholz, Glasheim, Gorder, Gorman, Grosz, Grumbo, Gulleson, Gunter, Hagle, Hanson, Hausauer, D. Henegar, K. Henegar, Holm, Howard, Huether, Jacobs, Johnson, Kaldor, Keiser, Kelsch, Kempenich, Kerzman, Klein, Kliniske, Koppelman, Kretschmar, Kroeber, Kunkel, Laughlin, Lloyd, Mahoney, Maragos, Martin, Martinson, Mickelson, Monson, Mutzenberger, Nicholas, Nichols, Nottestad, Oban, Olson, Payne, Poolman, Price, Rennerfeldt, Retzer, Rydell, Sabby, Sandvig, Schimke, Schmidt, Shide, Sitz, Skarphol, Soukup, Stenehjem, Svedjan, Sveen, Thompson, Thoreson, Timm, Tollefson, Torgerson, Wald, Walker, Wardner, Wentz, Wilkie introduced:

(Approved by the Delayed Bills Committee)

SENATE CONCURRENT RESOLUTION NO. 4070

A concurrent resolution commending Chester E. Nelson, Jr., on 30 years of service to the Legislative Council.

WHEREAS, the Legislative Assembly created the position of Legislative Budget Analyst and Auditor in 1965 and Chester E. Nelson, Jr., was appointed to fill that position; and

WHEREAS, Chet Nelson is the only individual who has ever held the position of Legislative Budget Analyst and Auditor; and

WHEREAS, Chet Nelson has received national recognition as president of the National Association of Legislative Fiscal Officers and as a member of the Executive Committee of the National Conference of State Legislatures; and

WHEREAS, Chet Nelson has served his profession and community well, having served as president of the North Dakota State Board of Accountancy and as president of the Bismarck United Way; and

WHEREAS, members of the Legislative Assembly are indebted to Chet Nelson for his 30 years of dedication and professionalism;

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

That the Fifty-fourth Legislative Assembly commends Chester E. Nelson, Jr., upon the achievement of 30 years of dedicated service as Legislative Budget Analyst and Auditor for the Legislative Council; and

BE IT FURTHER RESOLVED, that the Secretary of State present an enrolled copy of this resolution to Chester E. Nelson, Jr.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4070: A concurrent resolution commending Chester E. Nelson, Jr., on 30 years of service to the Legislative Council.

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

SCR 4070 was declared adopted on a voice vote, and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that the vote by which SCR 4070 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that SCR 4070 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4070.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Allan Richards.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2014 as printed on SJ page 1355, which motion prevailed on a voice vote.

Engrossed SB 2014, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

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

Engrossed SB 2014, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 5:30 p.m., which motion prevailed.

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2026 as printed on SJ pages 1327-1329, which motion prevailed on a voice vote.

Engrossed SB 2026, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2026: A BILL for an Act to provide an appropriation for defraying the expenses of the agricultural products utilization commission and for ethanol production incentives; and to amend and reenact section

4-14.1-06 of the North Dakota Century Code, relating to administrative expenses of the agricultural products utilization commission.

ROLL CALL

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

YEAS: 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: Andrist; Lee

Engrossed SB 2026, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Reengrossed SB 2506 as printed on SJ pages 1355-1357, which motion prevailed on a voice vote.

Reengrossed SB 2506, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2506: A BILL for an Act to amend and reenact section 25-01.3-02 and subsection 13 of section 25-01.3-06 of the North Dakota Century Code, relating to the members of the committee on protection and advocacy and the authority of the project; to provide for a report to the budget section of the Legislative Council; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Lee

Feengrossed SB 2506, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on Engrossed SB 2101 as printed on SJ page 1319 be adopted, which motion prevailed, on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. BOWMAN MOVED that the conference committee report on SB 2152 as printed on SJ page 1319 be adopted, which motion prevailed, on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on Engrossed SB 2453 as printed on SJ pages 1320-1321 be adopted, which motion prevailed, on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. KRINGSTAD MOVED that the conference committee report on Engrossed SB 2072 as printed on SJ page 1318 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2072, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact subsections 3, 5, 7, and 8 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and landowner preference hunting licenses.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lirdaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; 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

NAYS: Christmann

ABSENT AND NOT VOTING: Lee

Engrossed SB 2072, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the conference committee report on Engrossed SB 2143 as printed on SJ page 1319 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2143, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2143: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to nonresident youth hunting licenses; and to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses.

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; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; 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 SB 2143, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on SB 2204 as printed on SJ page 1320 be adopted, which motion prevailed, on a voice vote.

SB 2204, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to definitions and revenues and funds available to pay water development revenue bonds; to amend and reenact sections 61-02-46, 61-02-48, 61-02-51, 61-02-52, 61-02-53, 61-02-54, 61-02-55, 61-02-56, 61-02-57, 61-02-58, 61-02-61, 61-02-62, 61-02-63, 61-02-64, 61-02-64.1, and 61-24.6-01 of the North Dakota Century Code, relating to water development revenue bonds; and to repeal sections 61-02-66, 61-02-67, and 61-02-68 of the North Dakota Century Code, relating to bond funds and payments.

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; Lindaas; Lips; Mathern; Mushik; Mutch; Maaden; 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

SB 2204, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on Reengrossed SB 2463 as printed on SJ page 1321 be adopted, which motion prevailed, on a voice vote.

Reengrossed SB 2463, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2463: A BILL for an Act to provide a directive concerning the impending flood disaster in the Devils Lake basin and a statement of the legislative assembly concerning water development in North Dakota; to provide an appropriation; to provide an expiration date; 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 47 YEAS, 1 NAY, 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

NAYS: Yockim

ABSENT AND NOT VOTING: Lee

Reengrossed SB 2463, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the conference committee report on Engrossed SB 2037 as printed on SJ page 1358 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2037, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to create and enact four new sections to chapter 50-01 and a new chapter to title 50 of the North Dakota Century Code, relating to residency for county general assistance purposes and county social service boards; to amend and reenact sections 14-08.1-04, 14-09-10, 23-06-03, 30-16-04, 50-01-01, 50-01-01.1, 50-01-02, 50-01-03, 50-01-04, 50-01-13, 50-01-17, 50-01-17.1, 50-01-17.5, 50-01-19, 50-01-21, 50-01.1-04, 50-06-06.1, subsection 2 of section 50-06.2-02, sections 50-24.5-03, 50-24.5-06, 50-24.5-07, and subsection 15 of section 65-01-02 of the North Dakota Century Code, relating to poor relief and basic care assistance payments; and to repeal sections 50-01-05, 50-01-06, 50-01-07, 50-01-07.1, 50-01-08, 50-01-08.1, 50-01-09, 50-01-09.1, 50-01-10, 50-01-12, 50-01-14, 50-01-15, 50-01-16, 50-01-20, 50-01-22, and chapter 50-02 of the North Dakota Century Code, relating to poor relief.

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; 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 SB 2037, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the conference committee report on Reengrossed SB 2044 as printed on SJ page 1358 be adopted.

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2044, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on SB 2044, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lips; Mutch; Naaden; Malewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; 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; Tallackson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Lee

The conference committee report on SB 2044 was adopted. Reengrossed SB 2044, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 27-20-03 and a new section to chapter 50-06 of the North Dakota Century Code, relating to treatment services for severely emotionally disturbed children.

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; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; 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

Reengrossed SB 2044, as amended, passed and the title was agreed to.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2101, SB 2152, SB 2453.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2014, SB 2192, SB 2202, SB 2239, SB 2359.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2037, SB 2044, SB 2072, SB 2143, SB 2204, SB 2463.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2026, SB 2506.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1051, HB 1243, HB 1252, HB 1286, HB 1318, HB 1337, HB 1355.

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

MADAM PRESIDENT: The Speaker has signed: SB 2027, SB 2030, SB 2075, SB 2179, SB 2358, SB 2404, SB 2405, SB 2406, SB 2438, SB 2452, SB 2477, SB 2482, SB 2491, SB 2500, SB 2508.

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

MADAM PRESIDENT: The Speaker has signed: SB 2004, SB 2010, SB 2011, SB 2020, SB 2021, SB 2022, SB 2023, SB 2025, SB 2028.

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

MADAM PRESIDENT: The Speaker has signed: SB 2090, SB 2104, SB 2134, SB 2155, SB 2176, SB 2212, SB 2270, SB 2306, SB 2309, SB 2342, SB 2343, SB 2351, SB 2352, SB 2353, SB 2383, SB 2388, SB 2399, SB 2402, SCR 4069.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 28, 1995, I signed the following: SB 2005, SB 2533, and SB 2535.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 29, 1995, I signed the following: SB 2018, SB 2187, and SB 2538.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, March 30, 1995, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2016, as engrossed: Your conference committee (Sens. Naaden, Solberg, Robinson and Reps. Gerntholz, Martinson, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1164 and place SB 2016 on the Seventh order.

Engrossed SB 2016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2103, as engrossed: Your conference committee (Sens. Traynor, Christmann, Krauter and Reps. Olson, Droydal, Hanson) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1118-1120 and place SB 2103 on the Seventh order.

Engrossed SB 2103 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2149, as reengrossed: Your conference committee (Sens. Lee, Watne, Mathern and Reps. Maragos, Koppelman, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 872, adopt amendments as follows, and place SB 2149 on the Seventh order:

That the House recede from its amendments as printed on page 872 of the Senate Journal and page 896 of the House Journal and that Reengrossed Senate Bill No. 2149 be amended as follows:

Page 2, line 1, after "~~other~~" insert "public", after "places" insert "and other places", and overstrike "numbers of" and insert immediately thereafter "fifty or more"

Renumber accordingly

Reengrossed SB 2149 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2391: Your conference committee (Sens. Tennefos, Kringstad, Tomac and Reps. Lloyd, Timm, Dobrinski) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1167, adopt amendments as follows, and place SB 2391 on the Seventh order:

That the House recede from its amendments as printed on page 1167 of the Senate Journal and page 1184 of the House Journal, and that Senate Bill No. 2391 be amended as follows:

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

The workers compensation bureau, job service North Dakota, 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. The workers compensation bureau is the lead agency in charge of the development of the plan. The workers compensation bureau, job service North Dakota, and the state tax commissioner shall present any legislation necessary to implement this system to the fifty-fifth legislative assembly."

Renumber accordingly

SB 2391 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2520: Your conference committee (Sens. Krebsbach, Sand, Langley (refused to sign) and Reps. Poolman, Berg, Schmidt) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1050 and place SB 2520 on the Seventh order.

SB 2520 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1027: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Maragos, Nottestad, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1143 and place HB 1027 on the Seventh order.

HB 1027 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1064, as engrossed: Your conference committee (Sens. B. Stenehjem, Mutch,

O'Connell and Reps. Belter, Keiser, Mahoney) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 999-1000, adopt amendments as follows, and place HB 1064 on the Seventh order:

That the Senate recede from its amendments as printed on pages 999 and 1000 of the House Journal and pages 852 and 853 of the Senate Journal and that Engrossed House Bill No. 1064 be amended as follows:

Page 3, line 2, after the underscored period insert "The credit may not extend beyond the original expiration of the registration."

Page 4, line 3, remove the overstrike over "or", remove the first underscored comma, and remove ", or when the vehicle"

Page 4, remove line 4

Page 4, line 5, remove "registration card"

Page 4, line 20, replace "January" with "December"

Renumber accordingly

Engrossed HB 1064 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1082: Your conference committee (Sens. Traynor, Watne, LaFountain and Reps. Klein, Koppelman, Christenson) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1063 and place HB 1082 on the Seventh order.

HB 1082 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1094, as engrossed: Your conference committee (Sens. Tennefos, Kringstad, Tomac and Reps. Timm, Grosz, Dobrinski) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 903, adopt amendments as follows, and place HB 1094 on the Seventh order:

That the Senate recede from its amendments as printed on page 903 of the House Journal and page 791 of the Senate Journal and that Engrossed House Bill No. 1094 be amended as follows:

Page 1, line 18, replace "eighty-one" with "seventy-eight"

Page 3, line 14, replace "eighty-one" with "seventy-eight"

Renumber accordingly

Engrossed HB 1094 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1100: Your conference committee (Sens. Grindberg, Sand, Scherber and Reps. Kelsch, Stenehjem, Sandvig) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 885 and place HB 1100 on the Seventh order.

HB 1100 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1163, as engrossed: Your conference committee (Sens. B. Stenehjem, Mutch, Kelsh and Reps. Skarphol, Monson, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1092 and place HB 1163 on the Seventh order.

Engrossed HB 1163 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1165, as engrossed: Your conference committee (Sens. W. Stenehjem, Traynor, LaFountain and Reps. Kelsch, Stenehjem, Mahoney) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1092-1096 and place HB 1165 on the Seventh order.

Engrossed HB 1165 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1207, as engrossed: Your conference committee (Sens. Sand, Andrist, Langley and Reps. Soukup, Carlson, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1018, adopt amendments as follows, and place HB 1207 on the Seventh order.

That the Senate recede from its amendments as printed on page 1018 of the House Journal and page 863 of the Senate Journal and that Engrossed House Bill No. 1207 be amended as follows:

Page 2, line 7, replace "three" with "two"

Re-number accordingly

Engrossed HB 1207 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1298: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Kretschmar, Stenehjem, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 869, adopt amendments as follows, and place HB 1298 on the Seventh order:

That the Senate recede from its amendments as printed on page 869 of the House Journal and pages 762 and 763 of the Senate Journal and that House Bill No. 1298 be amended as follows:

Page 1, line 12, replace "1998" with "2000"

Re-number accordingly

HB 1298 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1300, as engrossed: Your conference committee (Sens. Urlacher, Thane, Mathern and Reps. Poolman, Jacobs, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 969, adopt amendments as follows, and place HB 1300 on the Seventh order:

That the Senate recede from its amendments as printed on page 969 of the House Journal and page 842 of the Senate Journal and that House Bill No. 1300 be amended as follows:

Page 1, line 14, replace "a" with "the interested"

Page 1, line 15, replace "director" with "directors", remove "a", and replace "home" with "homes"

Re-number accordingly

Engrossed HB 1300 was placed on the Seventh order of business on the calendar.

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

William C. Parker, Secretary