

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, April 1, 1991

The House convened at 12:00 noon, with Speaker R. Anderson presiding.

The prayer was offered by Annetta Sutton, Diocesan Director, Diocese of Bismarck Catholic Church, Bismarck.

The roll was called and all members were present except Representatives G. Berg, Dalrymple, Nicholas, and Williams.

A quorum was declared by the Speaker.

LEGISLATIVE CHAPLAINCY SCHEDULE
OF DATES FOR THE HOUSE OF REPRESENTATIVES

DATE	APRIL	CHURCH
1	Annetta Sutton	Diocese of Bismarck, Bismarck
2	Rev. Duane Danielson	Evangelical Lutheran Church of America, Bismarck
3	Rev. Roger Russell	McCabe United Methodist Church, Bismarck
4	Deacon Martin Blasy	St. Joseph Catholic Church, Mandan
5	Rev. Andrea DeGroot-Nesdahl	Evangelical Lutheran Church of America, Bismarck
8	Rev. Kerry Stastny	First United Methodist Church, Bismarck
9	Deacon Al Schwindt	Ascension Catholic Church, Bismarck
10	Rev. Barry Lee	Church of God of Prophecy, Bismarck

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HB 1003, HB 1515, HB 1579.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1009, HB 1017, HB 1060, HB 1072, HB 1083, HB 1095, and HB 1098 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1110, HB 1112, HB 1177, HB 1193, HB 1194, HB 1215, and HB 1219 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1242, HB 1247, HB 1255, HB 1256, HB 1292, HB 1296, and HB 1310 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1317, HB 1321, HB 1329, HB 1338, HB 1375, HB 1380, and HB 1414 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1420, HB 1431, HB 1461, HB 1475, HB 1477, HB 1488, and HB 1526 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1538, HB 1561, HB 1595, HB 1599, HB 1604, HB 1606, and HB 1613 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HCR 3032, HCR 3035, HCR 3039, HCR 3042, and HCR 3043 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1516 and failed to pass the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred to the Senate amendments, subsequently passed, and the emergency clause carried on: HB 1001, HB 1139, HB 1291, HB 1578.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SCR 4058: Reps. Clayburgh; Freier; Mutzenberger

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2168.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has failed to pass: SB 2099, SB 2187, SB 2528.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Ralph Katzman, Former Member of Saskatchewan Legislative Assembly

ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. ANDERSON ANNOUNCED that the list of the physicians who participated in the "Doctor of the Day" program would be printed in the Journal.

The following physicians have volunteered their professional services under the North Dakota Medical Association Doctor of the Day Program during the Fifty-second Legislative Assembly:

Robert Grossman, MD	Hettinger
Kenneth Breker, MD	Wahpeton/Breckenridge
Glenn Thoreson, MD	Mayville
Ralph Kilzer, MD	Bismarck
David Rinn, MD	Minot
Raymond Gruby, MD	Bismarck
Warren Keene, MD	Minot
James Baumgartner, MD	Dickinson
A. Dean Rosen, MD	Devils Lake
Tracy Martin, MD	Fargo
Paul Ahlness, MD	Bowman
Kermit Leonard, MD	Garrison
Mack Traynor, MD	Fargo
Daniel Goodwin, MD	Grand Forks
Howard Eliason, DO	Beulah
John Beaumier, MD	Grand Forks
Paul Knudson, MD	Bismarck
Richard Vetter, MD	Fargo
David Muhs, MD	Jamestown
Clayton Jensen, MD	Fargo
Timothy Rittenour, MD	Grand Forks
Paul Jondahl, MD	Bismarck
Ronald Wiisanen, MD	Fargo
Cindy Kortum, MD	Fargo
Herbert Wilson, MD	New Town
John VanMetre, MD	Fargo
Russell Emery, MD	Bismarck
Bruce Olin, MD	Dickinson
Norman Bystol, MD	Fargo

Eric Bakke, MD	Grand Forks
Jeffrey Pastir, MD	Fargo
Danuta Komoraski, MD	Bismarck
William Riecke, MD	Mandan

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTIN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1611 as printed on HJ page 1470 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a verification vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1611: Reps. DeWitz, Martin, Gilmore.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2206: Reps. Dorso, Tollefson, Mahoney.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2591: Reps. Grosz, Gorder, Nichols.

MOTION

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Seventh order of business, and at the conclusion of the Seventh order, the House be on the Twelfth order of business, and at the conclusion of the Twelfth order, the House stand in recess until 3:00 p.m., which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2002, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "to provide authority for lease of real and personal property at the state developmental center and the state hospital; to provide alternative contingent appropriations; to allow the sale of surplus steam heat at the state developmental center; regarding administration of the child care block grant and at-risk child care programs; to create and enact a new section to chapter 50-06 of the North Dakota Century Code, to provide for insurance payments by the department of human services for persons with acquired immune deficiency syndrome;"

Page 1, line 18, replace "46,349" with "43,796"

Page 1, line 20, replace "288,398" with "285,845"

Page 1, line 21, replace "41,061" with "36,830"

Page 1, line 22, replace "247,317" with "249,015"

Page 2, line 3, replace "5,824,704" with "5,789,704"

Page 2, line 4, replace "1,455,335" with "1,379,934"

Page 2, line 5, replace "5,602,618" with "5,572,803"

Page 2, line 9, replace "15,425,348" with "15,285,132"

Page 2, line 10, replace "9,993,255" with "9,920,021"

Page 2, line 11, replace "5,432,093" with "5,365,111"

Page 2, line 14, replace "3,285,407" with "3,476,783"

Page 2, line 15, replace "7,894,087" with "7,495,951"

Page 2, line 16, replace "8,933,242" with "8,937,808"
Page 2, line 17, replace "25,059" with "27,059"
Page 2, line 18, replace "129,267,540" with "128,266,774"
Page 2, line 19, replace "149,405,335" with "148,204,375"
Page 2, line 20, replace "130,291,045" with "129,552,781"
Page 2, line 21, replace "19,114,290" with "18,651,594"
Page 2, line 25, replace "2,134,939" with "1,980,376"
Page 2, line 26, replace "1,062,295" with "1,053,527"
Page 2, line 28, replace "436,397,661" with "444,686,131"
Page 2, line 29, replace "441,753,585" with "449,878,724"
Page 3, line 1, replace "327,498,741" with "333,294,928"
Page 3, line 2, replace "114,254,844" with "116,583,796"
Page 3, line 6, replace "371,448" with "346,093"
Page 3, line 7, replace "894,706" with "882,284"
Page 3, line 10, replace "14,179,758" with "14,141,981"
Page 3, line 11, replace "11,884,362" with "11,852,144"
Page 3, line 12, replace "2,295,396" with "2,289,837"
Page 3, line 15, replace "5,226,294" with "5,325,688"
Page 3, line 16, replace "725,774" with "677,123"
Page 3, line 17, replace "6,089,286" with "6,799,098"
Page 3, line 18, replace "84,304" with "94,304"
Page 3, after line 18, insert:
 "Children at risk initiative" 1,791,727"
Page 3, line 19, replace "1,694,546" with "1,844,546"
Page 3, line 20, replace "43,184,230" with "43,469,292"
Page 3, line 21, replace "57,004,434" with "60,001,778"
Page 3, line 22, replace "31,559,175" with "33,611,940"
Page 3, line 23, replace "25,445,259" with "26,389,838"
Page 3, line 27, replace "247,804" with "246,502"
Page 3, line 28, replace "11,711,424" with "11,035,936"
Page 4, line 2, replace "55,202,616" with "54,525,826"
Page 4, line 3, replace "24,566,130" with "23,792,101"
Page 4, line 4, replace "30,636,486" with "30,733,725"
Page 4, line 7, replace "42,824,488" with "43,583,120"

Page 4, line 8, replace "1,159,008" with "1,085,218"

Page 4, line 9, replace "8,476,921" with "7,487,252"

Page 4, line 11, replace "100,500" with "800,500"

Page 4, line 12, replace "52,848,538" with "53,243,711"

Page 4, line 13, replace "13,196,431" with "14,370,501"

Page 4, line 14, replace "39,652,107" with "38,873,210"

Page 4, line 19, replace "8,158,400" with "8,120,622"

Page 4, line 20, replace "272,734" with "252,734"

Page 4, line 22, replace "45,696,006" with "45,638,228"

Page 4, line 23, replace "32,453,474" with "33,158,043"

Page 4, line 24, replace "13,242,532" with "12,480,185"

Page 4, remove lines 25 through 29

Page 5, line 1, replace "252,147,665" with "252,277,700"

Page 5, line 2, replace "588,209,477" with "589,589,289"

Page 5, line 3, replace "840,357,142" with "841,866,989"

Page 5, line 11, after the period insert "The amount of \$700,000, or so much thereof as may be necessary, as appropriated in the capital improvements line item in subdivision 8 may be spent by the department from the lands and minerals trust fund for asbestos removal and relocation of utilities at the state hospital for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 5, remove lines 17 through 24

Page 6, replace lines 12 through 16 with:

"SECTION 7. MEDICAID FUNDS - TRANSFER. Upon receipt of medicaid funds for expenditure at the state hospital, the human service centers, and the developmental center, the department of human services may transfer the funds to the state hospital, the human service centers, and the developmental center and then spend them pursuant to the appropriation of such funds in the state hospital, the human service centers, and the developmental center appropriations contained in subdivisions 7, 8, and 9 of section 1 of this Act.

SECTION 8. DEPARTMENT OF HUMAN SERVICES MAY LEASE REAL AND PERSONAL PROPERTY. The executive director of the department of human services is authorized to lease surplus farm and pasture land at the state hospital and the developmental center, and to lease space in a building at the developmental center for a child care center. The executive director is also authorized to enter into further leases of real or personal property at the developmental center or the state hospital upon a specific finding that the granting of each such leasehold interest will result in a net economic gain for the department, taking into account all identifiable costs. The executive director may prescribe the terms and conditions of any leases entered into pursuant to this section and may renew existing leases. Any lease entered into must be subject to renewal or cancelable each biennium. Any lease or lease renewal of unneeded building or building space may be made only after consultation with the administrator of the state fire and tornado fund.

SECTION 9. LEGISLATIVE INTENT - UNANTICIPATED FEDERALLY MANDATED PROGRAMS. The legislative assembly recognizes the need to comply with the mandatory provisions of the various federal programs and the uncertainties inherent in anticipating federal legislation and in estimating the funds needed to comply with the new program requirements, including many of the medicaid expansion provisions within the Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101-508]. If the general fund appropriations contained in subdivision 4 of section 1 of this Act are determined by the department to be insufficient to comply with the federal mandates during the biennium beginning July 1, 1991, and ending June 30, 1993, the department shall report to the budget section the amount of the prospective deficiency appropriation that will be introduced to the fifty-third legislative assembly.

SECTION 10. CONTINGENT APPROPRIATION.

1. If House Bill No. 1511 becomes effective, and if the department of human services is able to negotiate a new lease with the red river human services foundation, relating to office space in the building located at 15 Broadway, Fargo, North Dakota, and currently used to house the southeast human service center, the amount of \$505,463, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, to the department of human services for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center, for the period beginning November 1, 1991, and ending June 30, 1993. This appropriation is sufficient to defray rental at an amount equal to \$7.37 per square foot per year, or 1.03 times \$7.16 per square foot per year. The highest rental amount provided for in any current lease by any other state agency tenant of office space in the building located at 15 Broadway, Fargo, North Dakota, is \$7.16 per square foot per year.
2. If House Bill No. 1511 becomes effective, but the department of human services is unable to negotiate a new lease with the red river human services foundation, relating to office space in the building located at 15 Broadway, Fargo, North Dakota, and currently used to house the southeast human service center, the amount of \$389,440, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, to the department of human services for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center, for the period beginning November 1, 1991, and ending October 31, 1992. No additional appropriation is necessary for the purpose of defraying the cost of rental of that office space because, under the circumstances described in this subsection, that office space would be vacated by the southeast human service center on or before October 31, 1992.
3. The amount of \$11,035,936 identified in subdivision 7 of section 1 of this Act for human service centers' operating expenses includes \$132,278 appropriated for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, for the period beginning July 1, 1991, and ending October 31, 1991. If House Bill No. 1511 becomes effective, the appropriations made in section 1 of this Act, together with the appropriations made under this section, provide insufficient funds for rent of human service facilities within North

Dakota. Insufficient funds have been appropriated in order to permit the department of human services to cancel, on its own terms, the real estate lease, entered into between red river human services foundation and the state of North Dakota, department of human services, designated as contract number 05-123, relating to rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center.

4. If House Bill No. 1511 fails to become effective, the amount of \$661,389, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, to the department of human services for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center.

SECTION 11. SALE OF SURPLUS STEAM HEAT - TERMS - NOT TO BE CONSTRUED AS THE DISTRIBUTION OF HEAT. The department, with the approval of the governor, is authorized but not required to determine if surplus steam heat is or may be produced at the developmental center, and to sell any surplus steam heat to the city of Grafton. The sale may be on such terms and conditions as may be deemed necessary by the department, provided that no sale may be made for less than the cost of producing the surplus steam heat. A sale of steam heat, if made by the department to the city of Grafton, may not be construed as the distribution of heat under title 49.

SECTION 12. ADMINISTRATION OF CHILD CARE BLOCK GRANT AND AT-RISK CHILD CARE PROGRAMS. The department of human services shall function as the designated state agency for administration of the Child Care and Development Block Grant Program under section 658C of the Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101-508, Section 5081; 42 U.S.C. 602, et seq.] and the At-Risk Child Care Program under Section 5081 of the Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101-508, Section 5081; 42 U.S.C. 602(i); 42 U.S.C. 603(n)]. The department may take actions reasonably necessary to conform the administration of programs under its supervision and direction to the requirements of federal law and regulations pertaining to the block grant and child care programs, including development of plan amendments and applications for federal funding and the issuance of policy manuals, forms, and program directives. Under the supervision and direction of the department, each county social service board shall administer the programs to the extent state and federal funds are available to defray the full costs of program administration and the provision of program benefits to eligible individuals and families. The department is authorized to employ such staff as is necessary for administration of the programs, within the limitations of appropriations therefor in section 1 of this Act.

SECTION 13. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Insurance payments by the department. Notwithstanding any other eligibility requirements for human services programs, the department, pursuant to rules promulgated by the department, may pay health insurance premiums, copayments, and deductibles for a person with acquired immune deficiency syndrome if the payment of premiums, copayments, and deductibles is determined to be a cost-effective alternative to the payment of future medical assistance and economic assistance costs for that person.

SECTION 14. LEGISLATIVE COUNCIL STUDY - IMPACT OF CHILD SUPPORT GUIDELINE MODELS. The legislative council shall consider studying the impact of various child support guideline models on family units, on the quality of the relationships among the persons in the families

affected by the guidelines, and on children who receive child support. The study, if conducted, should address the impact of the various models and whether the various models provide adequate financial support for the children involved. The legislative council, if a study is conducted, shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-third legislative assembly.

SECTION 15. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES BUDGET ALLOTMENTS. Notwithstanding the provisions of House Bill No. 1276, it is the intent of the legislative assembly that all general fund appropriations in section 1 of this Act be subject to the provisions of North Dakota Century Code sections 54-44.1-12 and 54-44.1-13.1 relating to budget allotments and reductions."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Summary of changes

SUBDIVISION 1 - EXECUTIVE DIRECTOR

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Changes the funding source of the salary compensation package		\$ (3,917)	\$ 3,917
2. Reduces out-of-state travel	\$ (1,807)	(236)	(1,571)
3. Reduces dues and professional development	(746)	(98)	(648)
Subtotal	\$ (2,553)	\$ (4,251)	\$ 1,698

SUBDIVISION 2 - DEPARTMENTWIDE AND MANAGERIAL SUPPORT

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Changes the funding source of the salary compensation package		\$ (47,765)	\$ 47,765
2. Deletes funds added by Senate for Governor's Council on Human Resources for 1 FTE administrative secretary III (\$116,000 remains, \$20,000 for each committee and \$36,000 for travel, per diem, and professional services)	\$ (35,000)		(35,000)
3. Reduces out-of-state travel	(15,604)	(7,178)	(8,426)
4. Reduces dues and professional development	(14,211)	(5,683)	(8,528)
5. Reduces data processing	<u>(75,401)</u>	<u>(12,608)</u>	<u>(62,793)</u>
Subtotal	\$ (140,216)	\$ (73,234)	\$ (66,982)

SUBDIVISION 3 - ECONOMIC ASSISTANCE

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. AFDC reprojction	\$ 1,400,476	\$ 1,802,470	\$ (401,994)
2. Changes the funding source of the salary compensation package		(36,015)	36,015
3. IV-D incentive reprojction	(1,006,295)	(1,006,295)	
4. Changes child care block grant funding allocation (adds 3 FTE and related expenses, reduces grants) \$1,140,250 is added in subdivision 6	(1,140,250)	(1,140,250)	
5. Reduces out-of-state travel	(10,968)	(5,758)	(5,210)
6. Reduces dues and professional development	(479)	(251)	(228)
7. Reduces data processing	<u>(443,444)</u>	<u>(352,165)</u>	<u>(91,279)</u>
Subtotal	\$ (1,200,960)	\$ (738,264)	\$ (462,696)

SUBDIVISION 4 - MEDICAL ASSISTANCE

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Adds funds for Medicaid grants reprojction	\$ 6,246,113	\$ 4,846,113	\$ 1,400,000
2. Adds funds for developmental disabilities grants reprojction	4,058,853	2,458,853	1,600,000
3. Adds funds for department payment of insurance premiums for AIDS patients	20,000		20,000
4. Changes the funding source of the salary compensation package		11,863	(11,863)
5. Deletes funds added by Senate for 4 percent salary increase for DD providers	(968,486)	(591,861)	(376,625)
6. Reduces funds added by Senate to allow the expansion of Medicaid eligibility to pregnant women and children (to age 1) with incomes up to 160 percent of poverty on January 1, 1992 (Senate provided at 150 percent - 1/1/92 and 170 percent - 1/1/93)	(468,010)	(358,010)	(110,000)
7. Deletes funds added by	(600,000)	(450,000)	(150,000)

Senate for optional Medicaid services pursuant to Section 1929 of the Social Security Act for home and community care for functionally disabled elderly individuals

8.	Reduces out-of-state travel	(8,066)	(4,513)	(3,553)
9.	Reduces dues and professional development	(702)	(352)	(350)
10.	Reduces data processing	<u>(154,563)</u>	<u>(115,906)</u>	<u>(38,657)</u>
	Subtotal	\$ 8,125,139	\$ 5,796,187	\$2,328,952

SUBDIVISION 5 - VOCATIONAL REHABILITATION

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND	
1.	Changes the funding source of the salary compensation package	\$ (1,394)	\$ 1,394	
2.	Reduces out-of-state travel	\$ (11,430)	(9,676)	(1,754)
3.	Reduces dues and professional development	(992)	(864)	(128)
4.	Reduces data processing	<u>(25,355)</u>	<u>(20,284)</u>	<u>(5,071)</u>
	Subtotal	\$ (37,777)	\$ (32,218)	\$ (5,559)

SUBDIVISION 6 - FIELD SERVICES AND PROGRAM DEVELOPMENT

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND	
1.	Foster care caseload rejections savings	\$ 229,338	\$ (229,338)	
2.	Adds funds for children at risk initiative line item consisting of \$250,000 from the general fund for day treatment (\$100,000 for the department, \$100,000 to be distributed through the Department of Public Instruction, and \$50,000 to be distributed through the Department of Corrections) and \$731,500 from the general fund for for 8 CAAR (Children and Adolescent at Risk) teams - 18 FTE. Also 4 FTE are added for a sexual abuse treatment program funded from other funds	\$ 1,791,727	810,227	981,500
3.	Adds funds for SMI clubhouse model project in Minot	150,000		150,000

4. Changes child care block grant funding (adds 1.5 FTE) offset by reduction in Subdivision 3	1,140,250	1,140,250	
5. Reduces out-of-state travel	(29,312)	(12,044)	(17,268)
6. Reduces dues and professional development	(6,670)	(1,907)	(4,763)
7. Reduces data processing	(48,651)	(21,543)	(27,108)
8. Changes the funding source of the salary compensation package		(91,556)	91,556
Subtotal	\$ 2,997,344	\$ 2,052,765	\$ 944,579

SUBDIVISION 7 - HUMAN SERVICE CENTERS

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Changes the funding source of the salary compensation package		\$ (771,339)	\$ 771,339
2. Deletes funds for human service center rental contingently included in Section 10	\$ (661,389)		(661,389)
3. Reduces out-of-state travel	(4,846)	(2,562)	(2,284)
4. Reduces dues and professional development	(9,253)	(128)	(9,125)
5. Reduces data processing	<u>(1,302)</u>		<u>(1,302)</u>
Subtotal	\$ (676,790)	\$ (774,029)	\$ 97,239

SUBDIVISION 8 - STATE HOSPITAL

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Adds funds to salaries and wages for:			
Funding 2 psychiatrists for a total of 17 psychiatrists	\$ 558,632		\$ 558,632
Funding 1 child diagnosis and evaluation psychiatric team	200,000		200,000
2. Adds funds from lands and minerals trust fund for capital improvements for asbestos removal and utilities relocation	700,000	\$ 700,000	
3. Increase income of State Hospital to restore income reduced by Senate		1,634,682	(1,634,682)

4. Changes the funding source of the salary compensation package		(1,159,707)	1,159,707
5. Reduces operating expenses for locum tenens funding to be used for 2 psychiatrists in salaries and wages	(858,948)		(858,948)
6. Reduces operating expenses for utility savings from utility relocation	(100,000)		(100,000)
7. Reduces out-of-state travel	(9,347)	(356)	(8,991)
8. Reduces dues and professional development	(21,374)	(549)	(20,825)
9. Reduces data processing	<u>(73,790)</u>	<u> </u>	<u>(73,790)</u>
Subtotal	\$ 395,173	\$ 1,174,070	\$ (778,897)

SUBDIVISION 9 - STATE DEVELOPMENTAL CENTER

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Add funds for telemetry contract	\$ 5,000		\$ 5,000
2. Changes the funding source of the salary compensation package		\$ 355,999	(355,999)
3. Deletes funds for telemetry machine	(20,000)		(20,000)
4. Changes funding source of education program		350,000	(350,000)
5. Reduces out-of-state travel	(977)	(34)	(943)
6. Reduces dues and professional development	(6,801)	(1,396)	(5,405)
7. Reduces operating expenses for conference expenses	<u>(35,000)</u>	<u> </u>	<u>(35,000)</u>
Subtotal	\$ (57,778)	\$ 704,569	\$ (762,347)

SUBDIVISION 10 - CRITICAL NEEDS FUNDING POOL

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
Deletes funds for critical needs funding pool:			
Subtotal	\$(6,784,760)	\$(4,957,419)	\$(1,827,341)

Section 4 is deleted relating to the Children's Services Coordinating Committee funding in the amount of \$1,768,364 of other funds as the funds are

appropriated directly in this bill. A total of \$1,991,727 is provided, \$1,181,500 from the general fund. Section 8 regarding the use of moneys in the critical needs funding pool is deleted.

Section 10 is added which provides a contingent appropriation of up to \$661,389, which is reflected in the totals.

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
ENGROSSED SB 2002	\$840,357,142	\$588,209,477	\$252,147,665
GRAND TOTAL NET INCREASES (DECREASES) TO ENGROSSED SB 2002	<u>\$ 1,509,847</u>	<u>\$ 1,379,812</u>	<u>\$ 130,035</u>
GRAND TOTAL SB 2002	\$841,866,989	\$589,589,289	\$252,277,700

OTHER AMENDMENTS

A new Section 7 regarding Medicaid funds transfer is added. A new Section 8 allowing the department to lease real property at the State Developmental Center and State Hospital is added. A new Section 9 is added regarding unanticipated federally mandated programs providing that if appropriations in subdivision 4 of Section 1 are insufficient, the department shall report to the Budget Section regarding any prospective deficiency to be introduced to the 1993 Legislative Assembly. A new Section 10 is added providing a contingent alternative appropriation regarding the Southeast Human Service Center related to House Bill No. 1511.

Section 11 is added to allow the Grafton Developmental Center to sell surplus steam. Section 12 is added regarding the administration of the child care block grant program. Section 13 is added to provide a new section to chapter 50-06 to allow the department to pay insurance premiums for AIDS patients if cost effective. Section 14 is added relating to a Legislative Council study of child support guideline models. Section 15 is added providing legislative intent that all general fund appropriations in Section 1 of this Act be subject to allotments and reductions resulting from revenue shortfalls and initiative or referendum action.

Summary of changes regarding the employee compensation package:

	<u>FUNDING SOURCE CHANGE</u>	
	GENERAL FUND INCREASE (DECREASE)	OTHER FUNDS INCREASE (DECREASE)
Executive office	\$ 3,917	\$ (3,917)
Managerial support	47,765	(47,765)
Economic assistance	36,015	(36,015)
Medical assistance	(11,863)	11,863
Vocational rehabilitation	1,394	(1,394)
Field services and program development	91,556	(91,556)
Human service centers	771,339	(771,339)
State hospital	1,159,707	(1,159,707)
State developmental center	<u>-(355,999)</u>	<u>355,999</u>
Total change	\$1,743,831	\$(1,743,831)

Summary of selected operating expense reductions:

	TOTAL	GENERAL FUND	OTHER FUNDS
Out-of-state travel	\$ 92,357	\$ 50,000	\$ 42,357

Dues and professional 11,228 development	61,228	50,000	
Data processing	<u>822,506</u>	<u>300,000</u>	<u>522,506</u>
Total	\$976,091	\$400,000	\$576,091

Summary of children services initiative:

Day treatment program	250,000	250,000	
State Hospital - Child diagnosis and psychia- tric evaluation team	200,000	200,000	
CAAR teams	864,288	731,500	132,788
Sexual abuse and treatment	397,439		397,439
Mental health planning grant	280,000		280,000
Total	\$1,991,727	\$1,181,500	\$810,227

SB 2004, as reengrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, replace lines 6 and 7 with "to authorize the disposition of San Haven properties."

Page 2, line 5, replace "219,900" with "221,900"

Page 2, line 7, replace "35,697,246" with "35,699,246"

Page 2, line 9, replace "7,481,870" with "7,483,870"

Page 2, line 16, replace "2,025,000" with "2,040,000"

Page 2, line 17, replace "7,629,565" with "7,644,565"

Page 2, line 18, replace "2,025,000" with "2,040,000"

Page 3, line 8, replace "13,316,435" with "13,088,435"

Page 3, line 9, replace "71,641,398" with "71,506,398"

Page 3, line 10, replace "84,957,833" with "84,594,833"

Page 3, line 26, replace "\$2,025,000" with "\$2,040,000"

Page 4, replace lines 11 through 29 with:

"SECTION 7. SAN HAVEN PROPERTIES - SALE, LEASE, EXCHANGE, OR TRANSFER. The director of the office of management and budget, with the approval of the governor, may sell, lease, exchange, or transfer title or use of any part or all of the San Haven facilities and properties located in sections nineteen, twenty-nine, and thirty, township one hundred sixty-two north, range seventy-two west, located in Rolette County, North Dakota, under the following conditions:

1. By agreement with the governing body of the city of Dunseith, the director of the office of management and budget may designate up to eighty acres of the property authorized for sale by this section and, if the designated property is sold at auction, the city of Dunseith has the first right to purchase by matching the best bid received.
2. The portion of the property described in this section which is used as a golf course may be transferred for a nominal

consideration to the city of Dunseith or a corporation or association of residents of the Dunseith community for use as a golf course. The transfer authorized by this subsection is exempt from the provisions of sections 54-01-05.2 and 54-01-05.5. A transfer under this subsection may be made with an easement for the appurtenant use of water from any other property described in this section.

3. The property described in this section which is not otherwise disposed of under this section may be sold at auction, subject to the provisions of section 54-01-05.2. Any sale under this section is exempt from the provisions of section 54-01-05.5, except that one appraisal must be obtained before the sale of any property. If no satisfactory bid is received on property offered for sale at auction, the director of the office of management and budget, with the approval of the governor, may cause any buildings on the property to be demolished.
4. Any sale, use, or demolition of the property described in this section is subject to approval of the lienholder, the economic development administration.

SECTION 8. APPROPRIATION. There is hereby appropriated out of any moneys in the lands and minerals trust fund, not otherwise appropriated, the sum of \$550,000, or so much thereof as may be necessary, to the office of management and budget, of which \$500,000 may be used for asbestos removal at the San Haven facilities only if the facilities are sold, disposed of in any manner, or demolished during the period and \$50,000 may be used for removing fuel tanks, securing facilities, and preparing the facilities for sale or other disposition, for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 5, remove lines 1 through 12

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 113 - OFFICE OF MANAGEMENT AND BUDGET

The state memberships special line item is increased by \$2,000 for North Dakota's share of the Governmental Accounting Standards Board (GASB) accounting research costs. Pursuant to billings from GASB of \$1,000 per year, the Office of Management and Budget shall make such payments as payment in full for North Dakota's participation in the board's governmental accounting research effort.

A section is added to appropriate \$550,000 from the lands and minerals trust fund, \$500,000 is to be used for asbestos removal and \$50,000 for the removal of fuel tanks at the San Haven facilities. The fuel tanks may be removed only if the facilities are sold, disposed of, or demolished.

This amendment eliminates the supported employment program. The funding for this program was \$230,000 from the general fund and \$700,000 from special funds.

DEPARTMENT 111 - FACILITY MANAGEMENT

This amendment increases the capital improvements line item by \$15,000 from the capitol building fund for the remodeling costs to move the Capitol Press Offices to the room now used by the House Appropriations Committee Government Operations Division. The Government Operations Division will be moved to a ground floor location.

SB 2005, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (19 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace "transfers" with "a transfer"

Page 1, line 19, replace "\$1,288,861" with "\$1,841,230"

Page 2, remove lines 3 through 8

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 506 - RADIO COMMUNICATIONS

The amendment increases by \$552,369 the transfer from the state highway special fund to a total of \$1,841,230, and removes the transfer of \$552,369 from the game and fish fund.

SB 2006, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 14, remove the underscore

Page 1, after line 14, insert:

"Grants 65,000"

Page 1, line 15, replace "1,675,081" with "1,740,081"

Page 1, line 16, replace "1,281,774" with "1,406,874"

Page 1, line 17, replace "393,307" with "333,207"

Page 1, after line 22, insert:

"SECTION 3. STATE HAZARDOUS MATERIAL PREPAREDNESS AND RESPONSE FUND. The amount appropriated for salaries and wages and grants in section 1 of this Act includes \$125,100 from the state hazardous material preparedness and response fund for the biennium beginning July 1, 1991, and ending June 30, 1993."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment eliminates general fund appropriations for one FTE emergency program specialist II for the hazardous material training program and provides the funding from this position (\$60,100) to be from the state hazardous material preparedness and response fund. In addition, up to \$65,000 from the fund may be given to political subdivisions as grants.

SB 2007, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide an appropriation for the North Dakota veterans' cemetery;"

Page 1, line 22, replace "915,000" with "1,015,000"

Page 2, line 2, replace "14,530,978" with "14,630,978"

Page 2, line 3, replace "9,188,986" with "9,288,986"

Page 2, line 5, replace "1,385,063" with "1,485,063"

Page 2, line 7, replace "hereby appropriated" with "to be spent"

Page 2, after line 16, insert:

"SECTION 4. APPROPRIATION - REPORT TO BUDGET SECTION. There is hereby appropriated any funds received by the adjutant general from federal and private sources for the purpose of constructing and operating the North Dakota veterans' cemetery at or adjacent to Fort Abraham Lincoln state park for the biennium beginning July 1, 1991, and ending June 30, 1993. The adjutant general shall report to the budget section of the legislative council during the 1991-93 biennium on the funds received and spent for the veterans' cemetery."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

This amendment adds a section to provide an appropriation of any funds received from federal and private sources for the construction and operation of the North Dakota veterans' cemetery and for the Adjutant General to report to the Budget Section of the Legislative Council on the funds received and spent.

This amendment increases the tuition fees special line item by \$100,000 from the National Guard tuition trust fund for the tuition assistance program.

SB 2018, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, after "fund" insert "and the general fund"

Page 1, remove line 17

Page 1, line 18, replace "450,000" with "100,000"

Page 1, replace line 19 with:

"Total all funds	\$1,100,000
Less estimated income	<u>1,000,000</u>
Total general fund appropriation	\$ 100,000"

Page 2, remove lines 4 through 10

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

This amendment deletes the appropriation of \$300,000 from Bank of North Dakota profits for cooperative marketing grants and the appropriation of \$450,000 for farm diversification grants, also from Bank of North Dakota profits. The amendment adds \$100,000 from the general fund for farm diversification grants.

SB 2019: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS,

0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "divisions" insert "; to provide a contingent appropriation; to provide for an appropriation for defraying certain expenses of the attorney general; and to amend and reenact subsection 1 of section 65-13-03 of the North Dakota Century Code, relating to administration of the Uniform Crime Victims Reparations Act"

Page 1, after line 11, insert:

"Subdivision 1."

Page 1, line 13, replace "5,903,211" with "5,843,406"

Page 1, line 14, replace "1,015,328" with "1,012,208"

Page 1, line 15, replace "2,609,498" with "2,713,917"

Page 1, line 16, replace "472,251" with "467,951"

Page 1, remove line 17

Page 1, line 20, replace "11,373,713" with "10,166,204"

Page 1, line 21, replace "10,955,782" with "10,155,482"

Page 1, line 22, replace "417,931" with "10,722"

Page 1, after line 22, insert:

"Subdivision 2.

ATTORNEY GENERAL - CRIME VICTIMS REPARATIONS

Salaries and wages	\$ 106,875
Information services	4,120
Operating expenses	14,000
Equipment	10,300
Grants, benefits, and claims	<u>1,244,703</u>
Total all funds	\$ 1,379,998
Less estimated income	<u>910,300</u>
Total general fund appropriation	\$ 469,698
Grand total general fund appropriation SB 2019	\$ 480,420
Grand total special funds appropriation SB 2019	\$14,118,636
Grand total all funds appropriation SB 2019	\$14,599,056"

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

Page 2, line 2, replace "\$10,001,929" with "\$10,111,929" and replace "hereby appropriated" with "to be spent"

Page 2, after line 4, insert:

"SECTION 3. CONTINGENT APPROPRIATION. If Senate Bill No. 2206 is approved by the fifty-second legislative assembly, becomes effective and contains provisions authorizing the workers' compensation bureau to establish a workers' compensation arbitration panel or the workers' compensation bureau to contract for third-party administrative services and the establishment of a managed care program, there is hereby appropriated out of the workers' compensation fund, not otherwise appropriated, the sum of \$447,854 for the purpose of establishing an arbitration panel, and the sum of \$2,605,000 for the purpose of contracting for third-party administrative services and the establishment of a managed care program to the workers' compensation bureau beginning July 1, 1991, and ending June 30, 1993.

SECTION 4. AMENDMENT. Subsection 1 of section 65-13-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. "Board" means the ~~workers compensation bureau attorney~~ general of this state.

SECTION 5. LEGISLATIVE COUNCIL - AUTHORITY TO CHANGE REFERENCES TO ATTORNEY GENERAL. The legislative council may replace any reference to the "board" wherever it appears in North Dakota Century Code 65-13 with an appropriate reference to the attorney general."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

This amendment eliminates the Crime Victims Reparations program including one FTE administration position added in the executive budget as follows:

	GENERAL FUND	FEDERAL FUNDS	TOTAL FUNDS
Salaries and wages	\$ 59,805		\$ 59,805
Information services	3,120		3,120
Operating expenses	5,581		5,581
Equipment	4,300		4,300
Grants, benefits, and claims	<u>\$334,403</u>	<u>\$910,300</u>	<u>1,244,703</u>
Total	<u>\$407,209</u>	<u>\$910,300</u>	<u>\$1,317,509</u>

This amendment increases the operating expenses line item by \$110,000 from the workers' compensation fund to provide for the printing of the safety code manual. The 1989-91 appropriation provided for the printing of the safety code manual, but due to delays in finalizing the code, printing and distribution will not occur until the 1991-93 biennium.

A section is added providing a contingent appropriation of \$3,052,854 from the workers' compensation fund for the biennium ending June 30, 1993. The appropriation is contingent upon the passage of Senate Bill No. 2206 and that it contains provisions for the establishment of an arbitration panel, the contracting for third-party administrative services and the establishment of a managed care program.

	SPECIAL FUNDS	TOTAL SPECIAL FUNDS
1. Establishment of an arbitration panel		
Salaries and wages (2 FTE)	\$ 130,454	
Operating expenses	294,200	
Equipment	23,200	
		\$ 447,854
2. Contracting for third-party administrative services and the establishment of a managed care program	2,605,000	2,605,000
Total	<u>\$3,052,854</u>	<u>\$3,052,854</u>

DEPARTMENT 125 - OFFICE OF THE ATTORNEY GENERAL - CRIME VICTIMS REPARATIONS

This amendment transfers administration of the Uniform Crime Victims Reparations Act from the Workers Compensation Bureau to the Attorney General

and provides for one FTE administrator and one FTE administrative secretary II as follows:

	GENERAL FUND	FEDERAL FUNDS	TOTAL FUNDS
Salaries and wages	\$106,875		\$ 106,875
Information services	4,120		4,120
Operating expenses	14,000		14,000
Equipment	10,300		10,300
Grants, benefits, and claims	334,403	\$910,300	1,244,703
Total	\$469,698	\$910,300	\$1,379,998

SB 2069, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (15 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). SB 2069 was placed on the Fourteenth order on the calendar.

SB 2070, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 15, after the period insert "The state auditor may charge a political subdivision a fee for the costs of reviewing a financial report."

Page 3, line 15, replace "\$200,000" with "\$100,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment reduces the amount of the 1989-91 unspent general fund appropriation authority the auditor may carryover by \$100,000, from \$200,000 to \$100,000. The amendment also authorizes the State Auditor to charge political subdivisions a fee for reviewing their financial reports.

SB 2234, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (13 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

In lieu of the amendments to Engrossed Senate Bill No. 2234 adopted by the House as printed on pages 1142-1148 of the House Journal, Engrossed Senate Bill No. 2234 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for an office of administrative hearings, a director of administrative hearings and other administrative hearings officers, uniform rules of administrative practice and procedure, and an advisory council; to repeal subsection 2 of section 50-24.4-18 and subsection 18 of section 54-12-01 of the North Dakota Century Code, relating to appointment of administrative hearings officers by the attorney general and certain appeals by nursing homes; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions - Office of administrative hearings.

1. In this Act, unless the context or subject matter otherwise requires:

a. "Administrative agency" means that term as defined in section 28-32-01.

- b. "Agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government whether headed by an appointed or elected official.
 - c. "Director" means the director of administrative hearings.
2. A state office of administrative hearings is created. The office is under the direction of a director of administrative hearings who must be free of any association that would impair the director's ability to function officially in a fair and objective manner. The director must be an attorney-at-law in good standing, admitted to the bar in this state, and currently licensed by the state bar board. The governor shall appoint the director, who must be confirmed by the senate. The director shall hold office for a term of six years, beginning July first of the year of appointment and ending June thirtieth of the sixth calendar year after appointment.
 3. The director may preside at administrative hearings and may employ or appoint additional administrative hearings officers to serve in the office as necessary to fulfill the duties of office as described in section 4 of this Act and to provide administrative hearings officers to preside at administrative hearings as requested by agencies. The director may delegate to an employee the exercise of a specific statutory power or duty as deemed advisable, subject to the director's control, including the powers and duties of a deputy director. All administrative hearings officers must be classified employees, except that the director must be an unclassified employee who only may be removed, during a term of office, for cause. Each administrative hearings officer must have a demonstrated knowledge of administrative practices and procedures and must be free of any association that would impair the officer's ability to function officially in a fair and objective manner.
 4. The director may employ the necessary support staff required by the office. Support staff must be classified employees.
 5. The director shall develop categories of positions in the classified service under class titles for the appointment or employment of hearings officers and support staff in consultation with and subject to the approval of the director of the central personnel division, including the salary to be paid for each position or category of position.

SECTION 2. Temporary administrative hearings officers. When regularly appointed administrative hearings officers are not available, the director may contract on a temporary basis with qualified individuals to serve as administrative hearings officers for the office of administrative hearings.

SECTION 3. Hearings before administrative hearings officers.

1. Notwithstanding the authority granted in chapter 28-32 allowing agency heads or other persons to preside in an administrative proceeding, all hearings of administrative agencies under chapter 28-32, except hearings conducted by the public service commission, the industrial commission, the state engineer, the department of transportation, job service North Dakota, the commissioner of insurance not relating to the sanctioning of agents, and the commissioner of labor, and except rulemaking hearings held in accordance with section 28-32-02, must be conducted by the office of administrative hearings in accordance with the administrative hearings

provisions of chapter 28-32 and any rules adopted pursuant to chapter 28-32. However, appeals hearings pursuant to section 61-03-22 and drainage appeals from water resource boards to the state engineer pursuant to chapter 61-32 must be conducted by the office of administrative hearings. Additionally, hearings of the department of corrections and rehabilitation for the parole board in accordance with chapters 12-56.1 and 12-59, regarding parole violations; job discipline and dismissal appeals to the board of higher education; education of the handicapped act due process hearings of the superintendent of public instruction; and chapter 37-19.1 veterans' preferences hearings for any agency must be conducted by the office of administrative hearings in accordance with applicable laws.

2. The agency head shall make a written request to the director requesting the designation of a hearings officer for each administrative hearing to be held. An agency may request a hearings officer to be designated to preside over the entire administrative proceeding. If a statute so requires, an agency shall, or unless a statute prohibits, an agency may, request that the hearings officer designated issue the final order in the matter. Informal disposition of an administrative proceeding may be made by an agency at any time before or after the designation of a hearings officer from the office of administrative hearings.
3. If a party to an administrative proceeding is in default, the agency may issue a default order and a written notice of default, including a statement of the grounds for default. If issued, the default notice and order must be served upon all the parties and the hearings officer, if one has been assigned. After service of the default notice and order, the agency may conduct further proceedings necessary to complete the administrative action with or without the participation of the party in default, and with or without a hearings officer from the office of administrative hearings presiding. The agency shall determine all the issues involved.
4. When assigning administrative hearings officers to conduct administrative hearings or to preside in an administrative proceeding, the director shall attempt to assign a hearings officer having expertise in the subject matter to be dealt with.
5. The director may assign an administrative hearings officer to preside in an administrative proceeding, upon request, to any agency exempted from this section, to any agency, or part of any agency, that is not an administrative agency subject to chapter 28-32, to any unit of local government in this state, or to any agency to conduct a rulemaking hearing.

SECTION 4. Duties of administrative hearings officers.

1. An administrative hearings officer shall:
 - a. Advise an agency that has requested a hearings officer, and other affected interests and parties, about the location and time for an administrative hearing, or related proceeding, to be held, in order to allow for participation by all affected interests and parties.
 - b. Give proper notice as required by law.
 - c. Conduct only hearings and related proceedings for which proper notice has been given.

- d. Assure that all hearings and related proceedings are conducted in a fair and impartial manner.
 - e. When appropriate, make findings of fact, conclusions of law, and recommendations, taking notice whether the agency has documented its statutory authority to take the proposed action, fulfilled all relevant substantive and procedural requirements of law or rule, and, in rulemaking proceedings, conformed to chapter 28-32.
 - f. Perform any and all other functions required by law, assigned by the director, or delegated to the hearings officers by the agency.
2. When an agency requests a hearings officer to preside only as a procedural hearings officer, the hearings officer may only conduct the hearing and perform such other functions of the proceeding as requested. If the hearings officer is presiding only as a procedural hearings officer, the agency head must be present at the hearing and the agency head shall issue findings of fact and conclusions of law, as well as any order resulting from the hearing. The procedural hearings officer may issue orders in regard to the conduct of the hearing, pursuant to statute or rule, and to otherwise effect an orderly and prompt disposition of the proceedings.

SECTION 5. Uniform rules of administrative practice or procedure
- Effective date - Hearings officer rules.

1. The director shall adopt, in accordance with chapter 28-32, rules of administrative hearings practice or procedure which implement chapter 28-32 and which aid in the course and conduct of all administrative hearings and related proceedings conducted by administrative agencies under chapter 28-32. The uniform rules must become effective January 1, 1994. The uniform rules must be used by all administrative agencies subject to chapter 28-32 which do not have their own rules of administrative hearings practice or procedure governing the course and conduct of hearings. If an administrative agency's rules are silent on any aspect of the agency's administrative hearings practice or procedure, the applicable uniform rule governs.
2. The director may adopt rules to further establish qualifications for hearings officers; to establish procedures for requesting and designating hearings officers; and to facilitate the performance of duties and responsibilities conferred by sections 1 through 8 of this Act. Any rules adopted by the director pursuant to this subsection must be adopted in accordance with chapter 28-32.

SECTION 6. Transfer and transition provisions.

1. There is transferred from all agencies required to use the office of administrative hearings to conduct administrative hearings, to the office of administrative hearings, on the effective date of this Act, the following:
 - a. All functions performed on the day before the effective date of this Act by hearings officers of the agency, pursuant to the administrative hearings provisions of chapter 28-32, and any rules adopted pursuant to that chapter, or any other applicable law, which must be performed by hearings officers of the office of administrative hearings beginning on the effective date of this Act.

- b. The full-time equivalents of any agency hearings officer positions which are dedicated to the appointment or employment full time, or half time or more, of administrative hearings officers. Any individual appointed or employed pursuant to such full-time equivalent whose position is transferred to the office of administrative hearings may elect to accept the transfer, with no reduction in pay, or may elect to remain employed by the agency in another position, if offered by the agency.
 - c. The full-time equivalents of any agency positions that are dedicated to the appointment or employment full time, or half time or more, of support staff for administrative hearings officers or their work. Any individual who is appointed or employed pursuant to such full-time equivalent whose position is transferred to the office of administrative hearings may elect to accept the transfer, with no reduction in pay or classification, or may elect to remain employed by the agency in another position, if offered by the agency.
 - d. All property, equipment, materials, and copies of records held, used, arising from, available, or to be made available, in connection with the functions, individuals, and authority transferred by this section, as needed and required by the office of administrative hearings.
2. If the director and the agency transferring any position or any property, equipment, materials, or copies of records to the office of administrative hearings cannot agree about who or what is to be transferred, the director of the office of management and budget may make determinations with regard to transfers to carry out sections 1 through 8 of this Act, to accommodate the needs and requirements of the office of administrative hearings, and to accommodate a smooth transition of positions, persons, property, equipment, materials, and records.
 3. The director of the office of management and budget, if necessary, may require agencies to allow the use of agency facilities on a temporary basis to allow for an orderly consolidation of the office of administrative hearings, personnel, property, equipment, materials, and copies of records in one location as space becomes available.
 4. Administrative proceedings in progress on the effective date of this Act may be transferred to the office of administrative hearings to be conducted in accordance with applicable law only if the same person or persons currently involved in conducting the proceedings for the agency is available to conduct the proceedings for the office of administrative hearings. Otherwise, an administrative proceeding in progress on the effective date of this Act must be handled by the agency or person previously involved, in accordance with applicable law.

SECTION 7. Compensation for provision of hearings officers - Special fund established.

1. The office of administrative hearings may require payment for services rendered by any administrative hearings officer provided by it to any agency, or any unit of local government, in the conduct of an administrative hearing and related proceedings and those entities must make the required payment to the office. Payment may include payment for support staff necessary to render hearings officer services.

General fund moneys may not be used for payment by state agencies pursuant to this subsection. Moneys received by the office of administrative hearings in payment for providing an administrative hearings officer to conduct an administrative hearing and related proceedings must be deposited in the operating fund of the office of administrative hearings.

2. The office of administrative hearings may require payment for mileage, meals, and lodging in connection with services rendered by an administrative hearings officer provided to any agency, or any unit of local government, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment for meals and lodging must be in the amounts allowable under section 44-08-04. Payment for mileage when using state vehicles must be in amounts set for user charges under section 24-02-03.5. All other payments must be in amounts allowed for other state officials and employees. Either general fund or special fund moneys, or other income, may be used for the payment of mileage, meals, and lodging under this subsection.
3. The administrative hearings fund is a special account in the state treasury. The director shall deposit in the fund all moneys received by the office of administrative hearings in payment for providing temporary administrative hearings officers to conduct administrative hearings and related proceedings under this Act, as well as all moneys received by the office in payment for mileage, meals, and lodging in connection with providing any administrative hearings officer to conduct an administrative hearing and related proceedings. The moneys in the fund may be spent, within the limits of legislative appropriations, for the following purposes:
 - a. For the director to contract with and make payment to temporary administrative hearings officers, as necessary, for the purpose of providing requested administrative hearings officers to agencies or any unit of local government.
 - b. For the director to pay mileage, meals, and lodging to any hearings officers, as necessary, in connection with the services to be provided by this Act.

SECTION 8. ADVISORY COUNCIL. The state advisory council for administrative hearings is created as a committee or subcommittee of the state bar association of North Dakota, appointed by its president. The advisory council shall meet with the director at least semiannually and shall advise the director on policy matters affecting the office of administrative hearings and on rules adopted by the director.

SECTION 9. REPEAL. Subsection 2 of section 50-24.4-18 and subsection 18 of section 54-12-01 of the North Dakota Century Code are repealed.

SECTION 10. EFFECTIVE DATE. This Act becomes effective on July 1, 1993."

ReNUMBER accordingly

SB 2259, as reengrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

In lieu of the amendments to Reengrossed Senate Bill No. 2259 adopted by the House as printed on page 1059 of the House Journal, Reengrossed Senate Bill No. 2259 is amended as follows:

Page 1, line 4, replace "authority to obtain a loan from the Bank of North Dakota" with "an appropriation"

Page 6, line 22, remove "residential"

Page 13, replace lines 1 through 5 with:

"SECTION 24. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to the North Dakota real estate appraiser qualifications and ethics board for the purpose of defraying the expenses of the board for the period beginning with the effective date of this Act, and ending June 30, 1993. Such sum appropriated as is accepted by the board must be returned to the general fund by June 30, 1993, to the extent funds are not returned to the general fund by June 30, 1993, the funds must be returned by June 30, 1995, with interest from fees collected by the board."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 60 - REAL ESTATE APPRAISER BOARD

This amendment provides a \$50,000 general fund appropriation for startup costs of the Real Estate Appraiser Qualifications and Ethics Board with the provision that the funds accepted by the board be paid back to the general fund by June 30, 1993.

SB 2451, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1190-1191 of the House Journal, Engrossed Senate Bill No. 2451 is amended as follows:

Page 1, line 15, after "pesticides" insert "and pesticide containers"

Page 2, line 4, remove "nonagricultural"

Page 2, line 5, remove "and five hundred dollars for each agricultural use"

Page 2, line 6, remove "product registered"

Page 3, remove lines 8 through 13

Page 3, line 16, replace "\$300,000" with "\$200,000"

Page 3, remove lines 21 through 29

Page 4, remove lines 1 through 4

Page 4, line 7, replace "\$385,000" with "\$485,000"

Page 4, line 8, replace "department of health and consolidated" with "commissioner of agriculture"

Page 4, line 9, remove "laboratories" and replace "analyzing and disposing of unusable" with "noxious weed control"

Page 4, line 10, remove "pesticides and triple-rinsed pesticide containers"

Page 4, after line 11, insert:

"SECTION 5. APPROPRIATION PRIORITY. If available moneys in the environment and rangeland protection fund are insufficient to fully fund all appropriations made from the fund by the fifty-second legislative assembly for the 1991-93 biennium, all other appropriations must be made from the fund prior to making the appropriation for noxious weed control as set forth in section 4 of this Act."

Renumber accordingly

SB 2596: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "to provide a contingent payment to the department of health and consolidated laboratories;"

Page 5, line 17, after "taxes" insert ", including an income tax liability determined under section 57-38-30.3,"

Page 6, after line 17, insert:

"SECTION 11. CONTINGENT PAYMENT - DOMESTIC VIOLENCE FUND - STATE TREASURER. If on January 1, 1993, there is an unobligated balance pursuant to the appropriation in section 10 of this Act, the state treasurer must make a payment pursuant to this appropriation equal to the amount of such remaining balance, but not to exceed \$300,000 to the department of health and consolidated laboratories' domestic violence fund."

Renumber accordingly

CORRECTION and REVISION of the JOURNAL (Rep. Schmidt, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Fifty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1487, line 16, delete the numerals "25" and insert the numerals "2515"

REP. DEWITZ MOVED that the report be adopted, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1175, HB 1182, HB 1187, HB 1199, HB 1306, HB 1389, HB 1422, HB 1489, HB 1536, HB 1543, HB 1608, HCR 3001, HCR 3002, HCR 3010, HCR 3015, HCR 3019, HCR 3020, HCR 3021, HCR 3029, HCR 3033, HCR 3034, HCR 3040, HCR 3041, HCR 3047, HCR 3049, HCR 3050, HCR 3052, HCR 3054, HCR 3055, HCR 3058, HCR 3059, HCR 3060, HCR 3062, HCR 3065, HCR 3069.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2038, SB 2040, SB 2057, SB 2076, SB 2096, SB 2106, SB 2108, SB 2134, SB 2158, SB 2173, SB 2180, SB 2181.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2212, SB 2213, SB 2266, SB 2279, SB 2333, SB 2357, SB 2378, SB 2416, SB 2472, SB 2492, SB 2493, SB 2494, SB 2498, SB 2506, SB 2508, SB 2520, SB 2526, SB 2530, SB 2539, SB 2556, SB 2559.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1015, HB 1116, HB 1515, HB 1579.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1260.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1515, HB 1579.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 11:03 a.m., April 1, 1991: HB 1027, HB 1103, HB 1190, HB 1462, HB 1555, HB 1591, HB 1609, HB 1610.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 11:03 a.m., April 1, 1991: HB 1004, HB 1005, HB 1011, HB 1050, HB 1186, HB 1201, HB 1271, HB 1282, HB 1285, HB 1327, HB 1336, HB 1391, HB 1392, HB 1395, HB 1400, HB 1408, HB 1416, HB 1425, HB 1446, HB 1454, HB 1467, HB 1472, HB 1486, HB 1487, HB 1492, HB 1499, HB 1500, HB 1511, HB 1519, HB 1522, HB 1523, HB 1530, HB 1567, HB 1568, HB 1581, HB 1584, HB 1590.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1515, HB 1579.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:50 p.m., April 1, 1991: HB 1175, HB 1182, HB 1187, HB 1199, HB 1306, HB 1389, HB 1422, HB 1489, HB 1536, HB 1543, HB 1608.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2575, SB 2578, SB 2595.

MOTIONS

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

REP. KLOUBEC MOVED that the House consider all bills on the Sixth order in one motion, with the exception of SB 2016, SB 2034, SB 2113, and SB 2169, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments to SB 2065 be adopted, which motion prevailed.

SB 2065, as amended, was rereferred to the Committee on Appropriations.

SIXTH ORDER OF BUSINESS

SB 2016, as engrossed: REP. THOMPSON (Committee on Appropriations) MOVED that the amendments on HJ pages 1520-1522 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

Engrossed SB 2016, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the department of parks and recreation, department of tourism, and the state historical board; providing a statement of legislative intent regarding historic site master plans; and providing a statement of legislative intent regarding interagency cooperation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Whalen

Engrossed SB 2016 passed and the title was agreed to.

MOTION

REP. DALRYMPLE MOVED that the House reconsider its action whereby HB 1261 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

Engrossed HB 1261 was placed on the Eleventh order on the calendar.

SECOND READING OF HOUSE BILL

HB 1261: A BILL for an Act to amend and reenact subsections 2 and 4 of section 6-08-16 and subsections 2, 3, and 7 of section 6-08-16.2 of the North Dakota Century Code, relating to fees for collection costs on checks or drafts issued without sufficient funds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 58 YEAS, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Dorso; Enget; Freier; Gates; Gerntholz; Goffe; Gorder; Gorman; Hanson; Hausauer; Henegar; Howard; Jensen; Kloubec; Kretschmar; Kroeber; Kunkel; Larson; Martin; Martinson; Miller; Myrdal; Nicholas; Nichols; Olson, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boehm; Boucher; Brokaw; Brown; Carlson; Coats; Delzer; Dorso; Enget; Freier; Gates; Gerntholz; Goffe; Gilmore; Grosz; Grumbo; Hokana; Huether; Jacobson; Kaldor; Kelsch; Kerzman; Kolbo; Laughlin; Linderman; Mahoney; Meyer; Muhs; Mutzenberger; Nelson; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schindler; Schmidt; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe

ABSENT AND NOT VOTING: Cleary

Engrossed HB 1261 passed and the title was agreed to.

MOTION

REP. DEMERS MOVED that the House reconsider its action whereby HB 1596 failed to pass for want of a Constitutional majority. Rep. Schimke questioned the fact as to whether or not the Clincher motion was applied to HB 1596.

RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED that HB 1596 was not included in the Clincher motion, and it was in order to reconsider the action whereby HB 1596 failed to pass.

The motion that the House reconsider its action whereby HB 1596 failed to pass for want of a Constitutional majority prevailed on a verification vote. HB 1596 was placed on the Eleventh order of business on the calendar.

MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to HB 1596, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1596: A BILL for an Act to create and enact a new section to title 6, a new section to title 7, and a new section to title 47 of the North Dakota Century Code, allowing banking institutions, credit unions, savings and loan associations, and other persons to pay interest on escrow accounts related to mortgages on residences.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 54 YEAS, 52 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Muhs; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe; Tollefson; Wentz; Wilkie; Williams

NAYS: Bateman; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skjervan; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

HB 1596 passed and the title was agreed to.

MOTION

REP. WILLIAMS MOVED that the House reconsider its action whereby Engrossed SB 2541 failed to pass.

REQUEST

REP. FLAAGAN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2541 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2541 failed to pass, the roll was called and there were 62 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, G.; Bodine; Boucher; Carlson; Clayburgh; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gilmore; Goffe; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kolbo; Kretschmar; Kroeber; Larson; Laughlin; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Peterson; Porter; Pyle; Ring; Ritter; Rydell; Schneider; Skar; Skjervan; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Wald; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Dorso; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Howard; Kelsch; Kerzman; Kloubec; Kunkel; Linderman; Martin; Myrdal; Nichols; Olsen, D.; Olson, A.; Payne; Price; Rennerfeldt; Scherber; Schimke; Schindler; Schmidt; Shide; Soukup; Thompson; Trautman; Urlacher; Wardner; Wentz

So the motion to reconsider the action whereby SB 2541 failed to pass prevailed.

Engrossed SB 2541 was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2541: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-06 of the North Dakota Century Code, relating to persons permitted to conduct games of chance.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 56 YEAS, 50 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, G.; Berg, R.; Bodine; Boucher; Carlson; Clayburgh; Cleary; Coats; DeMers; Dorso; Enget; Flaagan; Freier; Gabrielson; Gates; Gilmore; Goffe; Gorman; Grumbo; Hanson; Henegar; Hokana; Huether; Jacobson; Jensen; Kolbo; Kretschmar; Larson; Laughlin; Mahoney; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Peterson; Porter; Pyle; Ring; Ritter; Schneider; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Wald; Whalen; Speaker R. Anderson

NAYS: Anderson, B.; Bateman; Belter; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Dalrymple; Delzer; DeWitz; Erickson; Gerntholz; Gorder; Grosz; Hausauer; Howard; Kaldor; Kelsch; Kerzman; Kloubec; Kroeber; Kunkel; Linderman; Martin; Martinson; Myrdal; Nichols; Olsen, D.; Olson, A.; Payne; Price; Rennerfeldt; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; Thompson; Trautman; Urlacher; Wardner; Wentz; Wilkie; Williams

Engrossed SB 2541 passed and the title was agreed to.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1599.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1611, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1611: Reps. DeWitz; Martin; Gilmore

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

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

SB 2206: Reps. Dorso; Tollefson; Mahoney

SB 2591: Reps. Grosz; Gorder; Nichols

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1515, HB 1579.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4072.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1016, HB 1021, HB 1022, HB 1028, HB 1325, HB 1509, HB 1552.

SENATE AMENDMENTS TO ENGROSSED HB 1016

That the proposed amendments to Engrossed House Bill No. 1016 as printed on pages 1329-1333 of the Senate Journal be amended as follows:

Page 1331 of the Senate Journal, line 21, after the period insert "Beginning on January 1, 1993, the treasurer shall credit the tariff received to the highway tax distribution fund. If at any time thereafter the fund's balance falls below two million dollars, it must be replenished as provided in this section, except the fund must be credited with matching funds from the highway tax distribution fund."

SENATE AMENDMENTS TO ENGROSSED HB 1016

Page 1, line 3, after the semicolon insert "to provide for the establishment and collection of a tariff and to require a dealer's bond; to provide a penalty; to provide an expiration date;" and replace "provide a statement of legislative intent" with "declare an emergency"

Page 1, line 14, replace "67,228,301" with "71,016,228"

Page 1, line 16, replace 47,317,225" with "53,768,770"

Page 1, line 17, replace "5,600,500" with "5,915,500"

Page 1, line 18, replace "277,243,000" with "334,285,000"

Page 1, line 21, replace "409,867,849" with "477,464,321"

Page 2, line 4, replace "1,440,893" with "1,840,000"

Page 2, line 7, replace "781,659" with "1,800,000"

Page 2, line 8, replace "5,512,241" with "6,929,689"

Page 2, line 13, replace "6,560,740" with "6,761,740"

Page 2, line 15, replace "17,594,841" with "17,795,841"

Page 2, line 16, replace "432,974,931" with "502,189,851"

Page 2, line 21, after "FUND" insert "- ADDITIONAL INCOME"

Page 2, line 25, after the period insert "Income in excess of the amounts appropriated for operating expenses and equipment in subdivision 3 of section 1 of this Act may be spent within the provisions of Senate Bill No. 2168 for purposes of those items."

Page 2, replace lines 26 through 29 with:

"SECTION 4. ADDITIONAL FULL-TIME EQUIVALENT POSITIONS. The department of transportation is authorized to hire up to forty-eight additional full-time equivalent positions, which must relate to work necessitated by the maintenance, reconstruction, and construction of highways."

Page 3, remove lines 1 and 2

Page 3, line 16, replace "\$1,800,000" with "\$2,500,000"

Page 3, after line 17, insert:

"SECTION 7. Definitions. As used in sections 8 through 13 of this Act, unless the context otherwise requires:

1. "Administrator" means the manager of the state fire and tornado fund.
2. "Dealer" means any person licensed by the tax commissioner to sell motor vehicle fuel or special fuels within the state.
3. "Director" means the director of the department of transportation.
4. "Fund" means the petroleum tank release compensation fund.
5. "Surface mining equipment" means stationary mining equipment or motor vehicles that are not subject to registration under chapter 39-05 utilized in a surface mining operation.
6. "Tariff" means a fee imposed on all petroleum products subject to the taxes imposed under chapters 57-43.1 and 57-43.2, except liquefied petroleum, fuel sold for railroad locomotives, or fuel sold for surface mining equipment.

SECTION 8. Tariff levied. A dealer shall pay to the tax commissioner a tariff of one cent per gallon [3.79 liters] for every gallon [3.79 liters] of gasoline, kerosene, tractor fuel, heating oil except liquefied petroleum, subject to taxation under chapters 57-43.1 and 57-43.2. Fuel sold for rail locomotives or surface coal mining equipment is exempt. The dealer shall collect the tariff from the purchaser or user and, notwithstanding any other provision of law, the tariff may not be refunded. The tariff must accompany the monthly report required by section 11 of this Act. The tax commissioner shall forward all money collected under this section to the state treasurer monthly. The provisions of chapters 57-43.1 and 57-43.2 pertaining to the administration of motor vehicle fuel and special fuels not in conflict with this Act govern the administration of the tariff levied by this section. To aid and monitor the collection of the tariff, the administrator, the director, the tax commissioner and the treasurer may exchange information provided by the dealer.

SECTION 9. Collection of tariff. The tax commissioner shall collect the tariff levied by section 8 of this Act beginning July 1, 1991. The tax commissioner shall deposit the tariff collected in the treasury for credit to the state highway fund.

SECTION 10. Disposition of tariff. The treasurer shall credit the tariff received to the state highway fund. From the state highway fund the treasurer must credit an amount equal to one-half of the tariff received to the fund until the sum of one million dollars has been transferred from the state highway fund. When the fund reaches such sum, no further credit will be made. If the unexpected balance of the fund's reserves fall below two million dollars, the administrator shall notify the director and the treasurer. Upon such notice the treasurer must credit from the state highway fund the money to match, on a one-to-one ratio, the registration fees credited to the fund after the notice from the administrator. The treasurer shall continue to match the registration fees credited to the fund until the fund reaches the sum of five million dollars. Reasonable forecasts of future expenses including loss reserves and income may be used in determining the financial requirements of the fund.

SECTION 11. Report of petroleum products. No later than the twenty-fifth day of each calendar month, a dealer shall send to the tax commissioner a correct report of all purchases and sales of gasoline, kerosene, tractor fuel, heating oil, or diesel fuel during the preceding month. The report must include the same information as required by chapters 57-43.1 and 57-43.2 for motor vehicle fuel and special fuels tax collection purposes.

SECTION 12. Bond required of dealer. The tax commissioner may require a dealer to furnish a surety bond payable to the state in the sum of five hundred dollars, or twice the amount of tariffs due from the dealer for any calendar month during the preceding year, whichever amount is greater, guaranteeing true reports of purchases and sales of gasoline, kerosene, tractor fuel, heating oil, and diesel fuel and payment of all tariffs imposed under section 8 of this Act. The tax commissioner shall determine the sufficiency of the bond. A bond may cover delinquent tariffs for one or all of the petroleum products subject to a tariff under section 8 of this Act. When a tariff is not paid within twenty days after it is due, the bond is forfeited to the extent of the delinquent tariff.

SECTION 13. Penalty. A dealer violating section 8 of this Act is guilty of a class A misdemeanor.

SECTION 14. EXPIRATION DATE. This Act is effective through June 30, 1999, and after that date is ineffective.

SECTION 15. EMERGENCY. Sections 7 through 13 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DOT - TRANSPORTATION OPERATIONS

This amendment makes the following changes to the Transportation Operations Division of the Department of Transportation:

Salaries and wages are increased by \$3,787,927, of which \$757,585 is from the highway fund and \$3,030,342 is from federal funds for an additional 48 FTE positions, from 991.6 FTE to 1,039.6 FTE, and temporary and overtime pay relating to highway maintenance, construction, and reconstruction.

Operating expenses are increased by \$6,451,545, of which \$1,290,309 is from the highway fund and \$5,161,236 is from federal funds for consultant engineers (\$5,750,000) and for travel and other operating costs (\$701,545).

Equipment is increased by \$315,000, of which \$63,000 is from the highway fund and \$252,000 is from federal funds for engineering and computer equipment.

Capital improvements are increased by \$56,342,000, of which \$11,268,400 is from the highway fund and \$45,073,600 is from federal funds for additional highway construction projects.

Capital improvements are also increased by \$700,000 from the highway fund to provide increased funding for the construction of a new Fargo district headquarters, from \$1,800,000 to \$2,500,000.

The amendment establishes a one-cent-per-gallon tariff on motor fuel and special fuels sold by licensed dealers in North Dakota. The tariff is estimated to generate \$11,000,000 to \$12,000,000 of additional revenue to the highway fund for the 1991-93 biennium. One-half of the collections from the tariff will be transferred to the petroleum release compensation fund. Once \$1 million has been transferred to the fund, all collections from the tariff will be deposited in the highway fund until the petroleum release compensation fund balance falls below \$2 million at which time moneys from the highway fund will be transferred to the petroleum release compensation fund to match registration fee collections until the fund totals \$5 million.

The following schedule compares the various versions of the Transportation Operations Division's 1991-93 budget proposals:

	EXECUTIVE BUDGET RECOMMENDATION	HOUSE VERSION	SENATE VERSION
FTE	1005.60	991.60	1039.60
Salaries and wages	\$ 67,969,228	\$ 67,228,301	\$ 71,016,228
Information services	2,890,496	2,890,496	2,890,496
Operating expenses	47,472,770	47,317,225	53,768,770
Equipment	5,600,500	5,600,500	5,915,500
Capital improvements	252,943,000	277,243,000	334,285,000
Grants	8,248,327	8,248,327	8,248,327
Public Transportation	1,340,000	1,340,000	1,340,000
Total	<u>\$386,464,321</u>	<u>\$409,867,849</u>	<u>\$477,464,321</u>
General fund	\$ 26,297	\$ 0	\$
0			
Federal funds	220,404,946	242,365,050	295,882,228
Highway fund	166,033,078	167,502,799	181,582,093
Total	<u>\$386,464,321</u>	<u>\$409,867,849</u>	<u>\$477,464,321</u>

	HOUSE CHANGE TO EXECUTIVE BUDGET	SENATE CHANGE TO EXECUTIVE BUDGET	SENATE CHANGE TO HOUSE VERSION
FTE	-14.00	34.00	48.00
Salaries and wages	\$ (740,927)	\$ 3,047,000	\$ 3,787,927
Information services	0	0	0
Operating expenses	(155,545)	6,296,000	6,451,545
Equipment	0	315,000	315,000
Capital improvements	24,300,000	81,342,000	57,042,000
Grants	0	0	0
Public Transportation	0	0	0
Total	<u>\$ 23,403,528</u>	<u>\$ 91,000,000</u>	<u>\$ 67,596,472</u>
General fund	\$ (26,297)	\$ (26,297)	\$ 0
Federal funds	21,960,104	75,477,282	53,517,178
Highway fund	1,469,721	15,549,015	14,079,294
Total	<u>\$ 23,403,528</u>	<u>\$ 91,000,000</u>	<u>\$ 67,596,472</u>

DEPARTMENT 802 - FLEET SERVICES

Operating expenses are increased by \$201,000 from other funds for increased usage of motor pool vehicles by the Transportation Operations Division.

Section 3 of the bill is amended to allow Fleet Services to spend additional income for operating expenses and equipment upon Emergency Commission approval.

DEPARTMENT 803 - MOTOR VEHICLE

The operating expenses line item is increased by \$399,107 of motor vehicle registration fees and the license plates and tabs line item is increased by \$1,018,341 of motor vehicle registration fees for costs related to a new general license plate issue to begin in November 1992. Additional funding to complete the general issue during the 1993-95 biennium will be addressed by the 53rd Legislative Assembly.

SENATE AMENDMENTS TO ENGROSSED HB 1021

Page 1, line 2, remove the second "and"

Page 1, line 3, after "fund" insert "; and to declare an emergency"

Page 2, line 17, replace "1,903,828" with "1,764,502"

Page 2, line 18, replace "4,866,546" with "5,005,872"

Page 2, remove lines 25 and 26

Page 2, line 27, replace "546,096" with "2,841,096"

Page 2, line 28, replace "16,563,133" with "18,683,133"

Page 2, line 29, replace "2,569,660" with "2,531,814"

Page 3, line 1, replace "13,993,473" with "16,151,319"

Page 3, line 6, replace "3,668,700" with "5,468,700"

Page 3, line 9, replace "5,744,664" with "7,544,664"

Page 3, line 23, replace "24,624,889" with "26,922,061"

Page 3, line 24, replace "12,189,533" with "13,812,361"

Page 3, line 25, replace "36,814,422" with "40,734,422"

Page 4, after line 3, insert:

"SECTION 4. ROUGHRIDER INDUSTRIES' OPERATING FUND - BANK OF NORTH DAKOTA. Roughrider industries may establish its own operating fund in the Bank of North Dakota. Interest earned on the roughrider industries' operating fund shall be deposited in the state general fund. Roughrider industries may use its own manufacturing accounting system and must report annually its revenues and expenditures to the office of management and budget for the purpose of its financial statements being included in the state's comprehensive audited financial statements.

SECTION 5. EMERGENCY. The capital improvements line in subdivision 4 of section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 533 - STATE INDUSTRIAL SCHOOL

Estimated income is reduced by \$139,326 and the general fund is correspondingly increased by \$139,326 to replace vocational education funds that will no longer be available to the School.

DEPARTMENT 524 - STATE PENITENTIARY

The capital improvements line item is increased by \$2,295,000 from the general fund for the following projects at the State Penitentiary and State Farm:

Domestic hot water	\$ 60,000
Electrical outlets in cell houses	85,000
New facilities at State Farm	2,150,000
Total	\$2,295,000

The House had deleted the funding for these projects from the Governor's budget.

An emergency clause is added to allow the State Farm construction project to be started prior to July 1, 1991.

Estimated income is reduced by \$37,846 and the general fund is correspondingly increased by \$37,846 to replace vocational education funds that will no longer be available to the State Penitentiary.

Also, a line item of \$175,000 from the general fund added by the House, for repairs and remodeling at the State Farm is deleted.

DEPARTMENT 535 - ROUGHRIDER INDUSTRIES

The amendment adds \$1,800,000 from other funds for the manufacturing of license plates for the 1991-93 biennium. The House deleted \$2,000,000 from the Governor's budget for this purpose.

Also, Roughrider Industries is authorized to establish an operating fund in the Bank of North Dakota and use its own manufacturing accounting system. Roughrider Industries must report its revenues and expenditures to OMB annually for the purpose of its financial statements being included in the state's comprehensive audited financial statements.

DEPARTMENT 536 - PAROLE AND PROBATION

No changes in funding are made to the engrossed bill. This purpose of amendment is to clarify the deletion of \$8,500 in salaries and wages and \$6,500 in operating expenses made by the House. Salaries and wages are reduced by \$8,500 and operating expenses by \$1,500 to delay the implementation of the Bismarck intensive supervision program for six months rather than for one year. The remaining \$5,000 reduction in operating expenses represents a cutback in general operating costs during the biennium.

In total, the amendments increase the total appropriation from the House version by \$3,920,000, \$2,297,172 from the general fund and \$1,622,828 from other funds. The general fund appropriation, after these amendments, is \$97,728 less than the Governor's budget.

SENATE AMENDMENTS TO HB 1022

Page 1, line 2, after "Dakota" insert "; and to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to a job service rural outreach program; to provide an appropriation; and to provide an effective date"

Page 1, after line 18, insert:

"SECTION 3. A new section to chapter 52-04 of the North Dakota Century Code is created and enacted as follows:

Rural outreach fund.

1. There is hereby created a special fund in the state treasury to be known as the job service rural outreach fund which is separate and distinct from the unemployment compensation fund.
2. Each employer liable for contributions under chapter 52-04 is also liable for a special assessment to be levied at the rate of one one-hundredth of one percent of the employer's taxable wages. The special assessment is due and payable at the same time the employer's contributions are due and payable. This special assessment is subject to the interest and penalty provisions governing contributions and may be collected in the same manner and under the same methods available for use in collection of contributions. Any interest and penalty collected must be deposited in the federal advance interest repayment fund.
3. All moneys collected and interest earned from the investment of the rural outreach fund must be deposited in the fund and may be used only for the following purposes:
 - a. Moneys in the job service rural outreach fund may be appropriated by the legislative assembly to finance job service offices in incorporated cities in North Dakota with a population of less than four thousand.

- b. Moneys in the job service rural outreach fund may be used to finance the cost of administering the fund.
 - c. Moneys in the job service rural outreach fund may be used to provide refunds of erroneous special assessment payments, without interest, to employers. However, no refund may be made later than three years after the date on which the special assessment was paid.
4. The state treasurer is ex officio the treasurer and custodian of the job service rural outreach fund and shall administer the fund in accordance with the direction of job service North Dakota, and shall issue warrants upon it in accordance with rules adopted by job service North Dakota. The treasurer shall give a separate bond in an amount fixed by job service North Dakota and in a form prescribed by law or approved by the attorney general. The bond must be conditioned upon the faithful performance of the treasurer's duties as custodian of the fund. Premiums for the bond must be paid from the job service rural outreach fund. With the exception of expenditures under subdivisions b and c of subsection 3, expenditure of moneys from the job service rural outreach fund are not subject to any provision of law requiring specific appropriations or other formal release by state officers of money in their custody.
 5. All interest earned by the job service rural outreach fund must be credited to and remain a part of the fund.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the job service rural outreach fund in the state treasury, not otherwise appropriated, the sum of \$202,963, or so much thereof as may be necessary, to job service North Dakota for the purpose of financing job service offices in incorporated cities in North Dakota with a population of less than four thousand and for the purpose of financing the administration of the job service rural outreach fund, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$110,406
Operating expenses	69,057
Equipment	23,500
Total appropriation from job service rural outreach fund	<u>\$202,963</u>

SECTION 5. EFFECTIVE DATE. Sections 3 and 4 of this Act become effective on January 1, 1992."

Reumber accordingly

SENATE AMENDMENTS TO HB 1028

In lieu of the amendments as adopted by the Senate as printed on page 1022 of the Senate Journal, House Bill No. 1028 is amended as follows:

Page 1, line 3, remove the second "and"

Page 1, line 4, after "definitions" insert "; and to provide an appropriation"

Page 2, after line 26, insert:

"SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the state fire and tornado fund in the state treasury, not otherwise appropriated, the sum of \$99,688, or so much thereof as may be necessary, to the commissioner of insurance for the purpose of implementing this Act for the biennium beginning on July 1, 1991, and ending on June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 401 - INSURANCE COMMISSIONER

This amendment adds a section that provides for an appropriation of \$99,688 from the state fire and tornado fund for one FTE appraiser and .5 FTE support person and operating expenses.

SENATE AMENDMENTS TO HB 1325

Page 2, line 24, replace "there is" with "the rate of the tax" and replace "a tax of two percent" with "under this chapter"

Page 2, line 26, after "users" insert "is four percent from January 1, 1993, through December 31, 1993; three percent from January 1, 1994, through December 31, 1994; and two percent after December 31, 1994"

Page 2, line 28, replace "June 30, 1991" with "December 31, 1992"

Renumber accordingly

SENATE AMENDMENTS TO HB 1509

Page 1, line 12, replace "twenty-five" with "twenty-two"

Page 2, line 27, replace "twenty-five" with "twenty-two"

Page 3, line 24, replace "twenty-five" with "twenty-two"

Page 4, line 4, after "eight" insert "nine", remove the overstrike over "and one-half", and remove "ten"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1552

Page 1, line 3, after "commissioner" insert "; to amend and reenact subdivision c of subsection 19 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers and duties of the game and fish commissioner"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subdivision c of subsection 19 of section 20.1-02-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. Carrying out practices which that will alleviate depredations caused by predatory animals and big game animals."

Page 1, underscore lines 8 and 9

Renumber accordingly

SIXTH ORDER OF BUSINESS

SB 2034, as reengrossed: REP. THOMPSON (Committee on Appropriations) MOVED that the amendments on HJ pages 1480-1481 be adopted and then be placed on the Fourteenth order with DD PASS, which motion prevailed.

Reengrossed SB 2034, as amended, was placed on the Fourteenth order on the calendar.

MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to Reengrossed SB 2034, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2034: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 15-27.6-04, a new chapter to title 15 of the North Dakota Century Code, and five new sections to chapter 15-27.6 of the North Dakota Century Code, relating to duties of interim district boards, cooperative arrangements for purchasing educational services, and the reorganization of restructured school districts; and to amend and reenact sections 15-27.1-01, 15-27.1-02, subdivision d of subsection 1 of section 15-27.6-04, and section 15-27.6-05 of the North Dakota Century Code, relating to the reorganization of restructured school districts and eligibility for supplemental pupil payments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 104 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Schimke

ABSENT AND NOT VOTING: Thorpe

Reengrossed SB 2034 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2113, as reengrossed: REP. THOMPSON MOVED that the amendments on HJ pages 1522-1523 be adopted and then be placed on the fourteenth order with DO PASS, which motion prevailed.

Reengrossed SB 2113 was placed on the fourteenth order of the business on the calendar.

SECOND READING OF SENATE BILL

SB 2113: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to state school aid; to amend and reenact subdivision a of subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to the per-pupil payment for the 1991-93 biennium; and to provide for contingent additional per-pupil foundation aid payments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 99 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch;

Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brokaw; Brown; Martin; Nelson; Whalen

ABSENT AND NOT VOTING: Olson, A.; Thorpe

Reengrossed SB 2113 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2169, as reengrossed: REP. THOMPSON (Committee on Appropriations) MOVED that the amendments on HJ page 1523 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

Reengrossed SB 2169, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2169: A BILL for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to schoolbus transportation aid payments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordier; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Miller

Reengrossed SB 2169 passed and the title was agreed to.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:44 p.m., April 1, 1991: HB 1515, HB 1579.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. THOMPSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1558 as printed on HJ pages 1313-1314 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1558: Reps. Dalrymple, R. Berg, Starke.

MOTION

REP. KUNKEL MOVED that the House reconsider its action whereby Engrossed SB 2366 passed.

REQUEST

REP. CLAYBURGH REQUESTED a recorded roll call vote on the motion to reconsider the action whereby Engrossed SB 2366 passed, which request was granted.

MOTION

REP. GATES MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed SB 2366 passed, the roll was called and there were 56 YEAS, 48 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Delzer; Dorso; Enget; Erickson; Freier; Gates; Gerntholz; Gilmore; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kelsch; Kolbo; Kunkel; Larson; Martin; Martinson; Miller; Myrdal; Nelson; Nicholas; Nichols; Olsen, D.; Porter; Price; Rennerfeldt; Rydell; Schimke; Schmidt; Shide; Snyder; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; DeWitz; Flaagan; Gabrielson; Goffe; Gorder; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kloubec; Kretschmar; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Muhs; Mutzenberger; Nowatzki; Oban; Olson, A.; Payne; Peterson; Pyle; Ring; Ritter; Scherber; Schindler; Schneider; Skar; Skjerven, Starke; Stofferahn; Thorpe; Wilkie; Williams

ABSENT AND NOT VOTING: Belter; Dalrymple

So the motion to reconsider the action whereby Engrossed SB 2366 passed prevailed.

Engrossed SB 2366 was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2366: A BILL for an Act to repeal section 57-39.2-28 of the North Dakota Century Code, relating to a refund allowed residents of Canada of sales taxes paid in this state; and to declare an emergency.

MOTION

REP. COATS MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 47 YEAS, 57 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; DeWitz; Flaagan; Gabrielson; Gerntholz; Goffe; Gorder; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Muhs; Mutzenberger; Nowatzki; Oban; Payne; Peterson; Pyle; Ring; Ritter; Scherber; Schindler; Schneider; Skar; Skjerven; Starke; Stofferahn; Thorpe; Urlacher; Wilkie; Williams

NAYS: Bateman; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Clayburgh; Delzer; Dorso; Enget; Erickson; Freier; Gates; Gilmore; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kelsch; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Myrdal; Nelson; Nicholas; Nichols; Olsen, D.; Olson, A.; Porter; Price; Rennerfeldt; Rydell; Schimke; Schmidt; Shide; Snyder; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Belter; Dalrymple

Engrossed SB 2366 was declared lost.

MOTION

REP. TIMM MOVED that the vote by which SB 2366 lost be reconsidered and the motion to reconsider be laid on the table, which motion failed on a verification vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. THOMPSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1013 as printed on HJ pages 1416-1417 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1013: Reps. Howard, Gerntholz, Laughlin.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. THOMPSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1014 as printed on HJ page 1360 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1014: Reps. Schmidt, Howard, Meyer.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. THOMPSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1020 as printed on HJ pages 1445-1446 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1020: Reps. Gerntholz, Howard, Meyer.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2515: Reps. Rydell, Tollefson, Wilkie.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House do not concur in the Senate amendments to Reengrossed HB 1043 as printed on HJ pages 1446-1447 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Reengrossed HB 1043: Reps. Martinson, Shide, Enget.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERNSTEIN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1433 as printed on HJ pages 1367-1368 and that a conference

committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1433: Reps. Delzer, Price, Pyle.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1558, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1558: Reps. Dalrymple; Berg, R.; Starke

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennefos and Reps. R. Berg, Bernstein, Dorso, Gabrielson, Gorman, Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup introduced:

(Approved by the Committee on Delayed Bills)

SCR 4072: A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1991 NCAA Division II national championship.

Was read the first time.

MOTION

REP. KLOUBEC MOVED that the rules be suspended, that SCR 4072 not be referred to committee, not be printed in the Journal, be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4072: A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1991 NCAA Division II national championship.

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

SCR 4072 was declared adopted.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2016, SB 2034, SB 2113, SB 2169, and SCR 4072 be messaged to the Senate immediately, which motion prevailed.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

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

SB 2515: Reps. Rydell; Tollefson; Wilkie

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SCR 4072.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1013, HB 1014, HB 1020, HB 1043, and HB 1433, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1013: Reps. Howard; Gerntholz; Laughlin

HB 1014: Reps. Schmidt; Howard; Meyer

HB 1020: Reps. Gerntholz; Howard; Meyer

HB 1043: Reps. Martinson; Shide; Enget

HB 1433: Reps. Delzer; Price; Pyle

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has amended and subsequently passed: SB 2016,
 SB 2034, SB 2113, SB 2169.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Twelfth order of business, and at the conclusion of the Twelfth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 8:00 a.m., Tuesday, April 2, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2058, as reengrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1102-1106 of the House Journal, Reengrossed Senate Bill No. 2058 is amended as follows:

Page 1, line 2, after the fourth comma insert "10-30.3-13,"

Page 1, line 4, replace "on-farm" with "farm"

Page 1, line 5, after the comma insert "the regional rural development revolving loan fund, the creation of the primary sector agribusiness development fund,"

Page 1, line 8, remove "6-09-02, subsection 1 of section 6-09-15, sections"

Page 2, line 7, replace "an allocation" with "a transfer"

Page 2, line 8, remove "to provide for appropriation reductions;"

Page 2, line 22, remove "on-farm"

Page 2, line 23, remove "on-farm"

Page 4, remove lines 27 and 28

Page 5, remove lines 1 and 2

Page 5, line 3, replace "3." with "2."

Page 5, line 4, remove "on-farm"

Page 5, line 5, replace "on-farm" with "value-added" and remove "The moneys"

Page 5, remove line 6

Page 5, line 7, remove "projects."

Page 5, remove lines 9 through 29

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 12

Page 8, line 5, remove the overstrike over "~~sixty-five~~" and remove "seventy

Page 8, line 16, replace the second "the" with "any"

- Page 8, line 19, remove the overstrike over "~~ten~~" and remove "twenty-five" and after "years" insert "; however, the loan may be renewed for an additional ten years at market rates"
- Page 9, line 28, remove ", where"
- Page 10, remove lines 1 and 2
- Page 10, line 6, replace "On-farm" with "Farm" and remove "located on a family farm"
- Page 10, line 7, remove "nontraditional crops, nontraditional livestock,"
- Page 10, line 9, after "industries" insert "which is integrated into the farm operation and may include nontraditional agriculture"
- Page 10, line 21, remove "the"
- Page 10, line 22, replace "establishment of an on-farm" with "a farm"
- Page 11, line 25, replace "the future appropriated" with "a transfer of" and replace "of" with "from"
- Page 12, line 25, remove "The"
- Page 12, remove lines 26 and 27
- Page 13, line 7, replace "percent" with "hundred basis points"
- Page 15, line 24, replace the second "7" with "8"
- Page 16, line 22, after "shall" insert "only"
- Page 16, line 23, after "representatives" insert "who serve in executive capacities" and after the colon insert "private sector"
- Page 16, line 24, overstrike "higher education,", after the third comma insert "and", and overstrike the last comma
- Page 16, line 25, overstrike "and private sector business"
- Page 17, line 27, replace "the" with "moneys"
- Page 17, line 28, remove "future" and replace "earnings of the Bank of North Dakota" with "from the general fund"
- Page 18, line 10, after the period insert "Moneys may also be used to make matching grants to county-authorized or city-authorized development corporations for the acquisition, leasing, or remodeling of real estate facilities for locating a prospective new business. A grant must be made as part of a package of financing in which the state is a participant."
- Page 18, line 13, after the period insert "The rules to implement the grant program must be developed to encourage local fundraising initiatives for developing locations for businesses financed by the corporation."
- Page 18, remove line 26
- Page 18, line 27, remove "be transferred during the biennium to any other category."
- Page 19, after line 5, insert "10-30.3-12."
- Page 19, line 15, remove "equally"
- Page 19, after line 19, insert:

"SECTION 21. Section 10-30.3-13 of the North Dakota Century Code is created and enacted as follows:

10-30.3-13. Primary sector agribusiness development fund - Continuing appropriation. A primary sector agribusiness development fund is established. All moneys transferred to the fund, interests on moneys in the fund, and payments to the fund of principal and interest on loans made by the fund are hereby appropriated for the purposes of this chapter as provided in section 10-30.3-02 for processing, manufacturing, or other value-added enterprises related to the development of agriculture in North Dakota. Moneys may be used to provide working capital or for financing the purchase of fixed assets but not to refinance existing debt. The director of the department of economic development and finance shall adopt rules, subject to the approval of the board of directors, necessary to implement the administration of this fund."

Page 20, line 28, after "science" insert ", or the president's designee"

Page 20, line 29, after "Dakota" insert ", or the president's designee"

Page 21, line 1, replace "of the board of higher education, as appointed" with "from the board of directors of the North Dakota economic development finance corporation appointed under section 10-30.3-03."

Page 21, remove lines 2 through 4

Page 21, line 5, replace "e. Four" with "d. Three"

Page 21, line 7, after the first comma insert "and" and remove ", and export services"

Page 21, remove line 8

Page 21, line 9, replace "through f" with "and d"

Page 22, line 19, after the underscored comma insert "byproduct utilization,"

Page 22, line 24, after the underscored period insert:

"Provide support for specific projects as provided by law.

8."

Page 23, line 18, after the first comma insert "working papers,"

Page 33, line 23, overstrike "The state or any political subdivision of the state which contracts"

Page 33, overstrike lines 24 and 25

Page 33, line 26, overstrike "director of the", remove "department of", overstrike "economic development", and remove "and"

Page 33, line 27, remove "finance" and overstrike "," at the time the architect or engineer is retained, of the"

Page 33, overstrike lines 28 and 29

Page 34, line 1, overstrike "identifying the architect or engineer. The" and insert immediately thereafter "Each year the" and remove the overstrike over "of the"

Page 34, line 2, after "commission" insert "department of economic development and finance"

Page 34, line 3, overstrike "architect" and insert immediately thereafter "registered architects"

Page 34, line 4, overstrike "engineer" and insert immediately thereafter "engineers"

Page 36, after line 16, insert:

"6. Identify those statutes, administrative rules, and policies that impede the attraction, creation, and expansion of businesses and job creation in this state."

Page 36, line 26, after "director" insert "upon the approval of the budget section of the legislative council"

Page 37, remove lines 1 through 20

Page 37, line 21, replace "54-34.3-05" with "54-34.3-04"

Page 37, line 26, remove "The appointment of the director must be confirmed by the senate."

Page 37, remove lines 27 and 28

Page 37, line 29, remove "confirms or rejects the appointment."

Page 39, line 5, remove "and"

Page 39, line 6, after the underscored period insert:

"Report at least annually to an interim committee designated by the legislative council on loan performance and performance of the department of economic development and finance, including evaluations of the division of finance, the division of marketing and technical assistance, and the division of science and technology. A report must include a comparison of dollars spent to the jobs created of all programs administered or supervised by the director and a review of the timeliness of the loan processing practices including a log of activities from application to final determination; and

9."

Page 39, line 8, replace "54-34.3-06" with "54-34.3-05"

Page 39, line 26, replace "54-34.3-07" with "54-34.3-06"

Page 40, line 5, after "state" insert ", regional,"

Page 40, line 9, remove "the development of"

Page 40, line 10, after "state" insert ", regional," and replace "to" with "that"

Page 40, line 18, remove "all"

Page 41, line 11, after the underscored period insert:

"Utilize existing marketing entities from private and other sources such as the microbusiness marketing alliance.

11."

Page 41, line 13, replace "54-34.3-08" with "54-34.3-07"

Page 41, line 26, replace "54-34.3-09" with "54-34.3-08"

Page 41, line 28, after "Dakota" insert "agricultural"

Page 41, line 29, after "assign" insert "for remuneration"

Page 45, line 14, remove "quarterly"

Page 48, line 28, replace "22" with "20"

Page 49, line 8, after the second period insert:

"1."

Page 49, line 12, replace "section" with "subsection"

Page 49, line 14, replace "section" with "subsection"

Page 49, after line 14, insert:

"2. By July 1, 1992, the Bank of North Dakota and the department of economic development and finance must be collocated.

SECTION 50. TRANSFER. There is hereby authorized the transfer to the general fund in the state treasury, the sum of \$22,996,457 from the accumulated and undivided profits of the Bank of North Dakota. The moneys must be transferred during the biennium beginning July 1, 1991, and ending June 30, 1993, upon the order of the industrial commission, with one-half of the transfer to be made no later than June 30, 1992."

Page 49, line 15, replace "ALLOCATION OF BANK OF NORTH DAKOTA EARNINGS. For" with "LEGISLATIVE INTENT. It is the intent of the legislative assembly that the following general fund appropriations and transfers will be made by the legislative assembly for"

Page 49, line 16, replace ", the industrial" with a colon

Page 49, remove lines 17 and 18

Page 49, line 19, replace "5,800,000" with "4,994,457"

Page 49, line 21, replace "7,000,000" with "8,002,000"

Page 49, after line 21, insert:

"Primary sector agribusiness development fund 1,000,000"

Page 49, line 27, underscore "1,000,000"

Page 49, after line 27, insert:

"SB 2058 appropriations and transfers total \$21,996,457"

Page 49, line 29, replace "250,000" with "25,000"

Page 50, line 3, replace "250,000" with "125,000"

Page 50, line 5, replace "450,000" with "100,000"

Page 50, remove line 6

Page 50, after line 6, insert:

"Agricultural appropriations total in other bills \$ 1,000,000"

Page 50, line 7, replace "transfer, retention, or allocation" with "all general fund transfers and appropriations" and replace "22,800,000" with "22,996,457"

Page 50, line 11, remove "and earnings of the Bank of North"

Page 50, line 12, remove "Dakota"

Page 50, line 16, replace "2,422,076" with "1,779,555"

Page 50, line 18, replace "2,209,264" with "1,259,264"

Page 50, after line 19, insert:

"Marketing research contracts 125,000"

Page 50, line 20, replace "1,554,182" with "1,798,013"

Page 50, line 21, replace "6,384,882" with "5,161,192"

Page 50, remove line 22

Page 50, line 23, replace "234,882" with "166,735"

Page 50, line 24, replace "350,000" with "4,994,457"

Page 50, after line 24, insert "The department of economic development may, upon approval of the budget section of the legislative council, use moneys in the grants line item to provide a salary for any new employee needed to complete any specific business proposal."

Page 50, after line 29, insert:

"SECTION 53. APPROPRIATION - TRANSFER. The amount of \$8,002,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the primary sector development fund for the purposes of North Dakota Century Code section 10-30.3-11 for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 51, line 2, replace "earnings of the Bank of North Dakota" with "general fund in the state treasury, not otherwise appropriated,"

Page 51, line 4, replace "10-30.4-01" with "10-30.4"

Page 51, line 8, after the period insert "No more than \$300,000 of the moneys appropriated in this section may be used for administrative costs. Of the \$3,500,000, \$91,583 must be granted for small business innovation, \$250,000 must be granted to the university of North Dakota aerospace center, and \$155,451 must be granted to the center for innovation and business development at the university of North Dakota."

Page 51, replace lines 9 through 13 with:

"SECTION 55. APPROPRIATION - TRANSFER. The amount of \$1,000,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the primary sector agribusiness development fund for the purposes of North Dakota Century Code section 10-30.3-13 for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 56. APPROPRIATION - TRANSFER. The amount of \$3,000,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the partnership in assisting community expansion fund for the purposes of North Dakota Century Code chapter 6-09.14 for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 57. APPROPRIATION - TRANSFER. The amount of \$500,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the agriculture

partnership in assisting community expansion fund for the purposes of North Dakota Century Code chapter 6-09.13 for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 58. APPROPRIATION - TRANSFER. The amount of \$1,000,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the beginning farmer revolving loan fund for the purposes of North Dakota Century Code section 6-09-15.5 for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

SB 2272, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 19, after the period insert "To receive any funds under this section, an organization or agency must file with the governing body from which funds are being requested a report of its program for the fiscal year for which the funds are requested. The report must show all financial resources available to the organization or agency and its program, how those resources are budgeted or intended to be used in that fiscal year or in the future, and the purposes for which funds being requested under this section are to be used."

Renumber accordingly

SB 2282, as reengrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 2, after "a" insert "total"

Page 2, after line 3, insert:

"8. "Voting grower" means a grower who has paid the assessment under this Act, whether or not the grower has applied for a refund."

Page 2, line 18, after the period insert "Each candidate must be supported by a petition bearing the signatures of twenty-five growers from the candidate's district."

Page 2, line 28, after the period insert "Each candidate must be supported by a petition bearing the signatures of twenty-five growers from the candidate's district."

Page 3, line 2, after the period insert "When a member's office is vacant, the council, before beginning the nominating process, shall publish a conspicuous notice of the vacancy, in the official newspaper of every county in the district."

Page 5, line 3, after "state" insert ", until a national corn checkoff is implemented"

Page 6, line 8, after "by" insert "voting"

Page 6, line 9, replace "participating" with "voting"

Page 6, line 12, replace "participating" with "voting"

Page 6, line 17, replace "participating" with "voting" and replace "Participating" with "Voting"

Page 6, line 18, replace "participating" with "voting"

Page 6, line 20, replace "participating" with "voting"

Page 6, line 21, replace "participating" with "voting"

Page 6, line 26, replace "participating" with "voting"

Renumber accordingly

SB 2384, as reengrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

In addition to the amendments to Reengrossed Senate Bill No. 2384 adopted by the House as printed on pages 1111 and 1112 of the House Journal, Reengrossed Senate Bill No. 2384 is amended as follows:

Page 1, line 2, remove "to provide for family life education;" and replace "two" with "a"

Page 1, line 3, replace "sections" with "section" and remove ", a new subsection to section 50-06-05.1, a new section"

Page 1, line 4, remove "to chapter 50-09, and a new section to chapter 50-11.1"

Page 1, line 5, remove "the coordination of services for pregnant women,"

Page 1, line 6, replace "women, aid to dependent children and medical assistance" with "females"

Page 1, remove line 7

Page 1, line 8, remove "resource and referral programs"

Page 1, line 18, replace "women" with "females"

Page 1, line 20, replace "Women" with "Females"

Page 2, line 1, replace "women" with "females"

Page 2, remove lines 3 through 29

Page 3, remove lines 1 through 25

Page 3, line 28, replace "women" with "females"

Page 4, remove lines 7 through 29

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 28

Page 7, remove lines 1 through 17

Page 7, line 27, replace "\$1,034,050" with "\$635,000"

Page 7, line 28, replace "sections" with "section"

Page 7, line 29, remove "through 7", remove "for the biennium", and replace "1991" with "1992"

Page 8, line 1, remove "Of the total amount, \$45,000 must be distributed for the"

Page 8, remove lines 2 through 6

Page 8, line 7, replace "Section 5" with "This Act only becomes effective if House Bill No. 1515, as approved by the fifty-second legislative assembly, becomes effective. If this Act becomes effective, section 2" and after "effective" insert "on"

Renumber accordingly

SB 2594, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "an" with "a contingent"

Page 1, line 13, after "appropriated" insert ", subject to the availability of state general fund revenues as provided in section 3,"

Page 4, line 24, replace "2,761" with "25,077" and replace "85,540" with "63,224"

Page 5, line 28, replace "6,036,121" with "6,058,437" and replace "3,174,321" with "3,152,005"

Page 6, line 2, after "amounts" insert "contingently"

Page 6, after line 6, insert:

"SECTION 3. CONTINGENT APPROPRIATION. The director of the office of management and budget shall make a revised general fund revenue forecast for the biennium ending June 30, 1993, which forecast must be completed between May 1, 1992, and June 15, 1992. The amounts appropriated in section 1 of this Act will be available on July 1, 1992, only if this revised revenue forecast is that general fund revenues for the biennium are estimated to be at least \$4,200,000 greater than estimated at the close of the regular session of the fifty-second legislative assembly. If the revised general fund forecast is that general fund revenues will be greater than estimated at the close of the regular session of the fifty-second legislative assembly, the total amount appropriated from the general fund in section 1 of this Act may be spent to the extent that the projected revenues are in excess of \$4,200,000 over original estimates. If the estimated general fund revenues are less than necessary to fund the provisions of this Act, a proportional reduction to total general and special fund appropriations, and to each general fund and special fund appropriation provided in section 1 must be made."

Page 8, line 24, overstrike "over by him"

Page 10, after line 10, insert:

"SECTION 18. CONTINGENT EFFECTIVE DATE. Sections 4 through 17 of this Act are effective only if the total amount contingently appropriated in section 1 is made available."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a section providing that the general and special fund appropriations in Section 1 are contingently appropriated based on projected general fund revenues exceeding estimates at the close of the regular session of the 52nd Legislative Assembly by \$4,200,000. If general fund revenues are less than \$10,258,437 more than originally projected, the amounts in Section 1 are to be reduced accordingly. Also, Section 18 is added providing that the sections providing for salary increases for elected officials in the

executive and judicial branches are effective only if the total amount appropriated in Section 1 is made available.

This amendment also changes the amounts provided for the Adjutant General by increasing the general fund by \$22,316 and decreasing other funds accordingly to reflect funding available for the pay increase.

REPORTS OF CONFERENCE COMMITTEES

HB 1135: Your conference committee (Sens. Kinnoin, Langley, Bowman and Reps. Rennerfeldt, Bateman, B. Anderson) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1084, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 942 of the Senate Journal and page 1084 of the House Journal and that House Bill No. 1135 be amended as follows:

Page 1, line 8, replace "A" with "Upon request of the department, a" and remove "to the"

Page 1, line 9, remove "department"

Page 1, line 10, replace "at the" with "by March first"

Page 1, remove line 11

Page 1, line 12, remove "department"

Re-number accordingly

HB 1167, as engrossed: Your conference committee (Sens. O'Connell, Mathern, Tennesfos and Reps. Dorso, Carlisle, Huether) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1011-1012, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 861 and 862 of the Senate Journal and pages 1011 and 1012 of the House Journal and that Engrossed House Bill No. 1167 be amended as follows:

Page 1, line 1, after "sections" insert "24-02-03.3, 24-02-03.4, 39-01-02,"

Page 1, line 3, after "to" insert "including board of higher education vehicles in the central management system for state-owned vehicles, the display of official number plates and window decals on state vehicles,"

Page 1, after line 9, insert:

"SECTION 1. AMENDMENT. Section 24-02-03.3 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-02-03.3. Central management system for all state-owned licensed motor vehicles. The commissioner shall establish within the department a central vehicle management system to regulate the operation, maintenance, and management of all motor vehicles owned or leased by the state subject to registration under chapters 39-04 and 39-05. The commissioner shall provide a uniform method of documenting the use and cost of operation of motor vehicles in the system. The commissioner shall advise the director of the office of management and budget as to the need to acquire or dispose of system motor vehicles. The specifications for highway patrol vehicles to be acquired may be set by the highway patrol superintendent. Every state agency, institution, department, board, bureau, and commission unless exempted by the commissioner must use the system. ~~The board of higher education and institutions under its jurisdiction are not required to use the system.~~

Each entity required to use the system must submit records of the operation of each vehicle as directed by the commissioner.

SECTION 2. AMENDMENT. Section 24-02-03.4 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-02-03.4. Transfer of motor vehicles. The title or other documents representing ownership of a motor vehicle owned or leased by the state, ~~except the board of higher education and the institutions under its jurisdiction,~~ must be transferred to the commissioner on ~~July 1, 1987~~ before January 1, 1993. The commissioner may assign motor vehicles purchased with federal funds to the original purchaser or may pay the market value of the vehicle to the original purchaser.

SECTION 3. AMENDMENT. Section 39-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-01-02. Motor vehicles owned or leased by the state to display name on side of vehicles - Exceptions - Penalty. All motor vehicles owned and operated by the state, except the official vehicle for use by the governor, must have displayed on each front door the words NORTH DAKOTA. The words must be in letters four inches [10.16 centimeters] in height. Two and one-half inches [6.35 centimeters] directly below those words there must be printed in letters one and one-half inches [3.81 centimeters] in height the name of the state agency owning or leasing the motor vehicle. The width of the display required by this section must be proportionate to the required height. The color of the lettering must be in clear and sharp contrast to the background. ~~The state highway patrol and all peace officers of this state shall enforce this section. The state auditor, in the course of spot checking or verifying the inventory of any state agency, shall include in the auditor's report to the governor and the legislative assembly any instance of noncompliance with this section that comes to the auditor's attention. The above requirements do not apply to vehicles operated by the attorney general's office, the bureau of criminal investigation, or the highway patrol, vehicles used for drivers education at state institutions, vehicles used principally in juvenile, parole, and placement service, selected cars or vehicles of the state penitentiary approved by the director of institutions, vehicles owned and operated by any entity located upon the international boundary line between the United States of America and Canada used and maintained as a memorial to commemorate the long-existing relationship of peace and good will between the people and the governments of the United States of America and Canada and to further international peace among the nations of the world, or to any truck owned by any state agency. A passenger motor vehicle bearing official plates must be in compliance with this section. The administrator of any state agency who uses or authorizes the use of a motor vehicle which is not marked as required by this section is guilty of a class B misdemeanor and vehicles under the central vehicle management system. The central vehicle management system vehicles must display a window decal designed by the director. The state highway patrol and all peace officers of this state shall enforce this section."~~

Renumber accordingly

HB 1343, as engrossed: Your conference committee (Sens. Evanson, Lindgren, E. Hanson and Reps. St. Aubyn, Delzer, Gilmore) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1264, amend as follows, and then place on the Seventh order:

That the Senate recede from the Senate amendments as printed on page 989 of the Senate Journal and page 1264 of the House Journal, and that Engrossed House Bill No. 1343 be amended as follows:

Page 2, line 2, replace "stipulation of all parties" with "request of any of the parties or upon the determination of the court that it would be appropriate"

Page 2, line 5, after "section" insert "and the court may appoint a guardian ad litem to protect the interests of the child"

Renumber accordingly

HB 1384, as engrossed: Your conference committee (Sens. Jerome, Bowman, Mathern and Reps. Trautman, Price, Thorpe) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1367, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1071 of the Senate Journal and page 1367 of the House Journal and that Engrossed House Bill No. 1384 be amended as follows:

Page 9, line 14, remove the second comma and after the second "to" insert a comma

Page 9, line 15, after the first "consent" insert "to"

Renumber accordingly

HB 1483, as engrossed: Your conference committee (Sens. E. Hanson, Bowman, Mathern and Reps. D. Olsen, Svedjan, Peterson) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1265, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1028 of the Senate Journal and page 1265 of the House Journal and that Engrossed House Bill No. 1483 be amended as follows:

Page 2, line 2, replace "The board, in" with "If an applicant has not completed three years of postgraduate training in a program approved by the board or by an accrediting body approved by the board, but has met all other licensing requirements and has successfully completed one year of postgraduate training in the United States or Canada in a program approved by the board, and if the board finds that the applicant has other professional experience and training that is substantially equivalent to the second and third year of postgraduate training, then the applicant may be deemed eligible for licensure. The board is granted broad discretion in determining whether to apply this exception to the normal licensing requirements"

Page 2, remove lines 3 and 4

Page 2, line 5, remove "lieu of the second or third year of postgraduate training"

Renumber accordingly

HB 1571, as engrossed: Your conference committee (Sens. Kelsh, Marks, Freborg and Reps. Miller, Shide, Kerzman) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1317-1318, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1317 of the House Journal and pages 959 and 960 of the Senate Journal and that House Bill No. 1571 be amended as follows:

Page 1, line 5, after the first comma insert "4-12.2-22,"

Page 1, line 9, after the semicolon insert "to provide a penalty;" Page 5, line 11, overstrike "twenty-five" and insert immediately thereafter "thirty"

Page 5, line 25, overstrike ", setting forth specifically the"

Page 5, line 26, overstrike "type of apiary, the location"

Page 10, after line 6, insert:

"SECTION 13. AMENDMENT. Section 4-12.2-22 of the North Dakota Century Code is amended and reenacted as follows:

4-12.2-22. Penalties - Criminal - Civil - License revocation or nonrenewal.

1. A person who violates this chapter or any rules adopted under this chapter is guilty of a class A misdemeanor.
2. In addition to criminal sanctions which may be imposed pursuant to subsection 1, a person found guilty of violating this chapter or rules adopted under this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation. The civil penalty may be adjudicated by the courts or by the commissioner through an administrative hearing pursuant to chapter 28-32.
3. The department may, in accordance with the laws of this state, maintain an appropriate civil action in the name of the state against any person violating this chapter or rules adopted under this chapter.
4. The commissioner may refuse to grant a license to any person found guilty of repeated violations of this chapter or rules adopted under this chapter, or to any person who has failed to pay an adjudicated civil penalty for violation of this chapter within thirty days after a final determination that the civil penalty is owed.
5. Any person who knowingly makes a false statement, representation, or certification in any application, record, report, or other document may be subject to the penalties provided in this chapter."

Renumber accordingly

HB 1597: Your conference committee (Sens. Graba, Maxson, Nalewaja and Reps. Soukup, Muhs, Gilmore) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1421-1422, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1152 of the Senate Journal and pages 1421 and 1422 of the House Journal and that House Bill No. 1597 be amended as follows:

Page 1, line 11, overstrike "fifty"

Page 1, line 20, after the comma insert "one hundred", remove the overstrike over "~~fifty~~", and remove "~~two hundred~~"

Page 2, line 1, replace "~~three~~" with "two"

Page 2, line 2, remove the overstrike over "~~fifty~~"

Renumber accordingly

FIRST READING OF SENATE BILLS

SB 2575: A BILL for an Act providing an appropriation for a North Dakota higher education center; providing appropriations for various institutions under the state board of higher education; providing an appropriation for the professional student exchange program; to provide

legislative intent regarding tuition increases, and to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and remodeling projects at institutions of higher education.

Was read the first time and referred to the Committee on Appropriations.

SB 2578: A BILL for an Act to provide financial assistance to tribally controlled community colleges; and to provide an appropriation.

Was read the first time and referred to the Committee on Appropriations.

SB 2595: A BILL for an Act to establish a child sexual abuse investigation and prosecution team; and to provide an appropriation; and to provide an effective date.

Was read the first time and referred to the Committee on Appropriations.

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

ROY GILBREATH, Chief Clerk