

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, March 27, 1991

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

The prayer was offered by Rev. Kelly Randolph, Capital Heights Baptist Church, Bismarck.

The roll was called and all members were present except Senators David, Kelly, Stenehjem, Tomac, and Ingstad.

A quorum was declared by the President.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2063 as printed on SJ page 861, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2063: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-01 and subsection 3 of section 53-06.1-11 of the North Dakota Century Code, relating to the definition of adjusted gross proceeds with regard to charitable gaming activities and expenses allowed to charitable gaming organizations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Stenehjem; Tomac

SB 2063 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to Reengrossed SB 2078 as printed on SJ pages 1154-1155, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2078: A BILL for an Act to amend and reenact sections 1 and 15 of chapter 667 of the 1989 Session Laws of North Dakota, section 21-10-01 of the North Dakota Century Code as amended by section 4 of chapter 667 of the 1989 Session Laws of North Dakota, section 21-10-02.1 of the North Dakota Century Code as amended by section 6 of chapter 667 of the 1989 Session Laws of North Dakota, and section 54-52-04 of the North Dakota Century Code as amended by section 11 of chapter 667 of the 1989 Session Laws of North Dakota, relating to the establishment of the North Dakota state retirement and investment office; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Stenehjem; Tomac

SB 2078 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2100 as printed on SJ page 1034, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2100: A BILL for an Act to create and enact a new section to chapter 39-05 and new chapters 41-02.1, 41-03, 41-04, and 41-04.1 of the North Dakota Century Code, relating to the Uniform Commercial Code, article 2A - leases, article 3 - negotiable instruments, article 4 - bank deposits and collections, and article 4A - funds transfers; to amend and reenact subsection 3 of section 6-07-52, subsection 2 of section 41-01-05, subsections 20, 24, 37, 43, and 44 of section 41-01-11, section 41-01-17, subsection 3 of section 41-02-03, subsection 4 of section 41-02-48, subsection 3 of section 41-02-59, subsection 3 of section 41-05-03, subdivision a of subsection 2 of section 41-05-14, subsection 3 of section 41-09-05, section 41-09-13, subsection 1 of section 41-09-16, subdivision f of subsection 1 of section 41-09-23, and section 41-09-30, subsection 1 of section 41-09-33, and section 47-15-01 of the North Dakota Century Code, relating to the Uniform Commercial Code; to repeal the present chapters 41-03 and 41-04 and section 41-09-11 of the North Dakota Century Code, relating to negotiable instruments and bank deposits and collections; to provide for transition; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Stenehjem; Tomac

SB 2100 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2193 as printed on SJ page 832, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2193: A BILL for an Act to create and enact a new subsection to section 53-06.2-11 of the North Dakota Century Code, relating to investment of the breeders' fund and purse fund and the use of income generated; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Stenehjem; Tomac

SB 2193 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2010 be moved to the bottom of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2214 as printed on SJ page 1075, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to create and enact a new chapter to title 29 of the North Dakota Century Code, relating to proceedings for the forfeiture and disposition of property obtained by law enforcement agencies; to amend and reenact subdivision c of subsection 5 of section 12.1-28-02 of the North Dakota Century Code, relating to the forfeiture of gambling devices; and to repeal chapter 29-31 of the North Dakota Century Code, relating to confiscation of equipment used in the commission of a crime.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Langley; Stenehjem, Tomac

SB 2214 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to Engrossed SB 2215 as printed on SJ page 1184, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2215: A BILL for an Act to amend and reenact sections 6-09.10-01, 6-09.10-03, 6-09.10-04, 6-09.10-04.1, and 6-09.10-10 of the North Dakota Century Code, relating to agricultural mediation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 17 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Tallackson; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: Freborg; Goetz; Hanson, O.; Holmberg; Krebsbach; Lindgren; Meyer; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Schoenwald; Solberg; Streibel; Tennefos

ABSENT AND NOT VOTING: David; Ingstad; Langley; Stenehjerm; Tomac

SB 2215 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2219 as printed on SJ page 832, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2219: A BILL for an Act to amend and reenact subsections 1, 6, and 10 of section 53-06.1-01, subsections 1 and 9 of section 53-06.1-06, subsection 2 of section 53-06.1-06.1, subsection 4 of section 53-06.1-07.2, and subsections 2, 3, and 4 of section 53-06.1-14 of the North Dakota Century Code, relating to games of chance laws, definitions of adjusted gross proceeds, distributor, and entire net proceeds, persons permitted to conduct games of chance, the frequency of work permit renewals, the assessable fee in poker, and to provide for the distribution of games of chance equipment.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: Evanson; Freborg; Hanson, O.; Tennefos

ABSENT AND NOT VOTING: David; Ingstad; Langley; Stenehjerm; Tomac

SB 2219 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2227 as printed on SJ pages 1155-1156, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to amend and reenact sections 4-35-05, 4-35-12.1, subsection 13 of section 4-35-15, sections 4-35-16, 4-35-20, and

subsections 4 and 6 of section 4-35-24 of the North Dakota Century Code, relating to the regulation of pesticides.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 14 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Traynor; Wogsland; Yockim

NAYS: DeKrey; Freborg; Hanson, O.; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Solberg; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: David; Ingstad; Langley; Stenehjelm; Tomac

SB 2227 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2237 as printed on SJ pages 1184-1185, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2237: A BILL for an Act to create and enact a new section to chapter 50-27 of the North Dakota Century Code, relating to the administration of the children's trust fund by the committee on children and youth; to amend and reenact sections 25-01-01.1, 50-06-01.2, 50-06-01.4, subdivision d of subsection 1 of section 50-25.2-05, sections 50-26-01, 50-26-05, 50-27-01, and 50-27-03 of the North Dakota Century Code, relating to the various committees of the governor's council on human resources, the developmental disabilities council, the protection and advocacy project, and the children's trust fund; and to repeal section 18 of chapter 333 of the 1989 Session Laws of North Dakota, relating to the duties of the department of human services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Langley; Stenehjelm; Tomac

SB 2237 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2262 as printed on SJ pages 926-927, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2262: A BILL for an Act relating to regulation of unsolicited telefacsimile advertising.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Langley; Stenehjem; Tomac

SB 2262 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2270 as printed on SJ page 927, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2270: A BILL for an Act to amend and reenact section 14-09-07 of the North Dakota Century Code, relating to an exemption to the requirement of a court order to change the residence of a child.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Langley; Stenehjem; Tomac

SB 2270 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2274 as printed on SJ page 953, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2274: A BILL for an Act to amend and reenact sections 14-05-17 and 14-06-06 of the North Dakota Century Code, relating to residency requirements for the granting of divorce and separation decrees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg;

Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Langley; Stenehjem; Tomac

SB 2274 passed and the title was agreed to.

MOTION

SEN. MAXSON MOVED that SB 2275, SB 2327, SB 2372, and SB 2447 be moved to the bottom of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Reengrossed SB 2276 as printed on SJ page 1186, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to penalties for bad faith use of tax exemptions for new industries; to amend and reenact sections 40-57.1-01, 40-57.1-02, 40-57.1-03, 40-57.1-04, 40-57.1-04.1, 40-57.1-04.3, 40-57.1-06, 40-57.1-07, and 40-57.1-08 of the North Dakota Century Code, relating to property, sales, and income tax exemptions for new industries; and to provide for transition.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 21 YEAS, 27 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Freborg; Goetz; Hanson, D.; Holmberg; Krebsbach; Lindgren; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; Peterson; Solberg; Streibel; Tennefos; Thane; Traynor; Vosper

NAYS: Dotzenrod; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsch; Kinnoin; Krauter; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Ingstad; Langley; Stenehjem; Tomac

SB 2276 lost.

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 10:00 a.m., which motion prevailed.

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

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

MR. SPEAKER: The President has signed: 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, HCR 3027, HCR 3031.

POINT OF PERSONAL PRIVILEGE

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

I was distracted during the vote on SB 2276 and intended to vote "Yea".

MOTIONS

SEN. WOGSLAND MOVED that Senate Rule 506 be amended to "fifty-ninth" legislative day instead of "fifty-sixth" legislative day, which motion prevailed on a verification vote.

SEN. WOGSLAND MOVED that HB 1079, which is on the Sixth order, be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Wogsland's motion, HB 1079 was rereferred.

SEN. WOGSLAND MOVED that HB 1015 be placed at the top of the Fourteenth order, which motion prevailed.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1061 and HB 1200, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1061: Reps. Olson, A.; Urlacher; Oban

HB 1200: Reps. Gorman; Olson, A.; Anderson, B.

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

MR. PRESIDENT: The Speaker has signed: SB 2011, SB 2013, SB 2014, SB 2066, SB 2103, SB 2117, SB 2119, SB 2121, SB 2142, SB 2146, SB 2161, SB 2163, SB 2166, SB 2167, SB 2171, SB 2172, SB 2177, SB 2183, SB 2184, SB 2197, SB 2200, SB 2221.

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 1027, HB 1103, HB 1190, HB 1462, HB 1555, HB 1591, HB 1609, HB 1610, HCR 3056, HCR 3061, HCR 3066, HCR 3068.

MOTIONS

SEN. NELSON MOVED that Engrossed HB 1015 be amended as follows:

Page 1, line 17, replace "\$18,062,359" with "\$10,062,359"

Page 1, line 18, after "fund" insert ", \$5,500,000, or so much thereof as may be necessary, from the state fire and tornado fund, and \$2,500,000, or so much thereof as may be necessary, from the undivided profits of the Bank of North Dakota"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

This amendment replaces \$8 million of funding from the highway fund for the Highway Patrol with \$5,500,000 from the fire and tornado fund and \$2,500,000 from the Bank of North Dakota profits with the intent that the additional \$8 million of highway fund moneys will be available to match federal funds in lieu of the one-cent tariff on motor fuel and special fuels as provided in House Bill No. 1016.

SEN. GOETZ REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1015, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1015, the roll was called and there were 24 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Lindgren; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennesfos; Traynor; Vosper

NAYS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

The proposed amendments to Engrossed HB 1051 lost.

SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act making an appropriation for defraying the expenses of the highway patrol.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Hanson, O.; Kinnoin; Meyer; Moore; Solberg; Traynor

HB 1015 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1007, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1007: Sens. Yockim, Robinson, Ingstad.

SEN. DOTZENROD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1507, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1507: Sens. Dotzenrod, Tomac, Moore.

SEN. MATHERN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1073, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1073: Sens. E. Hanson, Lindgren, Evanson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2008 as printed on SJ pages 1101-1102 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2008: Sens. Lindaas, Yockim, Naaden.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2009 as printed on SJ pages 1236-1238 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2009: Sens. Mushik, Tallackson, Thane.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2010 as printed on SJ page 1155 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2010: Sens. Robinson, Yockim, Thane.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2015 as printed on SJ page 1183 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2015: Sens. Kelly, Mushik, Naaden.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2258 as printed on SJ page 1185 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2258: Sens. Redlin, Satrom, Lips.

MOTION

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

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

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2008, SB 2009, SB 2010, SB 2015, and SB 2258, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2008: Sens. Lindaas; Yockim; Naaden
 SB 2009: Sens. Mushik; Tallackson; Thane
 SB 2010: Sens. Robinson; Yockim; Thane
 SB 2015: Sens. Kelly; Mushik; Naaden
 SB 2258: Sens. Redlin; Satrom; Lips

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

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

HB 1007: Sens. Yockim; Robinson; Ingstad
 HB 1073: Sens. Hanson, E.; Lindgren; Evanson
 HB 1507: Sens. Dotzenrod; Tomac; Moore

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 2249: Reps. Wardner; Belter; Nichols
 SB 2422: Reps. Grosz; Nicholas; Anderson, B.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1534 and HB 1597, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1534: Reps. Timm; Freier; Williams
HB 1597: Reps. Soukup; Muhs; Gilmore

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2028, SB 2035, SB 2063, SB 2078, SB 2100, SB 2188, and SB 2193 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2214, SB 2215, SB 2219, SB 2227, SB 2237, SB 2262, and SB 2270 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2274 and SCR 4011 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2151 and SB 2324, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2151: Sens. Kelsh; Marks; Bowman
SB 2324: Sens. Heinrich; Jerome; Stenehjem

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1017, HB 1043, HB 1380, HB 1599, HB 1613, HCR 3026.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1020.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills: SB 2144, SB 2294, SB 2311, SB 2348, SB 2409, SB 2410, SB 2411, SB 2430, SB 2433, SB 2434, SB 2440, SB 2444, SB 2450, SB 2454, SB 2484, SB 2485, SB 2504, SB 2519, SB 2522, SB 2524, SB 2531, SB 2548.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2144, SB 2294, SB 2311, SB 2348, SB 2409, SB 2410, SB 2411, SB 2430, SB 2433, SB 2434, SB 2440, SB 2444, SB 2450, SB 2454, SB 2484, SB 2485, SB 2504, SB 2519, SB 2522, SB 2524, SB 2531, SB 2548.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills and resolutions: HB 1027, HB 1103, HB 1190, HB 1462, HB 1555, HB 1591, HB 1609, HB 1610, HCR 3056, HCR 3061, HCR 3066, HCR 3068.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The President has signed: HB 1027, HB 1103, HB 1190, HB 1462, HB 1555, HB 1591, HB 1609, HB 1610, HCR 3056, HCR 3061, HCR 3066, HCR 3068.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills and resolutions: SB 2223, SB 2235, SB 2236, SB 2238, SB 2239, SB 2240, SB 2245, SB 2253, SB 2429, SCR 4005, SCR 4009, SCR 4037, SCR 4040, SCR 4044, SCR 4046, SCR 4049, SCR 4053, SCR 4055, SCR 4056, SCR 4060.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2223, SB 2235, SB 2236, SB 2238, SB 2239, SB 2240, SB 2245, SB 2253, SB 2429, SCR 4005, SCR 4009, SCR 4037, SCR 4040, SCR 4044, SCR 4046, SCR 4049, SCR 4053, SCR 4055, SCR 4056, SCR 4060.

MOTION

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

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Meyer, Chairman) appointed to consider the nomination for the Southwestern Low-level Radioactive Waste Compact Commission do advise and consent to the appointment of:

Dana K. Mount

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Mr. Dana K. Mount, for the Southwestern Low-level Radioactive Waste Compact Commission", the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, D.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsch; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

The Senate advises and consents to the nomination of Dana K. Mount for the Southwestern Low-level Radioactive Waste Compact Commission.

MOTION

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

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. GRABA MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1597, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1597: Sens. Graba, Maxson, Nalewaja.

SEN. GRABA MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1061, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1061: Sens. Graba, Maxson, Nalewaja.

CONSIDERATION OF AMENDMENTS

HB 1194: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 1294-1295 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1194: A BILL for an Act to create and enact five new subsections to section 28-32-01 and twelve new sections to chapter 28-32 of the North Dakota Century Code, relating to practices and procedures in administrative proceedings; to amend and reenact subsection 3 of section 4-18.1-18, subsection 2 of section 15-47-38, subsection 5 of section 28-32-03, sections 28-32-05, 28-32-06, 28-32-07, 28-32-08, 28-32-09, 28-32-11, 28-32-12, 28-32-13, 28-32-14, 28-32-15, 28-32-17,

28-32-18, 28-32-19, 28-32-20, 28-32-21, 28-32-21.1, 38-08-11, 38-08-13, 38-08-14, subsection 3 of section 38-14.1-30, and subsection 3 of section 43-23-11.1 of the North Dakota Century Code, relating to administrative practices and procedures; to repeal section 28-32-10 of the North Dakota Century Code, relating to proceedings when subpoenas are disobeyed; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsch; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

HB 1194 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1517: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 1295 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1517: A BILL for an Act to amend and reenact section 4-33-06, subsection 5 of section 6-05.1-05, sections 11-03-08, 11-05-16, subsection 2 of section 11-07-04, sections 11-08-06, 11-08-07, 11-09-29, subsection 3 of section 11-09.1-05, sections 11-10-02, 11-10-06, subsections 1 and 4 of section 11-10-10, sections 11-10-11, 11-10-20, 11-11-10, 11-12-05, 11-15-24, 11-17-04, subsections 1 and 2 of section 11-17-08, sections 11-19-08, 11-19-13, 11-19-14, 11-19-15, 11-19-25, 11-20-01, 11-20-03, subsections 2, 4, and 5 of section 11-21-02, sections 11-21-03, 11-21-04, 11-21-12, 11-21-13, 11-21-14, 11-30-16, 12-45-01, 12-46-13, 12-51-07, subsection 2 of section 12-60-16.1, section 12-62-01.1, subsection 5 of section 12.1-01-04, sections 14-03-09, 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21, 14-03-22, 14-03-24, subsection 1 of section 14-07.1-02, sections 16.1-12-03, 16.1-15-08, 16.1-15-09, 16.1-15-11, 16.1-15-13, 16.1-16-07, 23-05-06, 23-07.1-08, 23-07.1-10, subsection 4 of section 23-07.4-01, sections 23-07.4-02, 23-07.6-05, 23-07.6-12, 24-06-05, 24-07-22, 24-07-24, 24-07-28, subsections 2 and 7 of section 25-03.1-02, sections 25-03.1-03, 25-03.1-38, 25-03.1-46, subsection 3 of section 25-04-05.1, subsections 2 and 3 of section 25-04-15, sections 25-11-05, 27-01-01, 27-01-01.1, 27-01-09, subsections 1 and 3 of section 27-01-10, subsection 1 of section 27-08.1-01, sections 27-08.1-06, 27-08.1-08, 27-09.1-14, subsection 1 of section 27-15-01, sections 27-15-02, 27-19-08, subsection 2 of section 27-20-47, subsection 2 of section 27-23-01, sections 27-24-04, 28-20-22, 28-26-19, 28-29-04, subsection 3 of section 29-01-01, subsection 4 of section 29-01-09, subsection 3 of section 29-01-14, sections 29-01-15, 29-02-13, 29-07-06, 29-10.1-38, subsection 1 of section 29-15-21, subsection 6 of section 30.1-01-06, section 30.1-02-07, subdivision c of subsection 2 of section 30.1-10-01, sections 30.1-32-01, 30.1-32-03, 30.1-32-04, 30.1-33-01, 30.1-33-03, 30.1-33-04, 30.1-33-05, 30.1-33-06, subsection 1 of section 30.1-34-03, sections 30.1-34-04, 30.1-34-05, 31-01-16, 31-01-18, 32-19-23, 32-19-24, 32-19-30, 32-22-18, 32-24-01, 33-06-01, 33-06-03, 33-06-04, 36-01-18, 36-11-10, 36-11-11, 37-15-18, 37-16-04, subsection 1 of section 38-10-01, sections 38-10-03, 38-10-05, 38-10-06, 38-10-08, 39-06-16, subdivision a of subsection 5 and subsection 7 of section 39-06.1-03, sections 40-02-16, 40-09-16, 40-11-13, subsections 1 and 3 of section 40-18-01, sections 40-18-15, 40-18-20, subsection 3 of section 42-01-07, subsection 2 of section 43-23-07, sections 44-02-04,

44-02-05, 44-03-02, subsection 2 of section 44-05-01, sections 44-08-09, 44-09-01, 44-11-12, 46-04-05, 47-03-06, 47-18-22, subsection 9 of section 47-19-02, section 47-19-06, subsection 5 of section 47-24.1-01, subsection 2 of section 50-01.1-04, sections 50-06.3-07, 50-06.3-09, 50-24.1-07, 54-12-01.3, 57-26-02, 57-37.1-06, 57-37.1-12, subsection 3 of section 59-01-11, section 59-02-12, subsection 6 of section 59-02-20, sections 59-04-02, 59-04-03, subsection 12 of section 59-04-04, sections 59-04-08, 59-04-10, 59-04-15, 59-04-24, 59-04-25, 59-04-26, 59-04-27, 59-04-29, 59-04-31, 59-05-28, and 59-05-55, relating to references to county courts and county judges, judicial districts, and the election, term of office, and chambers of district judges; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

HB 1517 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1526: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 1295-1296 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1526: A BILL for an Act to amend and reenact sections 35-13-01, 35-13-02, 35-13-03, and 35-13-04 of the North Dakota Century Code, relating to repairmen's liens.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

HB 1526 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1611: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 1296 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1611: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: DeKrey; Hanson, O.; O'Connell; Solberg; Vosper

HB 1611 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1003 and HB 1022 be placed at the bottom of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to amend and reenact subsection 3 of section 57-40.3-04 of the North Dakota Century Code, relating to exemption of motor carrier vehicles from motor vehicle excise tax.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krebsbach; Langley; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Hanson, O.; Kinnoin; Krauter; Lindaas; Meyer; Robinson; Solberg; Tennefos; Vosper

HB 1116 passed and the title was agreed to.

MOTION

SEN. DOTZENROD MOVED that Engrossed HB 1117 be amended as follows, which motion prevailed.

Page 1, line 4, after sections insert "57-43.2-03,"

Page 1, line 9, after "bond" insert "; and to provide an effective date

Page 5, after line 13, insert:

"SECTION 8. AMENDMENT. Section 57-43.2-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-43.2-03. Tax levied. A special excise tax of two percent is imposed on all sales of special fuels, which are exempted from the tax imposed under section 57-43.2-02, if the special fuels are sold to a special fuels user in this state, and the same rate of tax is imposed if the special fuel is imported for use in this state by a special fuels user. The rate applies to the sale price of the special fuels less any discounts for any purposes allowed and taken on the sales.

The tax levied under this section does not apply to state or political subdivisions when that fuel is used for purposes set forth in section 57-43.1-08. The special excise tax applies to all sales of special fuels taxed under section 57-43.2-02 for which taxes are later refunded to a special fuels user. For purposes of this section, "use" means the consumption of fuel for heating, agricultural, or railroad purposes, or for industrial purposes other than in the performance of a contract with any unit of government. If any fuel subject to tax by this section was subject to tax in any other state or its political subdivisions, the tax in this section applies but at a rate measured by the difference between the rate imposed in this section and the rate imposed by the other state or its political subdivisions. If the tax imposed by the other state or its political subdivisions is the same or greater than the tax imposed by this section, no tax is due. ~~The provisions for credit in this section apply only if the other state or its political subdivisions allow a credit with respect to the tax imposed by this section which is substantially similar in effect to the credit provided in this section."~~

Page 8, after line 26, insert:

"SECTION 13. EFFECTIVE DATE. Section 8 of this Act is effective for taxable events occurring after December 31, 1990."

Reumber accordingly

SECOND READING OF HOUSE BILL

HB 1117: A BILL for an Act to amend and reenact subsection 4 of section 57-43.1-01, sections 57-43.1-03, 57-43.1-06, subsection 3 of section 57-43.1-14, subsection 2 of section 57-43.1-17, section 57-43.1-27, subsection 6 of section 57-43.2-01, sections 57-43.2-03, 57-43.2-05, 57-43.2-07, subsection 2 of section 57-43.2-14, and section 57-43.2-25 of the North Dakota Century Code, relating to the definition of importer for use, the refund of special fuel or motor fuel tax, motor fuel dealer's bond, the collection of motor fuel tax, the sale of motor vehicle fuel to retail outlets, and the special fuel wholesaler's or dealer's license and bond; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Marks; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg, Stenehjelm; Streibel, Tallackson; Tennefos; Thane; Traynor; Vosper; Yockim

NAYS: Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Lindaas; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tomac; Wogsland

HB 1117 passed and the title was agreed to.

MOTION

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

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

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

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

HB 1061: Sens. Graba; Maxson; Nalewaja
 HB 1597: Sens. Graba; Maxson; Nalewaja

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1384, HB 1343, and HB 1569, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1384: Reps. Trautman; Price; Thorpe
 HB 1343: Reps. St. Aubyn; Delzer; Gilmore
 HB 1569: Reps. Larson; Svedjan; Scherber

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 2008: Reps. Wald; Myrdal; Brokaw
 SB 2009: Reps. Payne; Schmidt; Kaldor
 SB 2010: Reps. Howard; Schmidt; Laughlin
 SB 2015: Reps. Wald; Payne; Kaldor
 SB 2324: Reps. Freier; Kunkel; Goffe

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled resolutions: SCR 4059, SCR 4063, SCR 4065, SCR 4066.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
 MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4059, SCR 4063, SCR 4065, SCR 4066.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has passed unchanged: SB 2033, SB 2203, SB 2589, SB 2590, SB 2593, SCR 4067.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has failed to pass: SB 2505.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has amended and subsequently passed: SB 2017, SB 2020, SB 2284, SB 2332, SB 2515, SCR 4058.

HOUSE AMENDMENTS TO ENGROSSED SB 2017

Page 1, line 3, after the semicolon insert "providing for an appropriation from the solid waste management fund;"

Page 1, line 14, replace "6,520,790" with "6,619,290"

Page 1, line 16, replace "5,118,447" with "5,409,947"

Page 1, line 19, replace "10,263,960" with "11,263,960"

Page 1, line 21, replace "53,548,619" with "54,938,619"

Page 1, line 22, replace "48,763,496" with "48,903,496"

Page 2, line 1, replace "4,785,123" with "6,035,123"

Page 2, after line 19, insert:

"SECTION 6. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in section 1 of this Act includes \$140,000 which the state water commission may spend from the solid waste management fund for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

This amendment adds \$98,500 to salaries and wages for one FTE hydrologist and temporary summer help and \$41,500 to operating expenses from the solid waste management fund for the requirements of House Bill No. 1060.

This amendment adds \$250,000 from the general fund to operating expenses for additional funding for operations of the Atmospheric Resources Division of the State Water Commission to enable weather modification operation to continue for both years of the 1991-93 biennium to allow North Dakota to continue receiving research funding of approximately \$1 million from the National Oceanographic Atmospheric Administration.

This amendment increases the grants and estimated income line items by \$1,000,000 from the resources trust fund to provide additional funds for water projects. The estimated income line item is further amended by decreasing the fund by \$1,000,000 from the resources trust fund with a corresponding increase to the general fund to replace funds that would have been used for administrative functions from the resources trust fund. The intent is that the additional resources trust fund moneys be used for water projects.

HOUSE AMENDMENTS TO ENGROSSED SB 2020

Page 1, line 2, after "agencies" insert "; and requiring reports on the group self-insurance plan"

Page 1, line 21, replace "1,367,113" with "1,157,314"

Page 1, line 22, replace "385,250" with "377,250"

Page 2, line 1, replace "641,294" with "620,344"

Page 2, line 2, replace "63,540" with "48,340"

Page 2, remove line 3

Page 2, line 5, replace "2,632,197" with "2,253,248"

Page 2, line 6, replace "5,606,196" with "5,227,247"

Page 2, after line 6, insert:

"SECTION 2. REPORT TO BUDGET SECTION OF LEGISLATIVE COUNCIL. In addition to the report required under North Dakota Century Code section 54-52.1-04.3, the public employees retirement board shall report to the budget section of the legislative council during the 1991-92 interim. The report must describe the status of the group self-insurance plan's reserve fund, the required balance of the reserve fund, and how the provisions of the plan including premiums, deductibles, coinsurance, out-of-pocket expenses, and out-of-pocket maximums, compare to those recommended by the administrative services contractor "

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT.

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

The amendment reduces the appropriation by \$253,949 as follows:

	FTE	SALARIES AND WAGES	INFORMATION SERVICES	OPERATING EXPENSES	EQUIPMENT	TOTAL
Flex comp program	2.5	\$123,624	\$5,000	\$15,475	\$ 9,020	\$153,119

Pre-retire- ment Benefits	.5	28,725	1,000	3,425	3,430	36,580
program manager	1.0	57,450	2,000	2,050	2,750	64,250
Total	<u>4.0</u>	<u>\$209,799</u>	<u>\$8,000</u>	<u>\$20,950</u>	<u>\$15,200</u>	<u>\$253,949</u>

FlexComp Program

The program is to continue on a contract basis with a consultant firm. Through a competitive contract basis, the PERS Board is to ensure that the party providing the services is not to promote or sell its services while enrolling employees in the FlexComp program.

Pre-retirement Counseling Program

Funding remains in the budget after the amendments to allow PERS the resources to continue its pre-retirement counseling program.

Benefits Program Manager

The funding for this position was from federal funds. If PERS receives a federal grant for this position and related expenses, the board is to ask for Emergency Commission approval to receive the grant.

Self-Funded Health Insurance

The amount of \$125,000 provided by the Senate for a self-funded health insurance program is deleted since PERS and Blue Cross Blue Shield have reached an agreement regarding a fully insured contract.

Also, the amendment requires the PERS Board to report to the Budget Section of the Legislative Council. The report is to describe the status of the self-insurance plan reserve fund and how the self-insurance plan's provisions compare to those recommended by the board's administrative services contractor. Under North Dakota Century Code Section 54-52.1-04.3 the board is required to report the necessary balance of the reserve fund.

HOUSE AMENDMENTS TO ENGROSSED SB 2284

Page 1, line 1, after "Act" insert "to amend and reenact sections 54-01-05.2 and 54-01-05.5 of the North Dakota Century Code, relating to sale or exchange of state land;"

Page 1, after line 20, insert:

"SECTION 2. AMENDMENT. Section 54-01-05.2 of the North Dakota Century Code is amended and reenacted as follows:

54-01-05.2. Sale of state-owned land - Notice. Except as provided by section 54-01-05.5, whenever any department or agency of the state other than the board of university and school lands, the housing finance agency, and the Bank of North Dakota is authorized to sell such real property, the property must be sold for cash by the county auditor or other person designated by the department or agency concerned at public auction at the front door of the courthouse in the county in which the property lies. A notice of sale must have been published in the official newspaper of the county in which the property lies for three successive weeks, with the last publication not less than ten days before the day of sale. The notice must be given in the name of the administrative head of the department or agency concerned, and must state the place, day, and hour of the sale, the description of the real property to be sold, the appraised value, and that the state reserves the right to reject any and all bids. No land may be sold at auction for less than the appraised value. In addition to the purchase price at auction, the buyer must pay the cost of preparing the land for sale. For a land sale or exchange when the value of the land is not more than one hundred thousand dollars, one appraisal must be obtained,

and when the value of the land is in excess of one hundred thousand dollars, two appraisals must be obtained. If more than one appraisal is obtained, the appraised value of the land is the average of the two appraisals. If no bid is received on the land at public auction, the land may be sold for not less than ninety percent of the appraised value.

SECTION 3. AMENDMENT. Section 54-01-05.5 of the North Dakota Century Code is amended and reenacted as follows:

54-01-05.5. Bills authorizing sale or exchange of state-owned land to be prefiled - Written report to accompany bill - Commissioner of university and school lands to give opinion Opinion.

1. Every legislative bill authorizing the sale or exchange of state-owned land must be prefiled with the legislative assembly by the first day of the organizational session in December of each even-numbered year. legislative bills authorizing the sale of state-owned land must provide for sale at public auction.
- 2- A written report from the The supervising agency, board, commission, department, or institution owning or controlling the land must accompany each legislative bill and must include the following proposed by a bill introduced in the legislative assembly to be sold or exchanged shall prepare a written report that includes:
 - a. An analysis of the type of land involved.
 - b. A title opinion and an updated abstract of title for land sales or exchanges.
 - c- A determination whether the land is needed for present or future uses of the agency, board, commission, department, or institution.
 - d- c. A description of the party or parties, if known, who are interested in the land and the purposes for which the land is desired.
 - e- A determination whether it is or is not in the best interests of the state to sell or exchange the land.
 - f- One appraisal for land sales or exchanges when the value of the land is fifty thousand dollars or less; and two or more appraisals when the value of the land is in excess of fifty thousand dollars.
 - g- d. A map showing the boundaries of the land proposed to be sold or exchanged; the present ownership of lands adjacent to such land; and the purposes for which the adjacent lands are used. The legal description of the land shall be determined by a land surveyor registered pursuant to chapter 43-19-1.
- 3- 2. The commissioner of university and school lands shall review each legislative bill proposing the sale or exchange of state-owned land and the written report from the supervising agency, board, commission, department, or institution prior to the beginning of the regular legislative session. The commissioner shall then issue a written opinion to the standing committee of the legislative assembly to which the bill is initially referred concerning the proposed land sale or exchange and, in doing so, shall consider the "highest and best use" of the land as defined by section 15-02-05.1.

~~4-3.~~ 3. If a legislative bill required to be prefiled pursuant to this section becomes law, land to be sold must be offered at public auction conducted by the commissioner of university and school lands pursuant to rules promulgated by the commissioner. No land may be sold at auction for less than appraised value. The buyer or buyers shall additionally pay the cost of preparing the land for sale as determined by the commissioner. If more than one appraisal is provided, the appraised value of the land to be sold must be as determined by the commissioner, but may not be less than the lowest appraisal or higher than the highest appraisal.

~~5-~~ 5. All rules adopted by the The commissioner under may adopt rules to provide for administration of this section must be adopted pursuant to chapter 20-32 and must be published in the North Dakota Administrative Code."

Page 2, replace line 1 with "lands and minerals trust fund"

Page 2, remove line 2

Page 2, line 3, remove "developmental center at Grafton"

Page 2, line 4, replace "income relating to the sale of" with "the lands and minerals trust fund"

Page 2, line 5, remove "land" and replace "those purposes" with "capital improvements or demolition of existing buildings at the state developmental center at Grafton"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2332

Page 2, remove lines 5 through 11

Page 2, line 17, replace "chapter 23-06.4" with "state or federal law"

ReNUMBER accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2515

In lieu of the amendments adopted by the House as printed on pages 1062-1063 of the House Journal, Reengrossed Senate Bill No. 2515 is amended as follows:

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

Page 4, after line 29, insert:

"SECTION 7. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and from other income, to job service North Dakota for the purpose of defraying expenses of this Act, for the biennium beginning July 1, 1991, and ending June 30, 1993.

Salaries and wages	\$ 60,000
Operating expenses	15,000
Grants, benefits, and claims	425,000
Total all funds	\$500,000
Less estimated income	425,000
Total general fund appropriation	\$ 75,000"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 480 - JOB SERVICE NORTH DAKOTA

This amendment provides for an appropriation of \$500,000 for a work force development program, \$75,000 from the general fund and \$425,000 from other funds. Any additional funds received for the purposes of this Act are to be received and spent pursuant to the provisions of Senate Bill No. 2168.

HOUSE AMENDMENTS TO ENGROSSED SCR 4058

Page 1, line 1, after "resolution" replace the remainder of the resolution with "urging Congress to enact legislation giving Indian tribes criminal misdemeanor jurisdiction over all Indians on reservations and to amend the Indian Civil Rights Act to ensure that the constitutional rights of all Indians are protected.

WHEREAS, the Supreme Court in Duro v. Reina, 110 S. Ct. 2053 (1990), ruled that Indian tribes do not have criminal misdemeanor jurisdiction over Indians on their reservations who are not tribal members; and

WHEREAS, as a result of this decision questions have arisen as to which jurisdiction, tribal, state, or federal, should process nontribal member Indians who commit misdemeanors on reservations; and

WHEREAS, the Indian Civil Rights Act of 1968, 25 U.S.C. 1301 et seq., was enacted to secure for all Indians the broad constitutional rights afforded to other Americans and thereby protect individual Indians from unwarranted actions of tribal governments Santa Clara Pueblo v. Martinez, 436 U.S. 49, 61 (1978); and

WHEREAS, the Indian Civil Rights Act requires amendment because its goals have not been met;

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

That the Fifty-second Legislative Assembly urges that the North Dakota Congressional Delegation support federal legislation giving tribal governments criminal misdemeanor jurisdiction over all Indians, including nontribal member Indians, on their reservations; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly urges that the North Dakota Congressional Delegation support federal legislation amending the Indian Civil Rights Act to ensure that its goals are accomplished, in particular, that federal courts be given jurisdiction to enforce the Act; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of the North Dakota Congressional Delegation."

Renumber accordingly

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

MR. PRESIDENT: The House has amended and failed to pass: SB 2112.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2021.

Page 1, line 2, replace "a statement regarding" with "an appropriation for"

Page 2, replace lines 27 through 29 with:

"Grants	\$125,600
Total general fund appropriation	\$125,600"

Page 3, remove lines 1 and 2

Page 3, line 6, replace "47,000" with "47,000"

Page 3, after line 6, insert:

"Capital improvements 89,901"

Page 3, line 7, replace "81,000" with "170,901"

Page 3, line 9, replace "42,000" with "131,901"

Page 3, after line 23, insert:

"Subdivision 14.

SCHOOL FOR THE DEAF

Capital improvements	<u>89,000</u>
Total general fund appropriation	<u>89,000"</u>

Page 3, line 24, replace "2,472,552" with "2,123,068"

Page 3, line 25, replace "274,054" with "39,000"

Page 3, line 26, replace "2,746,606" with "2,162,068"

Page 3, replace lines 27 through 29 with:

"SECTION 2. APPROPRIATION - INCREASED RATES FOR NURSING HOMES.

The appropriation included in subdivision 9 of section 1 of this Act shall be used by the department of human services to match available federal and county funds to provide a total of \$456,331 for the payment of increased rates to nursing homes for the period beginning April 1, 1991, and ending June 30, 1991. These increased rates are intended to restore a portion of the funding for efficiency incentives and operating margins which was reduced as a result of the December 1989 tax referrals. The department shall submit amendments to the state plan for medical assistance necessary to increase the funding for efficiency incentives and operating margins. The appropriation included in subdivision 9 of section 1 of this Act is contingent on approval of necessary state plan amendments by the health care financing administration."

Page 4, remove lines 1 through 6

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 252 - SCHOOL FOR THE DEAF

This amendment provides \$89,000 from the general fund for the replacement of the utility/pedestrian tunnel.

DEPARTMENT 313 - VETERANS HOME

The capital improvements are increased by \$89,901 from the general fund for a telephone system (\$48,095) and for self-closing door devices and smoke alarms (\$41,806).

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

The amendment reduces by \$763,439 the proposed deficiency appropriation of \$889,039, \$235,054 from other funds and \$653,985 from the general fund leaving \$125,600 from the general fund for case mix nursing home reimbursement. The funds will be available for the period April 1, 1991, through June 30, 1993.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2032.

Page 1, remove line 9

Page 1, line 10, replace "assistance payments for basic care" with "allocation pursuant to section 50-01-09.2 to assist counties in meeting the cost of services provided in basic care facilities"

Page 1, line 11, after the period insert "County social service boards need not have established and paid rates for residents of basic care facilities which conform to the payable rate requirements of section 75-02-07-17 of the North Dakota Administrative Code in order to receive a part of this allocation."

Renumber accordingly

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

MR. PRESIDENT: The House has passed and the emergency clause carried: SB 2588.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2591 as printed on SJ page 1239 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2591: Sens. Kelsh, Kinnoin, Vosper.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2206 as printed on SJ pages 1252-1285 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2206: Sens. Maxson, Holmberg, Marks.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, authorizing the attorney general to adopt uniform rules of administrative practice or procedure for all administrative agencies subject to chapter 28-32.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 53 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

NAYS: Bowman, David, DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O., Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller, Kelly; Kelsh, Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson, Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos, Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

HB 1180 lost.

MOTION

SEN. WOGSLAND MOVED that HB 1228 be moved to the bottom of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1266: A BILL for an Act to allow governmental units to enter energy efficiency performance-based contracts to provide guaranteed energy savings in buildings owned by governmental units.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeKrey; Dotzenrod; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Lindaas; Marks; Moore; Mushik; Mutch; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Tomac; Wogsland; Yockim

NAYS: Bowman; David; Freborg; Goetz; Hanson, O.; Krebsbach; Langley; Lindgren; Lips; Mathern; Maxson; Meyer; Naaden; Nalewaja; Nelson; Peterson; Solberg; Thane; Traynor; Vosper

HB 1266 passed and the title was agreed to.

HB 1383: A BILL for an Act to provide for the creation of an aircraft repair and maintenance lien.

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 38 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Graba; Hanson, E.; Hanson, O.; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Moore; Mushik; Naaden; Nalewaja; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Yockim

NAYS: Evanson; Freborg; Goetz; Heigaard; Holmberg; Krebsbach; Lindgren; Meyer; Mutch; Nelson; Nething; O'Connell; Stenehjem; Tennefos; Wogsland

HB 1383 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Representative Earl Strinden

MOTIONS

SEN. WOGSLAND MOVED that HB 1603 be placed at the top of the Fourteenth order, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HCR 3026, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HCR 3026: Reps. Kretschmar; Svedjan; Enget

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 2151: Reprs. Shide; Schimke; Aarsvold
- SB 2258: Reprs. Timm; Freier; Nichols

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled resolution: SCR 4062.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4062.

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. DOTZENROD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1534, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1534: Sens. Dotzenrod, Tomac, Tennefos.

SEN. DOTZENROD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1200, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1200: Sens. Wogsland, Kinnoin, Moore.

MOTION

SEN. WOGSLAND MOVED that HB 1579 and HB 1515 be placed at the top of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1579: A BILL for an Act to create and enact two new subsections to section 14-02.1-02 and three new sections to chapter 14-02.1 of the North Dakota Century Code, relating to requirement of informed consent for abortions and civil damages for performance of abortions without informed consent; and to amend and reenact subsection 5 of section 14-02.1-02 and subsection 1 of section 14-02.1-03 of the North Dakota Century Code, relating to informed consent for abortions.

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 35 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Freborg, Goetz; Graba; Hanson, O.; Ingstad; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lips; Marks; Mathern; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Solberg, Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper

NAYS: Evanson; Hanson, E.; Heigaard; Heinrich; Holmberg; Kelly; Langley; Lindgren; Maxson; Meyer; Mushik; Peterson; Redlin; Satrom; Schoenwald; Stenhjem; Wogsland; Yockim

HB 1579 passed and the title was agreed to.

MOTION

SEN. INGSTAD MOVED that Engrossed HB 1515 be amended as follows, which motion lost on a verification vote:

Page 9, line 28, remove ", as those offenses are"

Page 9, remove line 29

Page 10, remove lines 1 and 2

Page 10, line 3, remove "capable of reporting the offense"

Page 10, line 4, remove ", as that offense is defined"

Page 10, remove lines 5 and 6

Page 10, line 7, remove "the pregnancy is terminated"

Page 10, line 8, after "4." insert:

"Before performing an abortion as allowed by subsection 3, a physician shall certify, in writing, that the physician reasonably believes the woman's pregnancy resulted from sexual imposition, gross sexual imposition, sexual abuse of a ward, or incest. The physician patient privilege provided for by rules 501 and 503 of the North Dakota Rules of Evidence may not be asserted to exclude evidence necessary to determine whether there has been a violation of this Act. A physician has no obligation to report to law enforcement authorities a sexual imposition, gross sexual imposition, abuse of a ward, or incest offense that the physician has discovered as a result of rendering treatment pursuant to this section, except as required by chapter 50-25.1.

5."

Page 10, line 14, overstrike "5." and insert immediately thereafter "6."

ReNUMBER accordingly

SECOND READING OF HOUSE BILL

HB 1515: A BILL for an Act to amend and reenact sections 14-02.1-01, 14-02.1-02, 14-02.1-03, subsection 2 of section 14-02.1-03.1, and sections 14-02.1-04 and 14-02.1-12 of the North Dakota Century Code, relating to abortions and the Human Life Protection Act; and to provide a penalty.

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 32 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Freborg; Goetz; Graba; Hanson, O.; Jerome; Keller; Kelsch; Kinnoin; Krauter; Lindaas; Lips; Marks; Mathern; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Solberg; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper

NAYS: Dotzenrod; Evanson; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Krebsbach; Langley; Lindgren; Maxson; Meyer; Mushik; Peterson; Redlin; Satrom; Schoenwald; Stenehjelm; Wogsland; Yockim

HB 1515 passed and the title was agreed to.

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

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

HB 1200: Sens. Wogsland; Kinnoin; Moore

HB 1534: Sens. Dotzenrod; Tomac; Tennefos

MOTIONS

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

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Seventh order of business, and at the conclusion of the Seventh order, the Senate stand adjourned until 8:00 a.m., Thursday, March 28, 1991, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2575: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "center" insert "; 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"

Page 1, line 6, remove "and"

Page 1, line 7, remove "from special funds derived from federal funds or other income,"

Page 1, line 13, after "Total" insert "general fund"

Page 1, after line 13, insert:

"SECTION 2. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the following institutions of higher learning and other agencies under the supervision of the board of higher education for the purpose of defraying operating expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993:

University of North Dakota	\$ 519,252
North Dakota state university	421,689
Minot state university	121,523
Dickinson state university	65,655
Valley City state university	58,589
Mayville state university	45,456
North Dakota university system	79,019
Bismarck state college	61,087
University of North Dakota - lake region	20,647
University of North Dakota - Williston	19,132
North Dakota state college of science	134,146
North Dakota state university - Bottineau	20,643
NDSU - state toxicologist	4,095
North Dakota forest service	9,495
University of North Dakota - medical center	185,874
Total general fund appropriation	<u>\$1,766,302</u>

SECTION 3. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the following institutions of higher learning under the supervision of the board of higher education for the purpose of defraying expenses which would otherwise be paid from tuition increases, for the biennium beginning July 1, 1991, and ending June 30, 1993:

University of North Dakota	\$2,413,770
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North Dakota state university	1,817,504
Minot state university	639,464
Dickinson state university	234,585
Valley City state university	180,677
Mayville state university	129,053
Total general fund appropriation	<u>\$5,415,053</u>

SECTION 4. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the institutions of higher education under the supervision of the board of higher education for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993:

University of North Dakota Dakota - Williston	\$ 171,424
Physical plant operating expenses	
University of North Dakota	1,220,714
Physical plant operating expenses	
North Dakota college of science	231,400
Capital improvements	
Total general fund appropriation	<u>\$1,623,538</u>

SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, \$167,100, or so much thereof as may be necessary, to the board of higher education for the purpose of the professional student exchange program for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 6. PROJECT AUTHORIZATION - APPROPRIATION. The industrial commission, acting as the state building authority, shall arrange for the funding of the following projects, which are declared to be in the public interest, through the issuance of loan notes under chapter 54-17.2, during the biennium beginning July 1, 1991, and ending June 30, 1993. The industrial commission may offer loan notes issued under this section for sale only to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for comparable loan notes purchased by the Bank of North Dakota. The proceeds of the loan notes and other available funds are hereby appropriated during the biennium beginning July 1, 1991, and ending June 30, 1993, for the following projects:

NAME OF AGENCY, DEPARTMENT, OR INSTITUTION	TYPE OF FACILITY	CONSTRUCTION FUNDS
Board of higher education	Remodeling projects at institutions under its control	\$ 6,673,350
Bismarck state college	Science center	6,500,000
North Dakota state university	Animal health and biotechnology center	5,000,000
University of North Dakota	Communications building	7,000,000
Dickinson state university	Physical education/multipurpose classroom facility	7,000,000
University of North Dakota - lake region	Library addition	668,000
Valley City state university	Physical education addition	2,000,000
Total		<u>\$ 34,841,350</u>

The industrial commission shall issue loan notes authorized under this section with the condition that lease rental payments need not begin until July 1, 1993. This authority of the industrial commission

to issue loan notes expires on June 30, 1993, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

In addition, the state board of higher education may obtain and utilize federal funds for the construction costs of the animal health and biotechnology center at North Dakota state university. There is hereby appropriated to the state board of higher education from any federal or other funds that become available the sum of \$5,000,000, or so much thereof as may be necessary, for the construction of such a facility at North Dakota state university for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the legislative assembly that a total of \$2,816,000 from nongeneral fund sources will become available over the term of the loan notes to assist in the retirement of the loan notes, issued for the project costs associated with construction of the projects authorized by this Act, in the following amounts:

Bismarck state college	Science center	\$ 650,000
North Dakota state university	Animal health and biotechnology center	500,000
University of North Dakota	Communications building	700,000
Dickinson state university	Physical education/multipurpose classroom facility	700,000
University of North Dakota - lake region	Library addition	66,800
Valley City state university	Physical education addition	200,000
Total		<u>\$2,816,800</u>

SECTION 8. LEGISLATIVE INTENT - TUITION INCREASES. It is the intent of the legislative assembly that the amounts appropriated in section 2 of this Act are made available in lieu of the tuition rate increases proposed for the 1991-93 biennium in the executive budget and contained in House Bill No. 1003. It is also the intent of the legislative assembly that the appropriations in section 2 of this Act will be the amounts by which the estimated income from tuition increases appropriated in House Bill No. 1003 will not be collected since tuition is not to be increased.

Grand total general fund appropriation	\$ 9,269,414
Grand total special funds appropriation	\$39,841,350
Grand total all funds appropriation	\$49,110,764"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a section appropriating \$1,766,302 from the general fund to provide for restoration of 50 percent of the 1.35 percent budget adjustment contained in House Bill No. 1003 as follows:

INSTITUTION	AMOUNT
University of North Dakota	\$ 519,252
North Dakota State University	421,689
Minot State University	121,523
Dickinson State University	65,655
Valley City State University	58,589
Mayville State University	45,456
North Dakota University System	79,019
Bismarck State College	61,087
University of North Dakota - Lake Region	20,647

University of North Dakota - Williston	19,132
North Dakota State College of Science	134,146
North Dakota State University - Bottineau	20,643
NDSU - State Toxicologist	4,095
North Dakota Forest Service	9,495
University of North Dakota - Medical Center	185,874
Total general fund increase	<u>\$1,766,302</u>

This amendment adds a section appropriating \$5,415,053 from the general fund and provides a section of legislative intent that the amounts appropriated be in lieu of the tuition increase proposed in the executive budget and that the estimated income line items in House Bill No. 1003 will not be achieved as a result of not increasing tuition rates as follows:

INSTITUTION	TUITION INCOME REDUCTION/GENERAL FUND INCREASE
University of North Dakota	\$2,413,770
North Dakota State University	1,817,504
Minot State University	639,464
Dickinson State University	234,585
Valley City State University	180,677
Mayville State University	129,053
Total	<u>\$5,415,053</u>

DEPARTMENT 229 - UND-WILLISTON

This amendment adds \$171,424 from the general fund for additional physical plants costs including salaries and wages.

DEPARTMENT 230 - UNIVERSITY OF NORTH DAKOTA

This amendment adds \$1,220,714 from the general fund for additional physical plant costs including salaries and wages.

DEPARTMENT 238 - COLLEGE OF SCIENCE

This amendment adds \$231,400 from the general fund for capital improvements to fund the steam line replacement project at a total of \$381,400. Engrossed House Bill No. 1003 includes \$150,000 for this project.

DEPARTMENT 215 - BOARD OF HIGHER EDUCATION

This amendment provides for additional students in the professional student exchange program for the 1991-93 biennium in addition to those added in House Bill No. 1003. The additional students are as follows:

Veterinary Medicine

1991-92	2 (6 in total) freshmen @ \$18,400	\$ 36,800
1992-93	2 freshmen, 2 sophomores @ \$18,400	73,600

Dentistry

1991-92	1 (3 in total) freshman @ \$12,100	12,100
1992-93	1 freshman, 1 sophomore @ \$12,300	24,600

Optometry

1991-92	1 (3 in total) freshman @ \$6,600	6,600
1992-93	1 freshman, 1 sophomore @ \$6,700	13,400
Total general fund increase		<u>\$167,100</u>

The House amendments to House Bill No. 1003 added \$334,200 for additional students for the 1991-93 biennium. With these amendments, a total of \$1,297,500 is provided for the program, a total of \$501,300 for new students and \$796,200 for juniors and seniors in the programs.

This amendment provides authority to bond for the following construction projects:

INSTITUTION	PROJECT	AMOUNT
Board of Higher Education for remodeling projects:		
Minot State University	Renovate existing library	2,500,000
State College of Science	Remodel Horton Hall	1,373,350
University of North Dakota - Williston	Renovate multipurpose building	2,800,000
Bismarck State College	Science Center	6,500,000
North Dakota State University	Animal Health and Biotechnology Center	5,000,000
University of North Dakota	Communications building	7,000,000
Dickinson State University	Physical education/multipurpose classroom facility	7,000,000
University of North Dakota - Lake Region	Library addition	668,000
Valley City State University	Physical education addition	2,000,000
Total		<u>\$34,841,350</u>

In addition, \$5,000,000 from federal or other funds is appropriated for the construction of a North Dakota State University Animal Health and Biotechnology Center.

A section of legislative intent is added that amounts from nongeneral fund sources totaling \$2,816,800 will become available over the term of the loan notes to assist in the retirement of loan notes.

This amendment adds \$8,971,993 from the general fund for a total of \$9,269,414. In addition, \$39,841,350 from other funds is added.

REPORTS OF STANDING COMMITTEES

SB 2578: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, after "is" insert "less than" and remove "or less"

Page 2, line 8, replace ", equal to the amount received on that basis" with "in the following manner: the state board of higher education shall divide the amount allocated by the number of approved full-time equivalent students to determine the allocation per student. Each tribal college grant assistance payment must be determined by multiplying the total number of eligible full-time equivalent students by the allocation per full-time equivalent student"

Page 2, remove line 9

Page 2, line 10, remove "amended"

Renumber accordingly

SB 2595: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 16, replace "There is" with "The sums hereinafter listed, or so much thereof as may be necessary, are"

Page 1, line 18, remove "the sum"

Page 1, line 19, remove "of \$150,205"

Page 1, line 21, remove "the sum of \$41,190"

Page 1, line 22, after "licensed" insert "certified"

Page 2, line 1, replace "July" with "January"

Page 2, line 2, replace the period with a colon

Page 2, after line 2, insert:

"AGENCY	GENERAL FUND	FEDERAL FUNDS	TOTAL
Attorney general	\$67,592	\$157,714	\$225,306
Department of human services	18,536	43,250	61,786
Total	<u>\$86,128</u>	<u>\$200,964</u>	<u>\$287,092</u>

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

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

This amendment increases the appropriation by \$75,101 to provide for an earlier effective date (January 1, 1992) to employ an assistant Attorney General, a Bureau of Criminal Investigation agent, and a clerical employee.

This amendment also provides for the use of federal funds of \$157,714 with a general fund appropriation of \$67,592.

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

This amendment increases the appropriation by \$20,596 to provide for an earlier effective date (January 1, 1992) to employ a licensed certified social worker. This amendment also appropriates federal funds of \$43,250 with a general fund appropriation of \$18,536.

HB 1008, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1008 was placed on the Fourteenth order on the calendar.

HB 1016, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 1 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 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	\$386,464,321	\$409,867,849	\$477,464,321
General fund	\$ 26,297	\$ 0	\$ 0
Federal funds	270,404,946	242,365,050	295,882,228
Highway fund	166,033,078	167,502,799	181,582,093
Total	\$386,464,321	\$409,867,849	\$477,464,321

	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	\$ 23,403,528	\$ 91,000,000	\$ 67,596,472

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	\$ 23,403,528	\$ 91,000,000	\$ 67,596,472

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.

HB 1018, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, replace "1,720,936" with "5,269,369"

Page 1, line 16, replace "1,860,325" with "5,408,758"

Page 1, line 17, replace "1,755,383" with "3,303,816"

Page 1, line 18, replace "104,942" with "2,104,942"

Page 1, remove lines 19 through 22

Page 2, remove lines 1 and 2

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

This amendment restores \$2,000,000 from the general fund removed in the House for grants to other state agencies for children at risk programs and \$462,415 of federal and other funds removed in the House for the Families First - project administration program for grants to the regional boards and other grants. In addition, federal and other funds of \$1,086,018 which may be available as a result of the \$2,000,000 general fund appropriation are added to the grants line item. The increased grants are as follows:

GRANT	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL
Department of Human Services				
Regional pre-vention and intervention	\$ 150,000			\$ 150,000
Day treatment Children and adolescents at risk teams	141,432	189,000	248,400	578,832
	1,129,445	190,000		1,319,445

Children's psy- chiatric teams	347,487	61,179		408,666
Treatment for sexually abused children		200,000	197,439	397,439
Department of Public Instruction Day treatment	173,916			173,916
Department of Corrections and Rehabilitation Day treatment	57,720			57,720
Families First - regional boards			202,385	202,385
Other grants		260,030		260,030
Total	<u>\$2,000,000</u>	<u>\$900,209</u>	<u>\$648,224</u>	<u>\$3,548,433</u>

The following schedule compares the executive budget recommendation, the House version, and the Senate version by funding source:

	EXECUTIVE BUDGET RECOMMEN- DATION	HOUSE VERSION	SENATE VERSION	HOUSE CHANGE TO THE EXECUTIVE BUDGET	SENATE CHANGE TO THE EXECUTIVE BUDGET	SENATE CHANGE TO HOUSE VERSION
General fund	\$2,111,375	\$ 104,942	\$2,104,942	\$(2,006,433)	\$ (6,433)	\$2,000,000
Federal funds	280,000	19,970	920,179	(260,030)	640,179	900,209
Other funds	1,937,798	1,735,413	2,383,637	(202,385)	445,839	648,224
Total	<u>\$4,329,173</u>	<u>\$1,860,325</u>	<u>\$5,408,758</u>	<u>\$(2,468,848)</u>	<u>\$1,079,585</u>	<u>\$3,548,433</u>

HB 1021, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

- 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 "26,922,861"

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."

Re-number 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	<u>2,150,000</u>
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.

HB 1028: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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.

HB 1325: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

HB 1509: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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"

Re-number accordingly

HB 1552, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 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 adopted by the Senate as printed on page 1057 of the Senate Journal, Engrossed House Bill No. 1552 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to the predatory animal advisory board; and to amend and reenact subdivision c of subsection 19 of section 20.1-02-05 of the North Dakota Century Code, relating to the private land habitat improvement program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Predatory animal advisory board. The commissioner of agriculture shall appoint a predatory animal advisory board consisting of the game and fish commissioner, the state director of animal damage control, a representative of the North Dakota fur-takers association, a representative of the North Dakota wildlife federation, a representative of the united sportsmen of North Dakota, a representative of the poultry advisory board, two representatives of the North Dakota lamb and wool producers association, a representative of the North Dakota stockmen's association, a representative of the North Dakota farm bureau, a representative of the North Dakota farmers union, and representatives of any other organizations the commissioner of agriculture determines to be appropriate. The commissioner of agriculture shall convene the board at least once annually. The predatory animal advisory board shall review and make recommendations to the commissioner of agriculture regarding the predatory animal control program management plan and any other issues as the board or commissioner determines necessary.

SECTION 2. 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."

Re-number accordingly

REPORTS OF CONFERENCE COMMITTEES

SB 2023, as engrossed: Your conference committee (Sens. Maxson, Holmberg, E. Hanson and Reprs. Kretschmar, Porter, Flaagan) recommends that the SENATE ACCEDE to the House amendments on SJ pages 875-876 and then place it on the Seventh order.

SB 2039: Your conference committee (Sens. Krauter, Wogsland, Moore - refused to sign and Reprs. Timm, Carlisle, Huether) recommends that the SENATE ACCEDE to the House amendments on SJ pages 1076-1077 and then place it on the Seventh order.

SB 2149: Your conference committee (Sens. Kinnoin, Langley, Vosper and Reps. Bateman, Miller, Jacobson) recommends that the SENATE ACCEDE to the House amendments on SJ pages 1107-1108 and then place it on the Seventh order.

SB 2211, as engrossed: Your conference committee (Sens. Wogsland, Tomac, Moore - refused to sign and Reps. Pyle, Grosz, Wardner) recommends that the SENATE ACCEDE to the House amendments on SJ page 1108 and then place it on the Seventh order.

SB 2385: Your conference committee (Sens. Meyer, Stenehjem, Solberg and Reps. Brown, DeWitz, Snyder) recommends that the SENATE ACCEDE to the House amendments on SJ page 1035 and then place it on the Seventh order.

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

MARION HOUN, Secretary