

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, April 5, 1995

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

The prayer was offered by Senator Carolyn Nelson.

The roll was called and all members were present.

A quorum was declared by the President.

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

MR. SPEAKER: The President has signed: HB 1005, HB 1009, HB 1016, HB 1138, HB 1168, HB 1317, HB 1423, HB 1439, HB 1488.

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

MR. SPEAKER: The President has signed: HB 1131, HB 1152, HB 1155, HB 1210, HB 1362, HB 1386, HB 1489.

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 2332, SB 2338.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do concur in the House amendments to Engrossed SB 2067, as printed on SJ page 1557, which motion prevailed on a verification vote.

Engrossed SB 2067, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2067: A BILL for an Act to provide for recognition of tribal-state gaming compacts, to create an open records exception for tribal gaming financial information submitted to a state agency, and to provide for approval of amendments to tribal-state gaming compacts.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; 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

Engrossed SB 2067, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the conference committee report on Engrossed HB 1392 as printed on SJ pages 1568-1570 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1392, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1392: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to motor carrier regulation by the department of transportation and enforcement by the highway patrol; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1392, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEEN MOVED that the conference committee report on Engrossed HB 1006 as printed on SJ pages 1565-1568 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1006, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health and consolidated laboratories and to provide for a study of the licensing of home health care providers.

ROLL CALL

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

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

Engrossed HB 1006, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that Sen. Krebsbach replace Sen. Grindberg on the conference committee on Engrossed HB 1284, which motion prevailed.

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.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 8:23 a.m., April 5, 1995: SCR 4064, SCR 4068, SCR 4069, SCR 4070.

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

MR. SPEAKER: The President has appointed Sen. Krebsbach to replace Sen. Grindberg on the Conference Committee on HB 1284.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1006, HB 1392.

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 2035, SB 2349, SB 2391, SB 2430, SB 2439, SB 2442, SB 2453, SB 2463, SB 2480, SB 2520, SB 2524, SCR 4046, SCR 4049, SCR 4063.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2017, SB 2066, SB 2115, SB 2181, SB 2264, SB 2355, SB 2403, SB 2466, SCR 4026.

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 2067.

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

MADAM PRESIDENT: The House has overridden the Governor's veto on HB 1435. The vote was 70 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING, and your favorable consideration is requested.

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 1178.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HCR 3017.

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 1249, HB 1289.

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 1002, HB 1014, HB 1124, HB 1246.

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

MR. SPEAKER: The President has signed: HB 1249, HB 1289.

REPORT OF CONFERENCE COMMITTEE

SB 2003, as engrossed: Your conference committee (Sens. Naaden, Nalewaja, Lindaas and Reps. Clayburgh, Tollefson, Kroeber) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1331-1333, adopt amendments as follows, and place SB 2003 on the Seventh order:

That the House recede from its amendments as printed on pages 1331-1333 of the Senate Journal and pages 1427 and 1428 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 13, replace "12,530,694" with "11,785,066"

Page 1, line 14, replace "4,568,498" with "4,113,498"

Page 1, line 15, replace "482,697" with "887,697"

Page 2, line 2, replace "22,496,483" with "21,700,855"

Page 2, line 3, replace "10,509,462" with "9,588,834"

Page 2, line 4, replace "11,987,021" with "12,112,021"

Page 3, line 25, after "fund" insert "up to a total of fifty thousand dollars each biennium. Any collections from fifteen dollars of this fee in excess of the fifty thousand dollars credited to the attorney general's operating fund each biennium must be credited to the state general fund"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

CONFERENCE COMMITTEE - This amendment makes the following changes:

	SENATE VERSION	EFFECT OF HOUSE BILL NO. 1439 ¹	AUTOMATED FINGERPRINT SYSTEM ²	POSITION TURNOVER AND EFFICIENCIES ³	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$12,530,604	\$ (587,005)		\$(158,623)	\$(745,628)	\$11,785,066	\$11,760,066	\$25,000
Operating expenses	4,568,498		\$ (405,000)	(50,000)	(455,000)	4,113,498	4,113,498	
Equipment	482,697		405,000		405,000	887,697	887,697	
Grants	4,175,567					4,175,567	4,175,567	
Arrest and return of fugitives	19,376					19,376	19,376	
Controlled substance	4,000					4,000	4,000	
ARC legal fees	91,027					91,027	91,027	
Litigation fees	143,324					143,324	143,324	
Gaming Commission	20,000					20,000	20,000	
State employee defense	250,000					250,000	250,000	
Racing Commission	<u>211,300</u>					<u>211,300</u>	<u>211,300</u>	
Total	\$22,496,483	\$ (587,005)	\$ 0	\$(208,623)	\$(795,628)	\$21,700,855	\$21,675,855	\$25,000
General fund	\$11,987,021	\$ 333,623		\$(208,623)	\$ 125,000	\$12,112,021	\$12,087,021	\$25,000
Special funds	<u>10,509,462</u>	<u>(920,628)</u>			<u>(920,628)</u>	<u>9,588,834</u>	<u>9,588,834</u>	
Total	\$22,496,483	\$ (587,005)	\$ 0	\$(208,623)	\$(795,628)	\$21,700,855	\$21,675,855	\$25,000
FTE	154	(6)			(6)	148	148	0

¹ Removes five FTE assistant attorneys general relating to Workers Compensation and one FTE assistant attorney general relating to Department of Transportation. These agencies will be hiring their own legal counsel.

² Reflects funding in the appropriate line items for funding added in the Senate for the automated fingerprint system.

³ Reductions relating to anticipated savings during the 1995-97 biennium resulting from employee vacancies and turnover and agency efficiencies. The House had reduced funding for this item by \$233,623, \$25,000 more than the conference committee reduction of \$208,623.

Section 8 of the bill is amended to limit the amount of funds deposited into the Attorney General's operating fund from concealed weapons permit fee collections to \$50,000 each biennium. Additional collections are deposited in the general fund. An estimated \$17,500 of additional general fund revenues will be collected during the 1995-97 biennium as a result of the \$50,000 limit.

This amendment includes all of the House changes with the exception of the change noted in footnote 3 above.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on Engrossed SB 2003 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2003, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; and to amend and reenact section 54-12-11 and subsection 3 of section 62.1-04-03 of the North Dakota Century Code, relating to the salary of the attorney general and concealed weapons license fees.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Langley; Wogsland

Engrossed SB 2003, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2009, as reengrossed: Your conference committee (Sens. Solberg, Naaden, Redlin and Reps. Gerntholz, Martinson, Laughlin) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1334-1337, adopt amendments as follows, and place SB 2009 on the Seventh order:

That the House recede from its amendments as printed on pages 1334-1337 of the Senate Journal and pages 1429-1432 of the House Journal and that Reengrossed Senate Bill No. 2009 be amended as follows:

Page 1, line 2, after the semicolon insert "to provide for a report to the budget section;"

Page 1, line 15, replace "3,148,157" with "2,807,321"

Page 1, line 16, replace "1,373,652" with "1,465,418"

Page 1, line 17, replace "29,006" with "22,900"

Page 1, after line 18, insert:

"Board of animal health 445,456"

Page 1, line 19, replace "1,198,571" with "1,328,571"

Page 1, line 22, replace "142,500" with "150,000"

Page 2, line 2, replace "921,438" with "971,438"

Page 2, line 3, replace "8,514,044" with "8,891,824"

Page 2, line 4, replace "4,120,876" with "4,330,876"

Page 2, line 5, replace "4,393,168" with "4,560,948"

Page 2, line 12, replace "5,408,483" with "5,576,263"

Page 2, line 13, replace "4,120,876" with "4,330,876"

Page 2, line 14, replace "9,529,359" with "9,907,139"

Page 2, line 17, replace "\$1,412,156" with "\$1,462,156"

Page 2, line 21, after the first comma insert "\$34,000 is for spotted knapweed control,", replace "\$633,110" with "\$649,110", replace the first "the" with "other", and replace "weeds program" with "weed control"

Page 2, after line 22, insert:

"SECTION 3. LEGISLATIVE INTENT - REGISTRATION PROGRAM ADMINISTRATIVE COSTS. It is the intent of the legislative assembly that the environment and rangeland protection fund not be used to provide funding for registration program administrative costs beyond the biennium beginning July 1, 1995, and ending June 30, 1997, and that the agriculture commissioner request funding for the registration program administrative costs from a source other than the environment and rangeland protection fund for the 1997-99 biennium.

SECTION 4. SOIL CONSERVATION COMMITTEE CONSOLIDATION - REPORT TO BUDGET SECTION. The executive secretary of the soil conservation committee shall present a report to the budget section by April 1, 1996, containing at least two options to integrate the functions of the soil conservation committee with another state agency. The report must include plans to consolidate the soil conservation committee with the state water commission and plans to consolidate the committee with the North Dakota state university extension service, and may include, with prior emergency commission approval, plans to consolidate with any other state agency. The budget section shall review the report and make a recommendation to the director of the office of management and budget regarding consolidation of the soil conservation committee with another state agency by July 1, 1996."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE COMMISSIONER

CONFERENCE COMMITTEE - This amendment makes the following changes:

	SENATE VERSION	BOARD OF ANIMAL HEALTH LINE ITEM ¹	BOARD OF ANIMAL HEALTH CHANGES ²	NOXIOUS WEED FUNDING	OTHER CHANGES	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$3,148,157	\$(340,836)				\$(340,836)	\$2,807,321	\$2,807,321	
Operating expenses	1,373,652	(108,234)				91,766	1,465,418	1,465,418	
Equipment	29,006	(6,106)			\$200,000 ⁴	91,766	1,465,418	1,465,418	
Grants	811,720					(6,106)	22,900	22,900	
Ag mediation	1,198,571						811,720	811,720	
Ag in the classroom	25,000				130,000 ⁵	130,000	1,328,571	1,198,571	\$ 130,000
Waterbank	214,000						25,000	25,000	
Pride of Dakota	142,500				7,500 ⁶	7,500	214,000	214,000	
Safe Send	650,000						150,000	150,000	
Noxious weeds	921,438			\$50,000 ³			650,000	650,000	
Board of Animal Health		455,176	\$(9,720)			50,000	971,438	971,438	
						445,456	445,456	558,145	(112,689)
Total	\$8,514,044	\$ 0	\$(9,720)	\$50,000	\$337,500	\$ 377,780	\$8,891,824	\$8,874,513	\$ 17,311
General fund	\$4,393,168		\$(39,720)		\$207,500	\$ 167,780	\$4,560,948	\$4,643,637	\$(82,689)
Special funds	4,120,876		30,000	\$50,000	130,000	210,000	4,330,876	4,230,876	100,000
Total	\$8,514,044	\$ 0	\$(9,720)	\$50,000	\$337,500	\$ 377,780	\$8,891,824	\$8,874,513	\$ 17,311
FTE	50		0			1	51	51	0

¹ Provides a separate line item for the Board of Animal Health, the same as the House version.

² One FTE accountant position is removed (\$65,637) and one FTE administrative position is added at \$55,917, the same as the House version. General fund support is reduced by \$30,000 and \$30,000 is added from the Game and Fish Department for a portion of the costs associated with the deputy state veterinarian position's responsibilities relating to nontraditional livestock. This amendment does not include funding for a third veterinarian position, which the Senate did not include and the House added at \$112,689, \$52,689 of which was from the general fund and \$60,000 from the Game and Fish Department.

³ Provides additional funding from the environment and rangeland protection fund for the noxious weeds program, \$34,000 is provided for spotted knapweed control and \$16,000 for other noxious weed control, the same as the House version.

⁴ Provides \$200,000 from the general fund to restore operating expense reductions made by the Senate. The House also restored this funding.

⁵ Provides additional federal funds for Agricultural Mediation Services.

⁶ Provides \$7,500 from the general fund for the Pride of Dakota program, the same as the House version.

Authorizes one FTE support position without funding for providing additional administrative support for Board of Animal Health and Agriculture Department duties. The Agriculture Commissioner may provide funding for the position within the funding level provided for the 1995-97 biennium.

A section of legislative intent is added providing that except for the 1995-97 biennium, funding from the environment and rangeland protection fund is not to be provided for registration program administrative costs and that the Agriculture Commissioner request funding for those costs from a different funding source for the 1997-99 biennium. The House also included this section.

This amendment includes all changes made by the House except for the funding changes relating to the Agricultural Mediation Services, the Board of Animal Health, and the additional unfunded support position.

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

CONFERENCE COMMITTEE - The section added by the House is included providing that the Soil Conservation Committee present to the Budget Section by April 1, 1996, options for consolidating the agency with the Water Commission or the North Dakota State University Extension Service. The committee may also present options for consolidating with different state agencies if Emergency Commission approval is received to prepare such a proposal. The Budget Section will review the report and make its recommendation on consolidating the Soil Conservation Committee with another state agency by July 1, 1996.

Reengrossed SB 2009 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. SOLBERG MOVED that the conference committee report on Reengrossed SB 2009 be adopted, which motion prevailed, on a voice vote.

Reengrossed SB 2009, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of agriculture and soil conservation committee; to provide for a report to the budget section; and to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the commissioner of agriculture.

ROLL CALL

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

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

NAYS: Christmann; O'Connell

ABSENT AND NOT VOTING: Langley

Reengrossed SB 2009, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2085, as engrossed: Your conference committee (Sens. Mutch, Sand, Krauter (refused to sign) and Reps. Keiser, Berg, Coats (refused to sign)) recommends that the HOUSE RECEDE from the House amendments on SJ page 1216, adopt amendments as follows, and place SB 2085 on the Seventh order:

That the House recede from its amendments as printed on page 1216 of the Senate Journal and pages 1262 and 1263 of the House Journal and that Engrossed Senate Bill No. 2085 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to the eligibility of a full-time paid firefighter or law enforcement officer for workers' compensation benefits; and to"

Page 1, line 20, overstrike "heart disease,"

Page 2, line 17, replace "A" with "An employer may require a physical examination upon employment, and annually thereafter, for any employee subject to this subdivision. Results of the examination may be used in rebuttal to a presumption afforded under this subdivision. For purposes of this subdivision, "law enforcement officer" means a person who is licensed to perform peace officer law enforcement duties under chapter 12-63 and is employed by the bureau of criminal investigation, the game and fish department, the state highway patrol, the parole and probation division, the North Dakota state university police department, the North Dakota state college of science police department, the university of North Dakota police department, a county sheriff's department, or a city police department.

SECTION 2. A new section to chapter 65-01 of the North Dakota Century Code is created and enacted as follows:

Yearly documentation required for firefighter and law enforcement officer. Except for benefits for exposure to infectious disease as defined by sections 23-07.3-01 and 23-07.3-02, a"

Page 2, line 18, remove "and who"

Page 2, line 19, remove "begins employment after June 30, 1995,"

Page 2, line 20, replace "benefit" with "benefits", remove "this", and after "subdivision" insert "d of subsection 18 of section 65-01-02"

Page 2, line 24, replace "three" with "two" and after the underscored period insert "Any full-time paid firefighter or law enforcement officer employed on June 30, 1995, is not subject to this section until July 1, 1997."

Re-number accordingly

Engrossed SB 2085 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on Engrossed SB 2085 be adopted.

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2085, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed SB 2085, the roll was called and there were 14 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Krebsbach; Mutch; Nelson, G.; Nething; Sand; Solberg; Streibel; Teneffos; Urlacher; Wanzenk; Watne

NAYS: Christmann; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Malewaja; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

The conference committee report on Engrossed SB 2085 failed.

REPORT OF CONFERENCE COMMITTEE

SB 2231, as engrossed: Your conference committee (Sens. W. Stenehjem, Watne, C. Nelson and Reps. Kelsch, Koppelman, Christenson) recommends that the HOUSE RECEDE from the House amendments on SJ page 1165, adopt amendments as follows, and place SB 2231 on the Seventh order:

That the House recede from its amendments as printed on page 1165 of the Senate Journal and pages 1085 and 1086 and 1182 of the House Journal and that Engrossed Senate Bill No. 2231 be amended as follows:

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

Page 3, line 4, remove the overstrike over "~~parent or guardian of~~", after "the" insert "a", remove the overstrike over "~~child~~" and insert immediately thereafter "under the age of one year", remove the overstrike over the second "~~of~~", after "his" insert "the", and remove the overstrike over "~~right to the performance of~~"

Page 3, remove the overstrike over line 5

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

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

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

Page 3, line 18, after "pathologist" insert ", unless the county coroner, sheriff, state's attorney, and the parent or guardian all agree that an autopsy is unnecessary"

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

Page 7, after line 16, insert:

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

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

Re-number accordingly

Engrossed SB 2231 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on Engrossed SB 2231 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2231, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to create and enact a new subsection to section 11-19.1-01 and four new sections to chapter 50-25.1 of the North Dakota Century Code, relating to definitions and to the duty of the state child protection team to serve as a child fatality review panel; to amend and reenact subsection 2 of section 11-19.1-07, sections 11-19.1-11, 11-19.1-13, 23-02.1-27, 50-25.1-01, 50-25.1-03, 50-25.1-04.1, 50-25.1-05.4, 50-25.1-05.5, 50-25.1-09, 50-25.1-09.1,

50-25.1-10, and 50-25.1-13 of the North Dakota Century Code, relating to reporting the death of a child which may have resulted from child abuse or neglect; 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 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; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenhjem, B.; Stenhjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

Engrossed SB 2231, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1178, as engrossed: Your conference committee (Sens. Grindberg, O'Connell, Wanzek and Reps. Monson, Hanson, Torgerson) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1519-1520 and place HB 1178 on the Seventh order.

Engrossed HB 1178 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. GRINDBERG MOVED that the conference committee report on Engrossed HB 1178 be adopted, which motion prevailed, on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HCR 3017: Your conference committee (Sens. Traynor, Watne, LaFountain and Reps. Koppelman, Klein, Christenson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1145-1146, adopt amendments as follows, and place HCR 3017 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1145 and 1146 of the House Journal and page 959 of the Senate Journal and that House Concurrent Resolution No. 3017 be amended as follows:

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "urging Congress and the President to consider carefully the burden, consequences, and impact of federal legislation upon states and political subdivisions and to immediately cease all mandates.

WHEREAS, the power of the federal government is that which is delegated to it by the Constitution of the United States, the Tenth Amendment to the Constitution of the United States established the roles of the federal government and state governments, and the federal government was created as an agent of the states; and

WHEREAS, the traditional role of the federal government as the unified voice of the several states is subverted when Congress and the President enact laws that unnecessarily mandate the activities of state and local governments and violate the spirit of the Tenth Amendment of the Constitution of the United States and are beyond the federal government's constitutionally delegated authority; and

WHEREAS, states and political subdivisions are struggling under the burden of federal legislative and regulatory requirements that increase the fiscal pressures on state and local governments and reduce the ability of state and local governments to meet the needs and wishes of their constituents;

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

That the Fifty-fourth Legislative Assembly urges the Congress and the President of the United States to consider carefully the substantial legislative and regulatory burden and consequences that have been imposed by the federal government upon states and political subdivisions and to immediately cease all mandates; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to members of the North Dakota Congressional Delegation and the President of the United States."

Renumber accordingly

HCR 3017 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on HCR 3017 be adopted, which motion prevailed, on a voice vote.

HCR 3017, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3017: A concurrent resolution urging Congress and the President to consider carefully the burden, consequences, and impact of federal legislation upon states and political subdivisions and to immediately cease all mandates.

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

HCR 3017, as amended, was declared adopted on a verification vote, and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2081, as engrossed: Your conference committee (Sens. Tennefos, Christmann, Heitkamp and Reps. Wardner, Timm, Sitz), having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

Engrossed SB 2081 was placed on the Seventh order of business on the calendar.

MOTION

SEN. G. NELSON MOVED that the conference committee on Engrossed SB 2081 be dissolved, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that the Senate reconsider the action whereby the Senate did not concur with the House amendments to Engrossed SB 2081, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2081.

MOTION

SEN. G. NELSON MOVED that the question be put at 2:12 p.m., which motion prevailed.

REQUEST

SEN. TENNEFOS REQUESTED that a recorded roll call vote be taken on the motion to concur in the House amendments to Engrossed SB 2081, which request was granted.

ROLL CALL

The question being on the motion to concur in the House amendments to Engrossed SB 2081, the roll was called and there were 29 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; Nething; Redlin; Robinson; Sand; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Watne

NAYS: Bowman; Christmann; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mutch; Naaden; Nelson, G.; O'Connell; Schobinger; Solberg; Streibel; Tennefos; Tomac; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

The motion to concur in the House Amendments to Engrossed SB 2081 passed. Engrossed SB 2081, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2081: A BILL for an Act providing optional property tax levy authority for political subdivisions and providing limitations on that authority; and to provide an effective date and an expiration date.

MOTION

SEN. GOETZ MOVED that the question be put at 2:27 p.m., which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nelson, C.; Nething; Redlin; Robinson; Sand; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Watne; Wogsland

NAYS: Bowman; Christmann; Heitkamp; Kelsh; Krauter; LaFountain; Mutch; Nelson, G.; O'Connell; Schobinger; Solberg; Streibel; Tennefos; Tomac; Wanzek; Yockim

ABSENT AND NOT VOTING: Langley; Nalewaja

Engrossed SB 2081, as amended, passed and the title was agreed to.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1001 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1001: Reprs. Bateman; DeWitz; Wilkie

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

MADAM PRESIDENT: The House has not adopted the conference committee report on: HB 1013.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1089 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1089: Reps. Kelsch; DeKrey; Mahoney

MOTION

SEN. NETHING MOVED that the present conference committee on Engrossed HB 1001 continue, which motion prevailed.

ANNOUNCEMENT

PRESIDENT MYRDAL ANNOUNCED that the present conference committee on Engrossed HB 1001 consists of the following: Sens. Goetz, Lips, Mushik.

MOTION

SEN. NETHING MOVED that the present conference committee on Engrossed HB 1013 continue, which motion prevailed.

ANNOUNCEMENT

PRESIDENT MYRDAL ANNOUNCED that the present conference committee on Engrossed HB 1013 consists of the following: Sens. Nething, Nalewaja, Tallackson.

MOTION

SEN. W. STENEHJEM MOVED that the present conference committee on Engrossed HB 1089 continue, which motion prevailed.

ANNOUNCEMENT

PRESIDENT MYRDAL ANNOUNCED that the present conference committee on Engrossed HB 1089 consists of the following: Sens. Traynor, W. Stenehjem, C. Nelson.

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 SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1003, HB 1256, HB 1501.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1178.

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 2003, SB 2009, SB 2231.

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2081 and wishes to inform you that the Senate does now concur with the House amendments to SB 2081 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2081.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2085.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HCR 3017.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Sand, Chairman) has carefully reexamined the Journal of the Sixty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1515, line 14, replace "Lloyd" with "Wardner" and replace "Dobrinski" with "Sitz"

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

REPORT OF CONFERENCE COMMITTEE

HB 1003, as engrossed: Your conference committee (Sens. Solberg, Nething, Tallackson and Reps. Wald, Freier, Wilkie) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1587-1593, adopt amendments as follows, and place HB 1003 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1587-1593 of the House Journal and pages 1312-1317 of the Senate Journal and that Engrossed House Bill No. 1003 be 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 "95,973,564"

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

Page 3, line 24, replace "125,894,160" with "128,899,520"

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

Page 3, line 26, replace "78,371,933" with "78,832,293"

Page 4, line 1, replace "76,963,362" with "77,385,337"

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

Page 4, line 5, replace "103,072,264" with "103,694,239"

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

Page 4, line 7, replace "61,847,300" with "62,269,275"

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 "1,554,977"

Page 6, line 12, replace "2,142,634" with "2,186,879"

Page 6, line 14, replace "1,332,108" with "1,376,353"

Page 6, line 17, replace "55,586,409" with "55,659,829"

Page 6, line 20, replace "75,318,818" with "75,392,238"

Page 6, line 22, replace "25,769,427" with "25,842,847"

Page 6, line 23, replace "266,663,743" with "267,863,743"

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

Page 6, line 25, replace "454,601,646" with "461,446,646"

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 the second "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 or similar entity"

Page 8, after line 28, insert:

"SECTION 10. 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 11. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 10, 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 12. 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 13. 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 14. 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 must be deposited in the Bank of North Dakota. Biennial estimates of revenue and expenditures of the other funds by source of funds must 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 15. EMERGENCY. Section 13 of this Act is declared to be an emergency measure."

Re-number 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	OTHER CHANGES	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
System Office	\$ 10,180,461					\$ 10,180,461	\$ 10,180,461	
Bismarck State College	11,274,522					11,274,522	11,274,522	
UND-Lake Region	3,843,958					3,843,958	3,843,958	
UND-Williston	3,871,612					3,871,612	3,871,612	
University of North Dakota	78,371,933		\$ 460,360		\$ 460,360	78,832,293	78,693,761	\$138,532
North Dakota State University	61,847,300		421,975		421,975	62,269,275	62,142,270	127,005
State College of Science	19,953,849			3		19,953,849	19,953,849	
Dickinson State University	10,788,145			4		10,788,145	10,788,145	
Mayville State University	6,885,779					6,885,779	6,885,779	
Minot State University	19,914,362					19,914,362	19,914,362	
Valley City State University	9,395,252	\$50,000 ¹		\$150,000 ¹	200,000	9,595,252	9,595,252	
NDSU-Bottineau	3,235,035					3,235,035	3,235,035	
Forest Service	1,332,108		44,245		44,245	1,376,353	1,363,424	12,929
UND Medical School	25,769,427		73,420		73,420	25,842,847	25,821,313	21,534
UND Rehabilitation Hospital								
Total general fund - HB1003	\$266,663,743	\$50,000	\$1,000,000	\$150,000	\$1,200,000	\$267,863,743	\$267,563,743	\$300,000

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 \$1,000,000 of the \$2,282,859 removed by the House relating to vacant positions as follows:

University of North Dakota	Restores six of the 13.44 FTE positions removed - The Senate restored four FTE positions
North Dakota State University	Restores five of the 11.3 FTE positions removed - The Senate restored three FTE positions
Forest Service	Restores the one FTE position removed, the same as the Senate version
UND Medical School	Restores one of the two FTE positions removed, the same as the Senate version

The Senate had restored \$700,000 of the \$2,282,859 removed by the House.

³ Provides \$900,000 of federal funds relating to the Bute Gym remodeling project at North Dakota State College of Science.

⁴ 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

³ 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.

This amendment includes all of the Senate changes except that an additional \$300,000 from the general fund is added to restore vacant positions and funding of \$3,422,515 from additional tuition income from higher education tuition increases of two percent the first year and one percent the second year of the 1995-97 biennium added by the Senate is removed. The section of legislative intent regarding the use of the tuition income which was added by the Senate is also removed.

REPORT OF CONFERENCE COMMITTEE

SEN. SOLBERG MOVED that the conference committee report on Engrossed HB 1003 be adopted.

REQUEST

SEN. DEMERS REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1003, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1003, the roll was called and there were 24 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Krebsbach; Kringstad; Mutch; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzenek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Scherber

The conference committee report on Engrossed HB 1003 was adopted. 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Kinnoin; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzenek; Watne; Wogsland

NAYS: DeMers; Heitkamp; Holmberg; Kelsh; Krauter; LaFountain; Mushik; Nelson, C.; O'Connell; Stenehjem, W.; Yockim

ABSENT AND NOT VOTING: Langley; Scherber

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

REPORT OF CONFERENCE COMMITTEE

HB 1256, as engrossed: Your conference committee (Sens. B. Stenehjem, Schobinger, O'Connell and Reps. Price, Mutzenberger, Christopherson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1389-1390, adopt amendments as follows, and place HB 1256 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1389 and 1390 of the House Journal and page 1212 of the Senate Journal and that Engrossed House Bill No. 1256 be amended as follows:

Page 1, line 6, after "dentistry" insert "; to direct the board of dental examiners and the board of medical examiners to study the licensing and practice of oral and maxillofacial and related surgical procedures; to provide an effective date and an expiration date; and to declare an emergency"

Page 5, line 4, overstrike "means and"

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

Page 5, after line 10, insert:

"SECTION 6. AMENDMENT. Subsection 6 of section 43-28-01 of the North Dakota Century Code is amended and reenacted as follows:

6. For the purposes of this chapter, the term "practice of dentistry" ~~means and~~ includes examination, diagnosis, treatment, repair, administration of local or general anesthetics, prescriptions, or surgery of or for any disease, disorder, deficiency, deformity, condition, lesion, injury, or pain of the human oral cavity, teeth, gingivae and soft tissues, and the diagnosis, ~~the~~ surgical, and adjunctive treatment of the diseases, injuries, and defects of the human jaw and associated structures. However, no dentist licensed in this state may perform oral maxillofacial surgery unless the licensee also is certified or board-eligible for certification by the American board of oral and maxillofacial surgeons."

Page 9, after line 11, insert:

"SECTION 15. STUDY OF LICENSING ORAL AND MAXILLOFACIAL PROCEDURES. During the 1995-96 legislative interim, the board of dental examiners and the board of medical examiners shall study the licensing and practice of oral and maxillofacial and related surgical procedures and present any recommendations to the fifty-fifth legislative assembly.

SECTION 16. EFFECTIVE DATE - EXPIRATION DATE. Section 6 of this Act expires on July 31, 1997. Section 5 of this Act becomes effective on August 1, 1997.

SECTION 17. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

Engrossed HB 1256 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the conference committee report on Engrossed HB 1256 be adopted.

REQUEST

SEN. O'CONNELL REQUESTED that the remarks of Sens. B. Stenehjem and O'Connell be printed in the Journal, which request was granted.

REMARKS OF SENATOR B. STENEHJEM

Thank you, Madam President. The amendments that we adopted in your committee on HB 1256 deal with the oral and maxillofacial surgery that is being performed by some dentists. The conference committee amended the House bill to allow dentists who are certified or board eligible for certification by the American Board of Oral and Maxillofacial Surgeons to perform the processes that they are doing at this time. This only extends for a period of two years, and this authority will expire in two years unless the 1997 Legislative Assembly takes further action. This was an agreement that was made between the board of medical examiners and the board of dental examiners. In the late hours of this session, the necessity for this bill came before us and it was included in the dental hygienist bill. That's what HB 1256 is, and it will just allow them to continue to practice for two years and then they're going to have to come in here and hammer out their differences.

REMARKS OF SENATOR O'CONNELL

I would like to have the Senator from District 30 and my comments printed in the Journal, please. I talked to the Attorney General's office. There's confusion. There's still a little turf building between the medical and the dental field. The reason that I ask that this be printed in the Journal, is to show legislative intent.

The conference committee amendments to HB 1256 will allow dentists who are certified or board-eligible for certification by the American Board of Oral and Maxillofacial Surgeons to perform, among other things covered by that specialty, rhinoplasties (nose jobs) and blepharoplasties (removal of fat from the eyelids) for a period of two years. This authority will expire in two years unless the 1997 Legislative Assembly takes further action.

We want to make sure that nobody is left out and can't practice what they are doing now during the next two years. Then during this two-year time they will be working together to develop policy for the next session. So our intent is not to take anybody out of practice for the next two years and that is why it is being recorded.

The motion to adopt the conference committee report on Engrossed HB 1256 prevailed, on a voice vote.

Engrossed HB 1256, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1256: A BILL for an Act to amend and reenact sections 43-20-03, 43-20-07, 43-20-12, 43-20-12.1, subsection 6 of section 43-28-01, subsections 1 and 3 of section 43-28-04, section 43-28-05, subsection 5 of section 43-28-06, sections 43-28-11, 43-28-12.2, subsections 1 and 2 of section 43-28-15, sections 43-28-19, and 43-28-23 of the North Dakota Century Code, relating to dental hygienists and the practice of dentistry; to direct the board of dental examiners and the board of medical examiners to study the licensing and practice of oral and maxillofacial and related surgical procedures; to provide an effective date and 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Langley; Scherber

Engrossed HB 1256, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1501, as engrossed: Your conference committee (Sens. Krebsbach, W. Stenehjem, Scherber (refused to sign) and Reps. Stenehjem, Clark, Sandvig (refused to sign)) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1357-1358, adopt amendments as follows, and place HB 1501 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1357 and 1358 of the House Journal and pages 1161 and 1162 of the Senate Journal and that Engrossed House Bill No. 1501 be amended as follows:

Page 1, line 16, remove the overstrike over "~~one member~~" and remove "three members"

Page 2, line 3, remove the overstrike over "~~member~~" and remove "members"

Page 2, line 10, remove the overstrike over "~~member~~" and remove "members"

Page 2, line 11, overstrike "two" and remove ", four, and"

Page 3, line 3, remove the overstrike over "~~The~~" and remove "Each"

Page 4, line 5, remove the overstrike over "~~Hear, consider, and determine appeals by nonprobationary employees~~"

Page 4, line 6, remove the overstrike over "~~in the classified service~~"

Page 4, line 7, remove the overstrike over "~~related to position classifications~~", after the overstruck comma insert "and", and remove the overstrike over "~~pay grade~~"

Page 4, line 8, remove the overstrike over "~~assignments~~"

Page 4, line 19, remove the overstrike over the period

Page 4, line 20, after "~~4-~~" insert "3."

Page 4, line 22, replace "3" with "4"

Renumber accordingly

Engrossed HB 1501 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the conference committee report on Engrossed HB 1501 be adopted, which motion prevailed, on a verification vote.

Engrossed HB 1501, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1501: A BILL for an Act to create and enact a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to exceptions from categories of positions in the state service; and to amend and reenact sections 54-44.3-03, 54-44.3-07, and 54-44.3-12.2 of the North Dakota Century Code, relating to the composition and duties of the

state personnel board and appeal procedures for state employee complaints.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: LaFountain; Langley; Scherber

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

REPORT OF CONFERENCE COMMITTEE

SB 2455, as engrossed: Your conference committee (Sens. Watne, W. Stenehjem, C. Nelson (refused to sign) and Reps. Maragos, Kretschmar, Mahoney (refused to sign)) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1122, adopt amendments as follows, and place SB 2455 on the Seventh order:

That the House recede from its amendments as printed on page 1122 of the Senate Journal and page 1120 of the House Journal and that Engrossed Senate Bill No. 2455 be amended as follows:

Page 1, line 1, replace "section" with "sections" and remove "subsections 1 and"

Page 1, line 2, remove "2 of section 16.1-01-09, sections"

Page 2, remove lines 19 through 29

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 23

Re-number accordingly

Engrossed SB 2455 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. WATNE MOVED that the conference committee report on Engrossed SB 2455 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2455, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2455: A BILL for an Act to amend and reenact sections 16.1-01-07, 16.1-01-10, 16.1-06-09, and 44-08-21 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions; and to repeal section 16.1-06-09.1 of the North Dakota Century Code, relating to statements of intent on constitutional amendments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Langley; Scherber

Engrossed SB 2455, as amended, passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the Senate Conference Committee on Engrossed HB 1013 be dissolved and that a new conference committee be appointed, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on Engrossed HB 1013: Sens. Goetz, Lips, Lindaas.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 6:00 p.m., which motion prevailed.

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

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

MADAM PRESIDENT: The Speaker has signed: SB 2035, SB 2332, SB 2338, SB 2349, SB 2391, SB 2430, SB 2439, SB 2442, SB 2453, SB 2463, SB 2480, SB 2520, SB 2524, SCR 4046, SCR 4049, SCR 4063.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on: HB 1007.

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 1019, HB 1021.

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

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

HB 1013: Sens. Goetz; Lips; Lindaas

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1003, HB 1256, HB 1501.

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 2455.

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 2006, SB 2016, SB 2029, SB 2305, SB 2313, SB 2425, SB 2428, SB 2475, SB 2505, SCR 4012.

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

MR. SPEAKER: The President has signed: HB 1002, HB 1014, HB 1124, HB 1246.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on April 5, 1995, I signed the following: SB 2011, SB 2019, SB 2020, SB 2021, SB 2022, SB 2023, SB 2025, SB 2026, SB 2028, SB 2072, and SB 2090.

REPORT OF CONFERENCE COMMITTEE

HB 1019, as engrossed: Your conference committee (Sens. Holmberg, Naaden, Lindaas and Reps. Byerly, DeWitz, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1396-1400, adopt amendments as follows, and place HB 1019 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1396-1400 of the House Journal and pages 1202-1206 of the Senate Journal and that Engrossed House Bill No. 1019 be amended as follows:

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

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

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

Page 1, line 15, replace "555,000" with "1,500,000"

Page 1, line 16, replace "50,576,534" with "52,627,644"

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

Page 1, line 18, replace "555,000" with "1,500,000"

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

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

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

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

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

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

Page 2, after line 17, insert:

"SECTION 5. WORK FORCE 2000 ALLOCATIONS. For the year beginning July 1, 1995, a minimum of \$125,000, of the \$1,500,000 provided for work force 2000, is to be available for projects in areas in the state which are not within five miles [8.05 kilometers] of any city with a population of more than eight thousand. Any work force 2000 funds remaining after June 30, 1996, may be used for projects in any area of the state.

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

11. "Primary sector business" means an employer engaged in locating to or in this state which previously had no presence in this state, or in expanding its operations within this state, which through the employment of knowledge or labor, adds value to a product, process, or export service that results in the creation of new wealth, excluding production agriculture, if it meets the following eligibility criteria:
 - a. An employer entering into an agreement, and increasing its base employment level by ~~ten percent, or two employees, whichever is greater,~~ at least one employee, or in the case of an employer without an established base employment level in this state creating ~~a minimum of at least~~ at least five employees, within the time set in the agreement, is entitled to the new jobs credit from withholding.
 - b. An employer must have an economically productive and socially desirable purpose within the state.
 - c. An employer must not be closing or reducing its operation in one area of the state and relocating substantially the same operation in another area.

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

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

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

family of four as determined at the date of commencement of the project seven dollars and fifty cents per hour, plus benefits, by the end of the first year of employment under the project and for the remaining life of the loan.

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 480 - JOB SERVICE NORTH DAKOTA

CONFERENCE COMMITTEE - This amendment makes the following changes:

	ENGROSSED BILL	RESTORE VACANT POSITIONS	RESTORE EQUIPMENT	RESTORE WORK FORCE 2000 ¹	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$31,867,366	\$1,006,110			\$1,006,110	\$32,873,476
Operating expenses	8,108,168					8,108,168
Equipment	345,000		\$100,000		100,000	445,000
Capital improvements	190,000					190,000
Grants	9,511,000					9,511,000
Work Force 2000	<u>555,000</u>	<u> </u>	<u> </u>	<u>\$945,000</u>	<u>945,000</u>	<u>1,500,000</u>
Total all funds	\$50,576,534	\$1,006,110	\$100,000	\$945,000	\$2,051,110	\$52,627,644
Less estimated income	<u>50,021,534</u>	<u>1,006,110</u>	<u>100,000</u>	<u> </u>	<u>1,106,110</u>	<u>51,127,644</u>
Total general fund	\$ 555,000	\$ 0	\$ 0	\$945,000	\$ 945,000	\$ 1,500,000
FTE	391	29.5			29.5	420.5

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

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

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

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

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

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

Engrossed HB 1019 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the conference committee report on Engrossed HB 1019 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1019, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; to amend and reenact subsection 11 of section 1 and section 2 of chapter 493 of the 1993 Session Laws, relating to the new jobs training program; to repeal section 6 of chapter 493 of the 1993 Session Laws, relating to the expiration date of the new jobs training program; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Langley; Scherber

Engrossed HB 1019, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1021, as engrossed: Your conference committee (Sens. Goetz, Streibel, Robinson (refused to sign) and Reps. Dalrymple, Clayburgh, Kroeber (refused to sign)) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1458-1459, adopt amendments as follows, and place HB 1021 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1266 and 1267 of the Senate Journal and pages 1458 and 1459 of the House Journal and that Engrossed House Bill No. 1021 be amended as follows:

Page 1, replace line 19 with:

"Salaries and wages	\$2,148,838
Operating expenses	1,382,035
Equipment	24,500
Grants	1,365,400
General allocation grants	500,000
Technology transfer, incorporated	1,454,000
Development fund	<u>2,218,750</u>
Total all funds	\$9,093,223"

Page 1, line 20, replace "6,071,339" with "95,000"

Page 1, line 21, replace "9,364,123" with "8,998,523"

Page 2, line 2, replace "\$3,218,750" with "2,218,750"

Page 2, line 3, remove "for nonrural projects"

Page 2, replace lines 8 through 13 with "All moneys in the regional rural development revolving loan fund totaling approximately \$6,000,000 and any investment, contract, partnership, or any other business transaction of the regional rural development revolving loan fund is transferred to the North Dakota development fund on the effective date of this Act and is deemed to be an asset of the North Dakota development fund."

Page 2, line 15, replace "\$9,218,750" with "\$8,218,750"

Page 2, line 22, replace "\$3,218,750" with "\$2,218,750"

Page 7, after line 25, insert:

"SECTION 10. LEGISLATIVE INTENT - TECHNOLOGY TRANSFER, INC. - PROJECT FUNDS. It is the intent of the legislative assembly that project funds be distributed by technology transfer, inc., consistent with the mission and policies established by the technology transfer, inc., board and that project funds be distributed, to the extent practical and efficient, directly to businesses and individuals receiving project funding approval. Funding recipients may use the project funds to purchase services, on a fee for service basis, from business and industry development centers located on the campuses of the institutions of higher education."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT AND FINANCE

CONFERENCE COMMITTEE - The following is a summary of the conference committee changes:

	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$ 2,014,438	\$ 134,400 ¹	\$2,148,838
Operating expenses	1,358,374	23,661 ²	1,382,035
Equipment	24,500		24,500
Grants	1,365,400		1,365,400
Technology transfer, incorporated	1,454,000		1,454,000
General allocation grants		500,000	500,000
Development fund	<u>9,218,750</u>	<u>(7,000,000)</u> ³	<u>2,218,750</u>
Total all funds	\$15,435,462	\$(6,341,939)	\$9,093,523
Less estimated income	<u>6,071,339</u>	<u>(5,976,339)</u>	<u>95,000</u>
Total general fund	\$ 9,364,123	\$ (365,600)	\$8,998,523
FTE positions	26	2	28

¹ Restores data processing center specialist II (\$68,098 - general fund) also restored by the Senate and credit review analyst (\$66,302 - general fund) removed by the House and not restored by the Senate.

² Adds \$23,661 of income from the sale of research reports also added by the Senate.

³ Removes \$1 million from the general fund for the development fund. Also, the \$6 million of other funds is removed from the specific appropriation line item as it is appropriated subject to Section 8 of the bill. These changes are consistent with the Senate changes.

This amendment also:

- Restores object code-based line items. (Senate restored.)
- Provides a general allocation of \$500,000. (Senate also provided.)
- Provides \$2,218,750 from the general fund for the development fund for projects.
- Adds a section of legislative intent providing that Technology Transfer, Inc., project funds be provided directly to businesses or individuals receiving project funding approval and allowing recipients to purchase services from business and development centers at the institutions of higher education.

Although the line item contained in the bill is changed to object code-based line items, the agency is expected to monitor and strive to achieve its performance measure goals and objectives.

In summary these amendments reflect the Senate action except for the addition of one FTE credit review analyst and the removal of the requirement that \$2,218,750 of the development fund be specifically allocated to certain types of projects during the first year of the 1995-97 biennium.

Engrossed HB 1021 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. GOETZ MOVED that the conference committee report on Engrossed HB 1021 be adopted.

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1021.

MOTION

SEN. G. NELSON MOVED that Engrossed HB 1021 be returned to the conference committee, which motion prevailed.

Engrossed HB 1021 was rereferred to the conference committee.

REPORT OF CONFERENCE COMMITTEE

SB 2149, as reengrossed: Your conference committee (Sens. Lee, Watne, Mathern and Reps. Maragos, Gunter, Glasheim) 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"

Page 2, line 9, replace "other" with "the state department of health"

Page 2, line 10, remove "agencies of state government", after "or" insert "any", and replace "subdivisions" with "subdivision"

Page 2, line 13, replace "accepting agency" with "state department of health"

Page 2, line 14, replace "agency of state government or any" with "delegation to the state department of health is limited to authority over basic care facilities. Any"

Page 2, line 16, replace "receive this delegation" with "be delegated authority under this section"

Renumber accordingly

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

REPORT OF CONFERENCE COMMITTEE

SEN. LEE MOVED that the conference committee report on Reengrossed SB 2149 be adopted, which motion prevailed, on a voice vote.

Reengrossed SB 2149, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to create and enact a new section to chapter 18-01 of the North Dakota Century Code, relating to the state fire marshal authorizing fire and safety inspections to be performed by other agencies of government; and to amend and reenact section 18-01-02, subsection 3 of section 18-01-05.1, and section 23-09.3-04 of the North Dakota Century Code, relating to the duties of the state fire marshal, release of information to the state fire marshal or a law enforcement officer, and fire safety inspections of basic care facilities.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Langley; Scherber

Reengrossed SB 2149, as amended, passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the Senate Conference Committee on HB 1007 be dissolved and that a new conference committee be appointed, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on Engrossed HB 1007: Sens. Streibel, Holmberg, Robinson.

MOTION

SEN. G. NELSON MOVED that HB 1435 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and that HB 1435 be placed on the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

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

NAYS: Bowman; Christmann; LaFountain; Mutch; Tennefos; Thane; Wanzek

ABSENT AND NOT VOTING: Langley; Scherber

HB 1435 passed over veto and the title was agreed to.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2136.

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

MR. SPEAKER: The Senate has overridden the Governor's veto on HB 1435. The vote was 40 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2003, SB 2009, SB 2231, SB 2455.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1019.

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

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

HB 1007: Sens. Streibel; Holmberg; Robinson

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 2149.

MOTION

SEN. GOETZ MOVED that the Senate be on the Sixteenth order of business and at the conclusion of that order, the Senate stand adjourned until 8:00 a.m., Thursday, April 6, 1995, which motion prevailed.

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

William C. Parker, Secretary