

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, March 28, 1991

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

The prayer was offered by Sister Grace Dahmus, St. Alexius Medical Center, Bismarck.

The roll was called and all members were present except Senators DeKrey, Maxson, and Naaden.

A quorum was declared by the President.

CORRECTION and REVISION of the JOURNAL (Sen. Robinson, Chairman)

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

Page 1291, line 33, "Heinrich" precedes "Stenehjem"

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2024 as printed on SJ pages 1235-1236, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to create and enact a new section to chapter 35-17, a new section to chapter 35-30, a new section to chapter 35-31, and a new section to chapter 41-09 of the North Dakota Century Code, relating to the destruction of certain lien documents and facsimile filing; to amend and reenact sections 11-18-14, 35-05-04, 35-17-01, 35-17-03, 35-17-04, 35-30-01, 35-30-02, 35-31-02, subsections 9 and 12 of section 41-09-28, sections 41-09-28.1, 41-09-40, 41-09-41, subdivision a of subsection 5 and subsection 8 of section 41-09-42, and sections 41-09-42.1, 41-09-43, and 41-09-46 of the North Dakota Century Code, relating to agister's liens, the establishment of a computerized central notice system and the computerized Uniform Commercial Code central filing system fund, and the filing of security interests and liens; to repeal section 35-17-05 and subsection 10 of section 41-09-28 of the North Dakota Century Code, relating to information to be filed with the secretary of state regarding agister's liens; to provide a penalty; to provide an appropriation; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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; Meyer; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: DeKrey; Maxson; Naaden

SB 2024 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2204 as printed on SJ pages 1183-1184, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to provide for a centennial trees commission, to establish duties of the centennial trees commission, to create a trust fund, and to authorize local governments to participate with the centennial trees commission; to amend and reenact section 3 of chapter 27 of the 1989 Session Laws of North Dakota, relating to the effective date of section 2 of chapter 27 of the 1989 Session Laws of North Dakota; to repeal section 1 of chapter 27 of the 1989 Session Laws of North Dakota; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; Freborg; Hanson, O.; Meyer; Moore; Mutch; Nalewaja; Nelson; Nething; Peterson; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: DeKrey; Maxson; Naaden

SB 2204 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 2210 as printed on SJ pages 969-970, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2210: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 27-20-51, a new subsection to section 27-20-52, a new subdivision to subsection 6 of section 65-13-06, and two new sections to chapter 65-13 of the North Dakota Century Code, relating to the inspection of juvenile records by professional staff of the crime victims reparation program and the ability to accept gifts and confidentiality of records of reparation applicants; to amend and reenact subdivision a of subsection 5 of section 65-13-03, subdivision f of subsection 7 of section 65-13-03, subsection 2 of section 65-13-05, and sections 65-13-13 and 65-13-20 of the North Dakota Century Code, relating to crime victims reparations; and to provide a continuing appropriation for the Crime Victims Reparations Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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; Meyer; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: DeKrey; Maxson; Naaden

SB 2210 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 2275 as printed on SJ page 1108, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act to create and enact sections 51-18-04.1, 51-18-04.2, and 51-18-04.3 and two new sections to chapter 51-18 of the North Dakota Century Code, relating to telepromoting transactions; to amend and reenact sections 51-15-04, 51-15-05, 51-15-06.1, 51-15-07, 51-15-08, 51-15-11, 51-18-01, and 51-18-08 of the North Dakota Century Code relating to the authority of the attorney general, enforcement of remedies, the definition of a telepromoter, and exceptions from regulation of home solicitation sales; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Ootzenrod; 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; 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

ABSENT AND NOT VOTING: DeKrey; Maxson

SB 2275 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 Engrossed SB 2281 as printed on SJ pages 1156-1169, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2281: A BILL for an Act to create and enact a new subsection to section 19-03.1-07 of the North Dakota Century Code, relating to controlled substances; and to amend and reenact section 19-03.1-01, subsections 3, 5, and 7 of section 19-03.1-05, subsections 3, 4, 7, and 8 of section 19-03.1-07, subsections 4, 6, 7, and 8 of section 19-03.1-09, subsections 3 and 4 of section 19-03.1-11, and subsection 5 of section 19-03.1-13 of the North Dakota Century Code, relating to controlled substances.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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; 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

ABSENT AND NOT VOTING: DeKrey; Maxson

SB 2281 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 2327 as printed on SJ pages 927-928, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2327: A BILL for an Act to provide authority for a borrower to direct the time of payment of property taxes by an escrow agent under a residential real estate loan; and to amend and reenact section 11-13-12 of the North Dakota Century Code, relating to the county auditor's statement regarding current taxes on deeds and other instruments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: DeKrey; Maxson

SB 2327 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 2329 as printed on SJ page 953, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2329: A BILL for an Act to amend and reenact section 39-07-08 of the North Dakota Century Code, relating to scheduling of court hearings for certain traffic offenders.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: DeKrey; Maxson

SB 2329 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 2340 as printed on SJ pages 1034-1035, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact section 14-03-17 of the North Dakota Century Code, relating to the requirements for a marriage license application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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; 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

ABSENT AND NOT VOTING: DeKrey; Maxson

SB 2340 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 2351 as printed on SJ page 953, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to create and enact a new section to chapter 27-07.1 of the North Dakota Century Code, relating to the creation of a county court judge compensation commission; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; 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; Yockim

NAYS: Heigaard; Heinrich; Wogsland

ABSENT AND NOT VOTING: DeKrey

SB 2351 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 2352 as printed on SJ page 1109, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to amend and reenact section 27-07.1-04 of the North Dakota Century Code, relating to the salary of county court judges.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; 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; Mushik; Nalewaja; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; Hanson, O.; Meyer; Moore; Mutch; Naaden; Nelson; Solberg; Streibel

ABSENT AND NOT VOTING: DeKrey

SB 2352 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2353 be moved to the bottom of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to Reengrossed SB 2354 as printed on SJ page 1211, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02 of the North Dakota Century Code, relating to membership of the racing commission; 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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

ABSENT AND NOT VOTING: DeKrey

SB 2354 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 2372 as printed on SJ page 1035, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to create and enact two new subsections to section 25-03.1-02 of the North Dakota Century Code, relating to definitions of commitment procedures; and to amend and reenact subsection 14 of section 25-03.1-02 and section 25-03.1-43 of the North Dakota Century Code, relating to definitions used in commitment procedures and the confidentiality of records of patients in a treatment facility.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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

ABSENT AND NOT VOTING: DeKrey

SB 2372 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 2389 as printed on SJ page 1036, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to amend and reenact section 29-29-08 of the North Dakota Century Code, relating to execution of a search warrant.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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

ABSENT AND NOT VOTING: DeKrey

SB 2389 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 2397 as printed on SJ page 988, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2397: A BILL for an Act to create and enact a new section to chapter 35-03 of the North Dakota Century Code, relating to the responsibility of mortgagees to provide information necessary to satisfy loans secured by mortgages on residential real property that is being sold; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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

ABSENT AND NOT VOTING: DeKrey

SB 2397 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to Engrossed SB 2431 as printed on SJ pages 1209-1210, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2431: A BILL for an Act relating to popcorn toppings; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Krebsbach; Lindaas; Lindgren; Mathern; Maxson; Mutch; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjøm; Streibel; Tallackson; Thane; Yockim

NAYS: Bowman; David; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Jerome; Keller; Kinnoin; Krauter; Langley; Lips; Marks; Meyer; Moore; Mushik; Naaden; O'Connell; Tennefos; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: DeKrey

SB 2431 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 2447 as printed on SJ page 1036, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2447: A BILL for an Act to amend and reenact subsection 2 of section 14-07.1-01, section 14-07.1-02, subsection 2 of section 14-07.1-03, and subsection 2 of section 14-07.1-10 of the North Dakota Century Code, relating to definitions, issuance of domestic violence protection orders, and arrest procedures in situations involving domestic violence.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; 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

ABSENT AND NOT VOTING: DeKrey

SB 2447 passed and the title was agreed to.

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 Senate has passed unchanged: HB 1015, HB 1116.

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

MR. SPEAKER: The Senate has failed to pass: HB 1180.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1117, HB 1194, HB 1266, HB 1383, HB 1517, HB 1526, HB 1611.

APPOINTMENT OF CONFERENCE COMMITTEES

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 1384, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1384: Sens. Jerome, Bowman, Mathern.

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 1569, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1569: Sens. Mathern, Lindgren, Bowman.

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 1343, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1343: Sens. Evanson, Lindgren, E. Hanson.

SEN. SCHOENWALD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HCR 3026, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HCR 3026: Sens. Schoenwald, Mathern, Solberg.

MOTION

SEN. WOGSLAND MOVED that HB 1325 and HB 1509 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1325: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 1336 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to the rate of sales taxes on sales of natural gas; to amend and reenact subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to imposition of sales taxes; 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, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Kelsh; Moore; O'Connell

ABSENT AND NOT VOTING: DeKrey

HB 1325 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1509: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 1336-1337 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1509: A BILL for an Act to amend and reenact section 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to taxation of tobacco products.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Tallackson; Tennefos; Thane; Traynor; Wogsland; Yockim

NAYS: Bowman; David; Hanson, O.; Kelsh; Kinnoin; Krauter; Meyer; Moore; Mutch; Naaden; Nelson; Streibel; Tomac; Vosper

ABSENT AND NOT VOTING: DeKrey

HB 1509 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1028: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 1336 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1028: A BILL for an Act to create and enact two new sections to chapter 26.1-22 of the North Dakota Century Code, relating to insuring state-owned property through the state fire and tornado fund; to amend and reenact section 26.1-22-01 of the North Dakota Century Code, relating to definitions; 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 51 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; 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

NAYS: Heinrich

ABSENT AND NOT VOTING: DeKrey

HB 1028 passed and the title was agreed to.

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

MR. PRESIDENT: The House has concurred to Senate amendments to HB 1260, subsequently passed and the emergency clause carried.

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

MR. PRESIDENT: The House has passed over the Governor's veto: HB 1276. The vote was 98 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING, and your favorable consideration is requested.

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 1343: Sens. Evanson; Lindgren; Hanson, E.
 HB 1384: Sens. Jerome; Bowman; Mathern
 HB 1569: Sens. Mathern; Lindgren; Bowman
 HCR 3026: Sens. Schoenwald; Mathern; Solberg

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2206 and SB 2591, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2206: Sens. Maxson; Holmberg; Marks
 SB 2591: Sens. Kelsh; Kinnoin; Vosper

CONSIDERATION OF AMENDMENTS

HB 1552: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 1337 be adopted with DO PASS, which motion lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1552: A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the game and fish commissioner; to amend and reenact subdivision c of subsection 19 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers and duties of the game and fish commissioner; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 46 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh;

Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Holmberg; Lips; Mushik; Redlin; Robinson; Tallackson

ABSENT AND NOT VOTING: DeKrey

HB 1552 passed and the title was agreed to.

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 SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed: 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 SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2003.

Page 1, line 6, after "15-21-02" insert ", 15-21-13.1, 15-44-09," and after "Code" insert "and section 10 of chapter 218 of the 1989 Session Laws of North Dakota"

Page 1, line 7, replace "and" with ", school district accounting and reporting systems,"

Page 1, line 8, after "grants" insert "and unspent funds of the 1989-91 school restructuring appropriation" and remove "and"

Page 1, line 9, after "Code" insert "; and to declare an emergency"

Page 1, line 22, replace "8,695,920" with "8,330,123"

Page 2, line 1, replace "600,114" with "592,914"

Page 2, line 2, replace "4,080,883" with "4,091,911"

Page 2, line 3, replace "432,318" with "423,418"

Page 2, line 5, replace "375,873,509" with "381,014,334"

Page 2, line 8, replace "78,608,646" with "79,608,646"

Page 2, line 9, replace "4,475,850" with "5,900,000"

Page 2, line 10, replace "559,939,268" with "567,133,374"

Page 2, line 12, replace "419,079,338" with "426,273,444"

Page 2, line 24, underscore "250,000"

Page 2, remove line 25

Page 2, line 26, replace "26,340,504" with "26,320,504"

Page 2, line 28, replace "13,763,435" with "13,743,435"

Page 3, line 2, replace "1,439,982" with "1,397,112"

Page 3, line 4, replace "1,106,064" with "1,026,064"

Page 3, line 7, replace "3,683,655" with "3,560,785"

Page 3, line 9, replace "2,689,170" with "2,566,300"

Page 3, line 16, replace "114,300" with "25,300"

Page 3, line 17, replace "4,375,040" with "4,286,040"

Page 3, line 19, replace "3,985,265" with "3,896,265"

Page 4, line 2, replace "441,645,708" with "448,957,944"

Page 4, line 4, replace "597,353,416" with "604,665,652"

Page 5, after line 13, insert:

"SECTION 8. AMENDMENT. Section 15-21-13.1 of the North Dakota Century Code is amended and reenacted as follows:

15-21-13.1. Uniform accounting and reporting system. The superintendent of public instruction shall implement a uniform computerized system for the accounting, budgeting, and reporting of fiscal data for all school districts in the state. ~~The accounting system shall be based on Handbook II-B; Revised, as developed and piloted in the state's school districts during the past two years. All school districts shall, upon request, submit additional reports concerning finances to the superintendent.~~ The superintendent of public instruction shall select one type of computer hardware, which must be compatible with personal computer systems, and no more than two software programs to be used by school districts.

SECTION 9. AMENDMENT. Section 15-44-09 of the North Dakota Century Code is amended and reenacted as follows:

15-44-09. Funds controlled and paid out by ~~school district clerk~~ business manager of the school district - Accounting. All funds shall be kept in the possession or under the control of, and shall be paid out by, the business manager of the school district clerk except as otherwise provided by the laws of this state, ~~and he.~~ The business manager shall keep one general account of the entire receipts and expenditures of the district and separate itemized accounts for each class of receipts and expenditures, unless otherwise directed by the superintendent of public instruction. ~~His~~ The business manager's books shall or computer systems must show at all times, by entries under proper heads, all receipts of funds and payments made therefrom so as to enable any person readily to ascertain the balance in any fund.

SECTION 10. AMENDMENT. Section 10 of chapter 218 of the 1989 Session Laws of North Dakota is amended and reenacted as follows:

SECTION 10. If House Bill No. 1637 is approved by the fifty-first legislative assembly, becomes effective, and contains a provision authorizing the superintendent of public instruction to distribute any unspent amount appropriated to the grants - foundation aid program, then a new section is hereby created and enacted to read as follows:

DISTRIBUTION OF UNSPENT FUNDS. If the amount appropriated pursuant to section 9 of this Act exceeds the amount necessary to make the payments as required in section 6 of this Act the unspent amount first \$200,000 of unspent funds may not be spent but any additional unspent amounts must be made available to the superintendent of public instruction to distribute pursuant to the superintendent's authority to

distribute any unspent amount appropriated to the grants - foundation aid program under the provisions of House Bill No. 1637."

Page 5, line 26, after "COMMITTEE" insert "- DEPARTMENT OF HUMAN SERVICES"

Page 6, line 1, after "committee" insert "and department of human services"

Page 6, after line 17, insert:

"SECTION 16. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of providing matching grants on a dollar-for-dollar basis with up to \$2,000 per school district in order that school districts may purchase computers and equipment needed to implement a uniform computerized accounting system for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 6, after line 23, insert:

"SECTION 18. SCHOOL FOR THE BLIND FTE POSITION. The school for the blind may employ one FTE position paid from the expanded outreach program funding to provide services and programs for the blind including coordinating work relating to the Dakota radio information service (DRIS).

SECTION 19. LEGISLATIVE INTENT - OTHER FUNDS - POSITIONS. Persons in positions funded from other funds and federal funds may be employed only for as long as such funding is available.

SECTION 20. LEGISLATIVE INTENT - NATIVE AMERICAN CURRICULUM. It is the intent of the 1991 legislative assembly that up to \$50,000 of operating expenses included in subdivision 1 of section 1 of this Act may be used for developing, testing, and implementing a native American curriculum for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 21. CONTINGENT APPROPRIATION - VOCATIONAL EDUCATION GRANTS. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, an amount equal to the amount of unspent moneys appropriated in 1989 House Bill No. 1507 for school district restructuring, but not to exceed \$200,000, to the board of vocational education for secondary vocational education grants for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 22. EMERGENCY. Section 10 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

Salaries and Wages

Salaries and wages are reduced as follows to delete the funding for the following positions added in the executive budget and by the Senate:

		General <u>Fund</u>
1	FTE coordinator of department divisions	\$ 71,443
2	FTE school restructuring/telecommunication coordinators*	155,948

1	FTE curriculum coordinator	70,330
<u>1</u>	FTE teacher program approval coordinator*	<u>68,076</u>
5.0	FTE	\$365,797

* The funding is not provided for these positions; however, the authority remains for one restructuring/telecommunications coordinator and the teacher program approval coordinator if funding becomes available for the positions.

The following line items are reduced because of the deletion of the above positions:

	<u>General</u>
	<u>Fund</u>
Information services	\$ 7,200
Operating expenses	38,972
Equipment	<u>8,900</u>
Total	\$55,072

The amendment adds a section of intent and \$50,000 from the general fund for operating expenses for developing, testing, and implementing a Native American curriculum.

The amendment adds a section appropriating \$150,000 from the general fund for the provisions of House Bill No. 1510 relating to matching grants for a uniform computerized accounting system. Section 15-21-13.1 and 15-44-09 are also amended to include the provisions of House Bill No. 1510 relating to school district accounting and reporting systems.

Foundation Aid - Per-Pupil Payments

The amendment adds \$5,140,825 from the general fund to increase per-pupil payments by \$21 each year of the 1991-93 biennium, from \$1,531 to \$1,552 for the first year and from \$1,587 to \$1,608 for the second year.

Telecommunications

The amendment restores \$1,000,000 from the general fund of the \$1,288,560 deleted by the Senate. The amounts provided for telecommunications are as follows:

<u>Executive Budget</u>	<u>Senate</u>	<u>House</u>
\$5,804,815	\$4,516,255	\$5,516,255

School Restructuring

The amendment adds \$1,424,150 from the general fund for school restructuring to provide funding for \$165 per-pupil payments for 12 consortia and approximately \$600,000 for Pairing/Sharing. The following is a schedule comparing the different amounts provided for school restructuring:

	<u>Executive</u>	<u>Senate</u>	<u>House</u>
	<u>Budget</u>	<u>Version</u>	<u>Version</u>
School restructuring	\$8,236,500	\$4,475,850	\$5,900,000
Related per-pupil payments	\$165	\$165, \$125, \$85	\$165

DEPARTMENT 250 - STATE LIBRARY

Salaries and wages are decreased by \$42,870 from the general fund to delete funding added by the Senate for one FTE volunteer coordinator for the Dakota Radio Information Service (DRIS). A section of legislative intent is added

providing the School for the Blind authority to use expanded outreach funding to hire a person whose duties include coordinating work relating to DRIS.

Operating expenses are reduced by \$80,000 from the general fund to delete funding added by the Senate for the MINITEX resource sharing contract.

DEPARTMENT 252 - SCHOOL FOR THE DEAF

The amendment reduces capital improvements by \$89,000 from the general fund for the tunnel replacement project. The funding for the project is included in an amendment to the deficiency bill (SB 2021).

DEPARTMENT 253 - SCHOOL FOR THE BLIND

A section of intent is added providing the school authority to use expanded outreach funding to hire one FTE whose duties include work relating to DRIS.

The amendments add a section of legislative intent providing that positions funded by other funds and federal funds are to be discontinued should funding no longer be available.

DEPARTMENT 270 - BOARD FOR VOCATIONAL EDUCATION

The Status of Women appropriation amount of \$20,000 from the general fund is removed. The Status of Women budget will be included in the Governor's office.

A section is added providing a contingent appropriation of \$200,000 for grants. The appropriation is contingent on the money becoming available because of unspent general fund moneys appropriated for the school restructuring program during the 1989-91 biennium.

In total, the amendments increase the Senate recommended general fund appropriation by \$7,312,236. After the amendments, the amount of the general fund appropriation is \$2,763,359 more than the executive budget.

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

MR. PRESIDENT: The Speaker has signed: SB 2144, SB 2294, SB 2311, SCR 4059, SCR 4060, SCR 4062, SCR 4063, SCR 4065, SCR 4066.

MOTIONS

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

SEN. MEYER MOVED that HB 1022 be amended as follows, which motion prevailed on a verification vote:

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

Page 1, after line 18, insert:

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

Rural outreach fund.

1. There is hereby created a special fund in the state treasury to be known as the job service rural outreach fund which is separate and distinct from the unemployment compensation fund.
2. Each employer liable for contributions under chapter 52-04 is also liable for a special assessment to be levied at the rate of one one-hundredth of one percent of the employer's taxable

wages. The special assessment is due and payable at the same time the employer's contributions are due and payable. This special assessment is subject to the interest and penalty provisions governing contributions and may be collected in the same manner and under the same methods available for use in collection of contributions. Any interest and penalty collected must be deposited in the federal advance interest repayment fund.

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

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

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

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

Renumber accordingly

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of job service North Dakota.

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

HB 1022 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2024, SB 2204, SB 2210, SB 2275, SB 2281, SB 2327, and SB 2329 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 2340, SB 2351, SB 2352, SB 2354, SB 2372, SB 2389, and SB 2397 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 2431 and SB 2447 and subsequently passed the same.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 1:22 p.m., March 28, 1991: SCR 4059, SCR 4060, SCR 4062, SCR 4063, SCR 4065, SCR 4066.

SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education; to provide an exemption to the provisions of section 54-44.1-11 of the North Dakota Century Code; and to amend and reenact sections 15-10-18.3 and 15-10-18.5 of the North Dakota Century Code, relating to tuition waivers.

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

HB 1003 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 3:30 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 has amended and subsequently passed: SB 2025, SB 2346, SB 2403.

HOUSE AMENDMENTS TO REENGROSSED SB 2025

Page 1, line 1, after "pesticide" insert "and pesticide"

Page 1, line 2, remove "to amend and reenact subsection 4 of section 19-18-04 of the North"

Page 1, line 3, remove "Dakota Century Code, relating to pesticide registration fees;"

Page 1, line 6, remove the underscore under "Agricultural pesticide", after "pesticide" insert "and pesticide", and remove the underscore under "container disposal pilot project -"

Page 1, remove the underscore under lines 7 through 19

Page 1, line 20, remove the underscore under "a. Collect and either recycle or dispose of", after "of" insert "unused pesticides and", and remove the underscore under "empty, triple-rinsed"

Page 1, remove the underscore under lines 21 and 22

Page 2, line 1, remove the underscore under "of temporary collection sites for the containers", after "containers" insert "and pesticides", and remove the underscore under "...The"

Page 2, line 2, remove the underscore under "commissioner may limit the type and quantity of containers" and after "containers" insert "and pesticides"

Page 2, remove the underscore under lines 3 through 29

Page 3, remove the underscore under line 1

Page 3, line 2, remove the underscore under "from the", replace "agricultural pesticide container disposal" with "environment and rangeland protection", and remove the underscore under "fund."

Page 3, line 3, remove the underscore under "Project scope and evaluation - Proposed legislation. The"

Page 3, line 4, remove the underscore under "project must", replace "be limited to two county" with "occur in", and remove the underscore under "areas to be determined by the"

Page 3, remove the underscore under lines 5 through 11

Page 3, remove lines 12 through 26

Page 3, line 28, replace "agricultural pesticide container disposal" with "environment and rangeland protection"

Page 3, line 29, replace "\$385,000" with "\$600,000"

Page 4, line 1, replace "implementing an" with "analyzing and disposing of unused pesticides and triple-rinsed or pressure-rinsed pesticide containers"

Page 4, line 2, remove "agricultural pesticide container collection and disposal program"

Page 4, line 5, remove ", except with respect to the remittal"

Page 4, remove line 6

Page 4, line 7, remove "section 4 of this Act"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2346

Page 2, line 23, after the period insert "The advisory commission on intergovernmental relations shall report annually to the budget section of the legislative council on the grants distributed to counties and cities."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 165 - ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

This amendment requires the Advisory Commission on Intergovernmental Relations to provide an annual report to the Budget Section on grants distributed to counties and cities.

HOUSE AMENDMENTS TO ENGROSSED SB 2403

Page 3, line 1, remove the overstrike over "~~Parking facilities at polling places must be accessible to the~~"

Page 3, line 2, remove the overstrike over "~~elderly and the~~", after "~~handicapped~~" insert "physically disabled", and remove the overstrike over "~~and must be clearly marked.~~"

Re-number accordingly

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3070, HCR 3071.

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

MR. PRESIDENT: The House has passed unchanged: SB 2012, SCR 4057.

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

MR. PRESIDENT: The House has amended and failed to pass: SB 2126.

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 2572.

Page 1, line 10, replace "1991" with "1993"

Page 1, line 15, after "biennium" insert "and the first year of the 1991-93 biennium" and after the period insert "Of the \$7,000,000 appropriation, \$3,000,000 is to be distributed on May 1, 1991, or as soon thereafter as possible, and \$2,000,000 is to be distributed on July 1, 1991, in proportion to payments made on a per-pupil basis for the second year of the 1989-91 biennium, and \$2,000,000 is to be distributed on July 1, 1992, in proportion to payments made on a per-pupil basis for the first year of the 1991-93 biennium. Payments made under this Act are separate and additional per-pupil payments."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment provides that the per-pupil payments provided for by the \$7,000,000 appropriation are to be made in the amount of \$3,000,000 on May 1, 1991, or as soon thereafter as possible, \$2,000,000 on July 1, 1991, and \$2,000,000 on July 1, 1992, rather than during the last six months of the 1989-91 biennium. The payments provided by the \$7,000,000 are additional payments and do not become part of the future per-pupil payments base.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills: SB 2022, SB 2448, SB 2554, SB 2569, SB 2570, SB 2574, SB 2581, SB 2582, SB 2584, SB 2585.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2022, SB 2448, SB 2554, SB 2569, SB 2570, SB 2574, SB 2581, SB 2582, SB 2584, SB 2585.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled resolutions: SCR 4020, SCR 4023, SCR 4041, SCR 4042, SCR 4045, SCR 4069.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4020, SCR 4023, SCR 4041, SCR 4042, SCR 4045, SCR 4069.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

March 28, 1991

This is to inform you that on March 28, 1991, I signed the following: SB 2489.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2515 as printed on SJ pages 1317-1318 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 2515: Sens. Keller, Krauter, Streibel.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do not concur in the House amendments to Reengrossed SCR 4058 as printed on SJ page 1318 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 SCR 4058: Sens. Jerome, Krebsbach, O. Hanson.

MOTION

SEN. WOGSLAND MOVED that SB 2578 and SB 2595 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2578: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 1328 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2578: A BILL for an Act to provide financial assistance to tribally controlled community colleges; 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Stenehjerm; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Tennefos

SB 2578 passed and the title was agreed to.

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

MR. PRESIDENT: The House has failed to pass: SB 2029.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 3:30 p.m., March 28, 1991: SMR 1.

CONSIDERATION OF AMENDMENTS

SB 2595: SEN. Tallackson (Committee on Appropriations) MOVED that the amendments on SJ pages 1328-1329 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Stenehjerm; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Tennefos

SB 2595 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that HB 1016 be placed at the top of the Sixth order, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1016 be amended as follows:

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

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

CONSIDERATION OF AMENDMENTS

HB 1016: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 1329-1333 be adopted with DO PASS.

REQUEST

SEN. GOETZ REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1016, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1016, the roll was called and there were 29 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: 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

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

ABSENT AND NOT VOTING: Tennefos

The motion to adopt the amendments to HB 1016 passed.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; 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 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 37 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjøm; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Goetz; Hanson, O.; Krauter; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: Tennefos

HB 1016 passed, the title was agreed to, and the emergency clause carried.

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

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 25 and SCR 4058, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2515: Sens. Keller; Krauter; Streibel

SCR 4058: Sens. Jerome; Krebsbach; Hanson, O.

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

MR. PRESIDENT: The Speaker has signed: 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.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 4:37 p.m., March 28, 1991: SCR 4005, SCR 4009, SCR 4037, SCR 4040, SCR 4044, SCR 4046, SCR 4049, SCR 4053, SCR 4055, SCR 4056.

CONSIDERATION OF AMENDMENTS

SB 2575: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 1324-1328 be adopted with DO PASS.

SUBSTITUTE MOTION

SEN. WOGSLAND MOVED that the Senate adopt the following amendments in lieu of the amendments to SB 2575, as printed on SJ pages 1324-1328.

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	<u>185,874</u>

Total general fund appropriation \$1,766,302

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
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	<u>129,053</u>
Total general fund appropriation	\$5,415,053

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	<u> </u>
Total general fund appropriation	\$1,623,538

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. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, \$187,883, or so much thereof as may be necessary, to the North Dakota state university - Bottineau for \$101,031 of equipment and \$86,852 of operating costs of an interactive video network site at the institution for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 7. 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	\$ 6,673,350

	its control	
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 8. 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 9. 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	\$ 9,457,297
Grand total special funds appropriation	\$39,841,350
Grand total all funds appropriation	\$49,298,647"

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	<u>185,874</u>
Total general fund increase	\$1,766,302

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	<u>129,053</u>
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	<u>13,400</u>
Total general fund increase		\$167,100

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 \$9,159,876 from the general fund for a total of \$9,457,297. In addition, \$39,841,350 from other funds is added.

NDSU-Bottineau - This amendment adds \$187,883 from the general fund for an interactive video network site at the school, consisting of \$101,031 of equipment and \$86,852 of operating costs.

REQUEST

SEN. SATROM REQUESTED that the following portion of the amendment to SB 2575 as printed below:

"SECTION 9. 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	\$ 9,457,297
Grand total special funds appropriation	\$39,841,350
Grand total all funds appropriation	\$49,298,647"

Be amended as follows:

"SECTION 9. LEGISLATIVE INTENT - TUITION INCREASES. It is the intent of the legislative assembly that the amounts appropriated in section 3 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 3 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	\$ 9,457,297
Grand total special funds appropriation	\$39,841,350
Grand total all funds appropriation	\$49,298,647"

SEN. SATROM MOVED that the proposed amendments be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2575: A BILL for an Act providing an appropriation for a North Dakota higher education center; providing appropriations for various institutions under the state board of higher education; providing an appropriation for the professional student exchange program; to provide legislative intent regarding tuition increases; and to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and remodeling projects at institutions of higher education.

REQUESTS

SEN. HEIGAARD REQUESTED that Engrossed SB 2575 be divided, which request was granted.

SEN. NELSON REQUESTED a recorded roll call vote on the divisions of Engrossed SB 2575, which request was granted.

DIVISION I

SECTION 1. 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 board of higher education for the purpose of a North Dakota higher education center for the biennium beginning July 1, 1991, and ending June 30, 1993:

Salaries and wages	\$126,614
Operating expenses	135,807
Equipment	35,000
Total general fund appropriation	\$297,421

DIVISION II

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>

DIVISION III

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
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>

DIVISION IV

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 - 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>

DIVISION V

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.

DIVISION VI

SECTION 6. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, \$187,883, or so much thereof as may be necessary, to the North Dakota state university - Bottineau for \$101,031 of equipment and \$86,852 of operating costs of an interactive video network site at the institution for the biennium beginning July 1, 1991, and ending June 30, 1993.

DIVISION VII

SECTION 7. 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
DIVISION VIII		
Section 7: Bismarck state college	Science center	6,500,000
Section 8: Bismarck state college	Science center	650,000
DIVISION IX		
Section 7: North Dakota state university	Animal health and biotechnology center	5,000,000
Section 8: North Dakota state university	Animal health and biotechnology center	500,000
DIVISION X		
Section 7: University of North Dakota	Communications building	7,000,000
Section 8: University of North Dakota	Communications building	700,000
DIVISION XI		
Section 7: Dickinson state university	Physical education/multipurpose classroom facility	7,000,000
Section 8: Dickinson state university	Physical education/multipurpose classroom facility	700,000
DIVISION XII		
Section 7: University of North Dakota - lake region	Library addition	668,000
Section 8: University of North Dakota - lake region	Library addition	66,800
DIVISION XIII		
Section 7: Valley City state university	Physical education addition	2,000,000
Section 8: Valley City state university	Physical education addition	200,000

DIVISION XIV

SECTION 9. LEGISLATIVE INTENT - TUITION INCREASES. It is the intent of the legislative assembly that the amounts appropriated in section 3 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 3 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

\$ 9,457,297

Grand total special funds appropriation	\$39,841,350
Grand total all funds appropriation	\$49,298,647

And the remainder of the bill.

ROLL CALL

The question being on the adoption of Division I of Engrossed SB 2575, the roll was called and there were 42 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; Mushik; Mutch; Nalewaja; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Hanson, O.; Moore; Naaden; Nelson; Solberg; Vosper

ABSENT AND NOT VOTING: Meyer; Tennefos

Division I of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division II of Engrossed SB 2575, the roll was called and there were 28 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Holmberg; Ingstad; Jerome; Kinnoin; Krauter; Krebsbach; Lindaas; Lips; Mathern; Maxson; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Traynor; Yockim

NAYS: David; DeKrey; Freborg; Hanson, D.; Heigaard; Heinrich; Keller; Kelly; Kelsh; Langley; Lindgren; Marks; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Solberg; Streibel; Tomac; Vosper; Wogsland

ABSENT AND NOT VOTING: Meyer; Tennefos

Division II of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division III of Engrossed SB 2575, the roll was called and there were 43 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; DeKrey; Freborg; Kinnoin; Langley; Nelson; Solberg; Vosper

ABSENT AND NOT VOTING: Meyer; Tennefos

Division III of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division IV of Engrossed SB 2575, the roll was called and there were 46 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, D.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome;

Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Yockim

NAYS: Langley; Moore; Nelson; Vosper; Wogsland

ABSENT AND NOT VOTING: Meyer; Tennefos

Division IV of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division V of Engrossed SB 2575, the roll was called and there were 41 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Heigaard; Heinrich; Kelsh; Kinnoin; Langley; Marks; Moore; Solberg; Vosper; Wogsland

ABSENT AND NOT VOTING: Meyer; Tennefos

Division V of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division VI of Engrossed SB 2575, the roll was called and there were 39 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: DeKrey; Freborg; Heinrich; Keller; Langley; Lindgren; Moore; Mutch; Naaden; Nelson; Nething; Solberg

ABSENT AND NOT VOTING: Meyer; Tennefos

Division VI of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division VII of Engrossed SB 2575, the roll was called and there were 31 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Heigaard; Holmberg; Ingstad; Jerome; Kelly; Krebsbach; Lindaas; Lips; Mathern; Maxson; Mushik; Naaden; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Thane; Traynor; Wogsland; Yockim

NAYS: David; Freborg; Hanson, E.; Hanson, O.; Heinrich; Keller; Kelsh; Kinnoin; Krauter; Langley; Lindgren; Marks; Moore; Mutch; Nelson; Nething; Peterson; Solberg; Tomac; Vosper

ABSENT AND NOT VOTING: Meyer; Tennefos

Division VII of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division VIII of Engrossed SB 2575, the roll was called and there were 31 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Krauter; Krebsbach; Lindaas; Lips; Mathern; Maxson; Mushik; Nalewaja; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Kelsh; Kinnoin; Langley; Lindgren; Marks; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: Meyer; Tennefos

Division VIII of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division IX of Engrossed SB 2575, the roll was called and there were 27 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Holmberg; Ingstad; Jerome; Kelly; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Traynor; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Heigaard; Heinrich; Keller; Kelsh; Kinnoin; Krauter; Langley; Marks; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Tomac; Vosper; Wogsland

ABSENT AND NOT VOTING: Meyer; Tennefos

Division IX of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division X of Engrossed SB 2575, the roll was called and there were 25 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Holmberg; Ingstad; Jerome; Kelly; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Maxson; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Traynor; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Keller; Kelsh; Kinnoin; Krauter; Langley; Marks; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Tomac; Vosper; Wogsland

ABSENT AND NOT VOTING: Meyer; Tennefos

Division X of Engrossed SB 2575 lost.

ROLL CALL

The question being on the adoption of Division XI of Engrossed SB 2575, the roll was called and there were 29 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Holmberg; Ingstad; Jerome; Kelly; Krauter; Krebsbach; Lindaas; Lips; Mathern; Nalewaja; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Traynor; Yockim

NAYS: DeKrey; Freborg; Hanson, O.; Heigaard; Heinrich; Keller; Kelsh; Kinnoin; Langley; Lindgren; Marks; Maxson; Moore; Mushik; Mutch; Naaden; Nelson; Peterson; Solberg; Streibel; Vosper; Wogsland

ABSENT AND NOT VOTING: Meyer; Tennefos

Division XI of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division XII of Engrossed SB 2575, the roll was called and there were 27 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Holmberg; Ingstad; Jerome; Kelly; Krebsbach; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; Nalewaja; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Traynor; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Keller; Kelsh; Kinnoin; Krauter; Lindgren; Marks; Moore; Mutch; Naaden; Nelson; Peterson; Solberg; Streibel; Tomac; Vosper; Wogsland

ABSENT AND NOT VOTING: Meyer; Tennefos

Division XII of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division XIII of Engrossed SB 2575, the roll was called and there were 31 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Krebsbach; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Heinrich; Keller; Kinnoin; Krauter; Langley; Lindgren; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: Meyer; Tennefos

Division XIII of Engrossed SB 2575 passed.

ROLL CALL

The question being on the adoption of Division XIV of Engrossed SB 2575, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Tennefos

Division XIV of Engrossed SB 2575 passed.

RECONSIDERATION OF DIVISION X OF ENGROSSED SB 2575

SEN. MUSHIK MOVED that the Senate reconsider its action whereby Division X of Engrossed SB 2575 failed to pass, which motion prevailed.

ROLL CALL

The question being on the reconsideration whereby Division X of Engrossed SB 2575 failed to pass, the roll was called and there were 32 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Heinrich; Keller; Kinnoin; Krauter; Langley; Marks; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel

ABSENT AND NOT VOTING: Meyer; Tennefos

Division X of Engrossed SB 2575 passed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Kelsh; Kinnoin; Krauter; Langley; Moore; Naaden; Nelson; Solberg; Streibel; Tomac; Vosper

ABSENT AND NOT VOTING: Meyer; Tennefos

Engrossed SB 2575 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1021 be placed at the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1021: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 1334-1336 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act making an appropriation for defraying the expenses of the department of corrections and rehabilitation; providing for an appropriation from the North Dakota state penitentiary land fund; 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; 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; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Naaden; Tennefos; Vosper

HB 1021 passed, the title was agreed to, and the emergency clause carried.

POINT OF PERSONAL PRIVILEGE

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

Mr. President and members of the Senate: I want to explain the situation as it pertains to employees of the Senate. The employees will be paid for Good Friday in line with our traditional treatment of employees during sessions when Easter occurs during the session. The employees have continued to do a wonderful job for the Senate, and we agreed this is an appropriate form of recognition. In addition, they will be paid for Monday morning hours and will be on hand, under the arrangements of the Secretary of the Senate, when we reconvene at noon. I hope you will continue to express your appreciation for the employees' hard work, and we look forward to having them on hand and finishing up the session shortly.

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 be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 12:00 p.m., Monday, April 1, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1002, as engrossed: 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 2, remove the first "and"

Page 1, line 4, after "courts" insert "; and to provide for a legislative council study of the feasibility and desirability of including all county judges in the public employees retirement system"

Page 1, line 22, replace "193,828" with "213,828"

Page 2, line 1, replace "5,418,758" with "5,398,758"

Page 2, line 6, replace "3,999,324" with "3,959,324"

Page 2, line 9, replace "17,599,800" with "17,559,800"

Page 2, line 11, replace "17,497,858" with "17,457,858"

Page 2, line 20, replace "107,392" with "72,000"

Page 2, line 21, replace "241,080" with "276,472"

Page 2, line 22, replace "23,157,696" with "23,133,088"

Page 2, line 23, replace "403,162" with "387,770"

Page 2, line 24, replace "23,560,858" with "23,520,858"

Page 4, after line 7, insert:

"SECTION 6. LEGISLATIVE COUNCIL STUDY OF INCLUDING ALL COUNTY JUDGES IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM. During the 1991-92 interim the legislative council shall study the feasibility and desirability of including all county judges in the public employees retirement system. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-third legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 180 - SUPREME COURT

This amendment decreases the general fund appropriation by \$20,000 and increases estimated income by \$20,000 to reflect the amount of anticipated income.

DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION

This amendment increases the general fund appropriation by \$35,392 to fund the salary of the secretary position provided in the executive budget. Estimated income is reduced by the same amount since the moneys are not available from the State Bar Association as included in the House version.

A section is added to provide a Legislative Council study to consider including all county judges in the Public Employees Retirement System.

DEPARTMENT 185 - DISTRICT COURTS

The operating expenses line item is reduced by \$40,000 from the general fund to reduce indigent defense moneys which was in error in the budget request for the Northwest District Court.

HB 1019, as engrossed: 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 4, after the semicolon insert "to repeal section 7 of House Bill No. 1005, as approved by the fifty-second legislative assembly, relating to the land reclamation research center; to provide for a bond issuance for a Bismarck state college parking lot;"

Page 1, line 16, replace "4,168,699" with "4,421,919"

Page 1, line 17, replace "208,924" with "209,624"

Page 1, line 18, replace "1,500,644" with "1,540,797"

Page 1, line 19, replace "135,293" with "141,293"

Page 1, line 20, replace "6,364,000" with "6,743,807"

Page 2, line 1, replace "50,000" with "50,000"

Page 2, remove line 2

Page 2, line 3, replace "special funds appropriation" with "all funds" and replace "24,935,824" with "25,600,704"

Page 2, after line 3, insert:

"Less estimated income	<u>25,220,897</u>
Total general fund appropriation	\$ 379,807"

Page 2, remove line 18

Page 2, line 20, replace "20,839,141" with "16,404,141"

Page 2, line 23, replace "2,077,979" with "2,101,429"

Page 2, line 28, replace "50,000" with "100,000"

Page 2, line 29, replace "34,107,631" with "34,181,081"

Page 2, after line 29, insert:

"Grand total general fund appropriation H.B. 1019 \$ 379,807"

Page 3, line 1, replace "102,891,887" with "99,165,410"

Page 3, after line 1, insert:

"Grand total all funds appropriation H.B. 1019 \$99,545,217"

Page 3, line 9, replace "\$5,517,775" with "\$5,532,775"

Page 4, remove lines 6 through 10

Page 7, line 3, replace "budget" with "emergency commission"

Page 7, line 4, remove "section"

Page 7, remove lines 5 through 20

Page 7, line 22, replace "\$623,533" with "\$379,807"

Page 7, line 23, replace "lignite" with "general"

Page 7, line 24, remove "research"

Page 7, after line 26, insert:

"SECTION 13. APPROPRIATION - HOUSING FINANCE AGENCY. In addition to the amount appropriated to the housing finance agency in subdivision 4 of section 1 of this Act, there is hereby appropriated any additional income from federal or other funds which may become available to the agency for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 14. 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.

SECTION 15. BOARD OF HIGHER EDUCATION - BONO ISSUANCE - APPROPRIATION. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to, but not exceeding, \$350,000, for the purpose of constructing a revenue-producing parking lot at Bismarck state college. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota. The proceeds from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and equipping of a parking lot. Any unexpended balance from the sale of bonds must be placed in a sinking fund for the retirement of the authorized bonds.

SECTION 16. LEGISLATIVE INTENT - MILL AND ELEVATOR ASSOCIATION. It is the intent of the fifty-second legislative assembly that the mill and elevator association phase out its certified seed grains processing and marketing program.

SECTION 17. REPEAL. Section 7 of House Bill No. 1005, as approved by the fifty-second legislative assembly, is repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION

Salaries and Wages

Salaries and wages are increased by \$253,220 from other funds for the following positions:

	OTHER FUNDS
1 FTE research analyst (Industrial Commission) (added in executive budget and deleted in House)	\$ 65,261
1 FTE geologist II (Geological Survey) (added in executive budget and deleted in House)	68,212
Geological Survey - Funding was to come from core library user fees but bill was defeated	15,000
1 FTE geologist and temporary summer help for solid waste management per House Bill No. 1060 funded from the solid waste management fund	104,747
Total	<u>\$253,220</u>

Operating Expenses

Operating expenses are increased by \$4,900 to restore the amount deleted by the House relating to the research analyst position. Also, \$35,253 is added from the solid waste management fund for solid waste management per House Bill No. 1060. In total, \$140,000 is provided from the solid waste management fund. The amendments restore \$700 from other funds for data processing and \$6,000 from other funds for equipment relating to funding for the research analyst position.

Grants

The grants line item is increased by \$379,807 from the general fund to provide funding for the Land Reclamation Research Center for the first year of the biennium including the Governor's salary package. The House provided funding for the center from the lignite research fund for both years of the biennium and the executive budget provided funding from the general fund for the first year of the biennium. The center may apply on a competitive basis for grants from the lignite research fund for operating funds for the second year of the biennium. Section 7 of House Bill No. 1005 is repealed as it conflicts with the above provisions since it provides funding for the research center from the lignite research fund for both years of the biennium.

Geological Survey Contingency

This line item and the related section are removed since the funding was to be from increased core library user fees. The fee increase proposal was defeated. The \$15,000 is added back to salaries.

DEPARTMENT 473 - HOUSING FINANCE AGENCY

Salaries and wages are increased by \$23,450 from other funds to allow for 2.5 FTE positions rather than these employees being classified as temporary. The executive budget allowed for the positions to be FTE positions and the House changed their status back to temporary.

The contingency line item is increased by \$50,000 from other funds to restore funding deleted by the House.

DEPARTMENT 475 - MILL AND ELEVATOR

The capital improvements line item of \$4,435,000 from other funds and the related section added by the House are deleted. It is the intent of the Senate, as in the past, the Mill and Elevator's capital improvement projects be approved by the Industrial Commission and need not be part of the appropriation.

Also, a section of legislative intent is added requiring the Mill and Elevator to phase out its certified seed grains processing and marketing program.

The amendments also provide that Bismarck State College may issue revenue bonds in the amount of \$350,000 for the construction and equipping of a parking lot. The parking lot is needed only if funding for the science center is approved.

HB 1031, as reengrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 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 pages 1022-1023 of the Senate Journal, Engrossed House Bill No. 1031 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to a property cost reimbursement study and property cost reimbursement to certain nursing homes; to provide an appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. Property reimbursement study - Reimbursement in certain cases.**

1. The department of human services shall study the medical assistance property cost reimbursement system for the nursing home industry in the state of North Dakota. The department shall establish a nine-member advisory committee for the study consisting of departmental staff, at least three representatives of the long-term care industry, and three legislative members appointed by the chairman of the legislative council. The department may expend funds to engage a qualified consulting firm to assist in the study and shall from time to time report on the progress of the study and any findings to the legislative council or a committee designated by the council. The legislative council shall report any findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-third legislative assembly.
2. The department shall reimburse nursing home providers that are vendors in the medical assistance program for the use of real estate and depreciable equipment that was purchased by the nursing home provider after July 1, 1985, and before January 1, 1991, based on property costs created by good faith, arm's length purchase agreements. For purposes of this Act, "property costs" means property taxes including special assessments, lease and rental costs of personal property and reasonable legal expense, all to the extent allowable under chapter 50-24.4 and rules adopted by the department; interest expense allowable under rules adopted by the department without the application of subdivision f of subsection 1 of section 75-02-06-04 of the North Dakota administrative code; personal property depreciation based upon purchase price paid by the buyer; and real property depreciation based upon current reproduction cost of those

assets depreciated on a straight-line basis over their useful lives to the date of acquisition by the buyer and increased by one-half of the percentage increase in the consumer price index for all urban consumers (United States city average) from the date of acquisition by the seller to the date of acquisition by the buyer, or the purchase price paid by the buyer, whichever is lower.

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, and from special funds derived from federal funds and other income, including county reimbursements made pursuant to section 50-24.1-03, to the department of human services for the purpose of undertaking the study provided for in section 1 of this Act, and to reimburse nursing home providers for property-related costs affected by this Act for the period beginning July 1, 1991, and ending June 30, 1993.

	GENERAL FUND	SPECIAL FUNDS	TOTAL
Department of human services - study	\$ 75,000	\$ 75,000	\$150,000
Department of human services - reimbursement	<u>184,086</u>	<u>599,259</u>	<u>783,345</u>
Total	\$259,086	\$674,259	\$933,345

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 1993, and after that date is ineffective."

Renumber accordingly

HB 1079, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 21, replace "Any" with "Except for a person who delivers marijuana, any"

Page 4, line 3, replace "first" with "second"

Page 4, line 5, replace "second" with "third"

Page 4, line 7, replace "third" with "fourth"

Page 5, line 1, after "person" insert ", eighteen years of age or older,"

Renumber accordingly

HB 1532: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Committee on Appropriations (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

Page 1, line 9, replace "staff of the public employees retirement system" with "department of labor"

Page 3, after line 5, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1995, and after that date is ineffective."

Renumber accordingly

HB 1575, 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.

In lieu of the amendments adopted by the Senate as printed on pages 1057-1059 of the Senate Journal, Engrossed House Bill No. 1575 is amended as follows:

Page 1, line 1, replace "section" with "sections" and remove "subsection 2 of"

Page 1, line 2, remove the first "section", remove the second "section", and remove "subsection 2 of section"

Page 1, line 6, remove "to suspend subsection 2 of section 57-43.1-02"

Page 1, remove lines 7 and 8

Page 1, line 9, remove "alcohol;"

Page 7, line 22, replace "Subsection 2 of section" with "Section"

Page 7, replace lines 25 through 29 with:

~~"57-43.1-02. Tax imposed on motor vehicle fuels —Tax reduced for certain alcohol-blended fuels.~~

1. Except as otherwise provided in this section, a tax of seventeen cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.
2. ~~The tax imposed on gasoline sold which contains a minimum ten percent blend of a qualifying alcohol whose purity is at least ninety-nine percent alcohol is reduced in accordance with this subsection and subsection 3-. An alcohol is a qualifying alcohol if it is methanol produced from coal or if the taxpayer certifies that it is derived from agricultural products produced entirely in the United States. For qualifying alcohols, the tax is:~~
 - a. ~~From July 1, 1985, through June 30, 1987, eight cents per gallon (3.79 liters) less than the tax imposed under subsection 1-.~~
 - b. ~~From July 1, 1987, through December 31, 1992, four cents per gallon (3.79 liters) less than the tax imposed under subsection 1-.~~
 - c. ~~After December 31, 1992, at the same rate as the tax imposed under subsection 1-.~~
3. ~~The tax reduction allowed on gasoline under this section does not apply to gasoline which contains qualifying alcohol manufactured or distilled outside this state, unless the state where the alcohol is manufactured or distilled provides a specific reduction, exemption, credit, or refund from that state's motor vehicle fuels tax for what would be a qualifying alcohol manufactured or distilled in this state. Qualifying alcohols manufactured or distilled in another state are eligible for the tax reduction allowed by this section, but only to the extent that state's specific reduction, exemption, credit, or refund allowance applies to qualifying alcohol manufactured or distilled in this state. The tax reduction allowed by this subsection qualifying~~

~~alcohol manufactured or distilled in another state cannot exceed the amount specified in subsection 2.~~

~~4-~~ The dealer shall collect the tax imposed by this section from the consumer on all sales.

~~5-~~ 3. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax."

Page 8, remove lines 1 through 10

Page 9, line 3, replace "Subsection 2 of section" with "Section"

Page 9, replace lines 6 through 20 with:

"57-43.2-02. Tax imposed - Exemptions.

1. An excise tax of seventeen cents per gallon [3.79 liters] is imposed on the sale or delivery of special fuel to any special fuel user, except that special fuel to be used for heating, agricultural, or railroad purposes or for industrial purposes other than in the performance of a contract with any unit of government is exempt from the tax imposed by this chapter, provided that the sale or delivery of special fuel for use in a motor vehicle is not exempt. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.

2. The tax on agriculturally derived alcohol if used in a pure state or if blended with another agriculturally derived liquid is:

~~a-~~ Through December 31, 1983, four cents per gallon (3.79 liters) less than the tax imposed under subsection 1.

~~b-~~ From January 1, 1984, through December 31, 1984, five cents per gallon (3.79 liters) less than the tax imposed under subsection 1.

~~c-~~ From January 1, 1985, through December 31, 1985, six cents per gallon (3.79 liters) less than the tax imposed under subsection 1.

~~d-~~ From January 1, 1986, through June 30, 1992, four cents per gallon (3.79 liters) less than the tax imposed under subsection 1.

~~e-~~ After June 30, 1992, at the same rate as the tax imposed under subsection 1.

~~3-~~ The tax attaches at the time of sale, delivery, or transfer of title of such special fuel to a special fuel user or unlicensed dealer. The special fuel dealer shall collect the tax from the special fuel user and pay the tax to the commissioner as provided in this chapter.

~~4-~~ 3. Except as prohibited by section 57-43.1-09 the tax is refundable when used for nonhighway purposes, and the provisions and procedures of chapter 57-43.1 relating to the refund of motor fuel taxes apply to the tax imposed by this chapter, provided that the amount refunded for any special

fuel does not include the amount of tax imposed by section 57-43.2-03 on the sale of that fuel."

Page 10, line 15, replace "No producing plant may receive payment under this section for" with "If two or more ethanol production plants are in operation in this state throughout the 1991-93 biennium, a single plant may not receive incentive payments of more than nine hundred fifty thousand dollars for production in either fiscal year of the 1991-93 biennium. However, during any time one of the plants eligible for production incentives is not in operation for thirty or more consecutive days, any other ethanol production plant that is in operation may receive up to one hundred fifty thousand dollars per thirty calendar days in incentive payments for production during such time and the annual incentive payment limitation is waived to the extent of payments received under the authority of this sentence."

Page 10, remove line 16

Page 10, line 17, remove "fuel in either year of the 1991-93 biennium."

Page 10, line 20, replace "state auditor a full financial statement, in such" with "budget section of the legislative council a statement, certified by a certified public accountant, as to whether or not the plant produced a profit from its operation in the preceding fiscal year, after deducting the payments received from this incentive program."

Page 10, remove lines 21 through 29

Page 11, remove lines 1 through 3

Page 11, line 4, remove "SUSPENSION -"

Page 11, remove lines 5 through 10

Page 11, line 11, remove "57-43.2-02 are no longer suspended and become effective immediately."

Page 11, line 12, replace "1993" with "1995"

Page 11, line 14, replace "1992" with "1994"

Renumber accordingly

REPORTS OF CONFERENCE COMMITTEES

SB 2036, as engrossed: Your conference committee (Sens. Meyer, Krauter, Moore and Reps. Tollefson, Henegar, Hanson recommends that the SENATE RECEDE from the House amendments on SJ page 1102, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on pages 1137 and 1138 of the House Journal and page 1102 of the Senate Journal and that Engrossed Senate Bill No. 2036 be amended as follows:

Page 1, line 4, after "reenact" insert "subsection 42 of section 20.1-01-02," and replace the first comma with "and"

Page 1, line 7, after "to" insert "the definition of,"

Page 1, after line 10, insert:

"SECTION 1. AMENDMENT. Subsection 42 of section 20.1-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

42. "Wildlife" means any member of the animal kingdom including ~~without limitation~~ any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which

protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. Wildlife does not include domestic animals as defined by the board of animal health, or birds or animals held in private ownership."

Renumber accordingly

SB 2090: Your conference committee (Sens. Mathern, Jerome, Bowman and Reps. A. Olson, Urlacher, Erickson) recommends that the HOUSE RECEDE from the House amendments on SJ page 1101, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1140 of the House Journal and page 1101 of the Senate Journal and that Engrossed Senate Bill No. 2090 be amended as follows:

Page 1, line 11, remove "pending or new" and after "applications" insert "received after January 1, 1991,"

Page 1, line 14, after "of" insert "the environmental effects of the disposal of municipal solid waste ash and"

Page 1, line 16, after "any" insert "permit application for a" and remove "that has been granted a permit prior to the effective"

Page 1, line 17, remove "date of this Act or to any landfill"

Page 1, line 18, after "ash" insert "or to any North Dakota or federal court-ordered reapplication involving an application originally received prior to January 1, 1991, and which is limited to the type and amount of waste represented in the original application"

Renumber accordingly

SB 2115, as engrossed: Your conference committee (Sens. Marks, Bowman, Freborg and Reps. Bateman, Miller, Kerzman) recommends that the HOUSE RECEDE from the House amendments on SJ page 891, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 930 of the House Journal and page 891 of the Senate Journal and that Engrossed Senate Bill No. 2115 be amended as follows:

Page 1, line 3, after "way" insert "; to provide an appropriation; and to declare an emergency"

Page 2, after line 16, insert:

"SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the lands and minerals trust fund in the state treasury, not otherwise appropriated, the sum of \$115,000, or so much thereof as may be necessary, to the commissioner of agriculture for the purpose of participating in the cooperative rangeland grasshopper control program for the period beginning with the effective date of this Act and ending June 30, 1993.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2151: Your conference committee (Sens. Kelsh, Marks, Bowman and Reps. Shide, Schimke, Aarsvold) recommends that the SENATE ACCEDE to

the House amendments on SJ pages 1037-1038 and then place it on the Seventh order.

SB 2324, as engrossed: Your conference committee (Sens. Heinrich, Jerome, Stenehjem and Reps. Freier, Kunkel, Goffe) recommends that the HOUSE RECEDE from the House amendments on SJ page 1186 and then place it on the Seventh order.

SB 2335, as engrossed: Your conference committee (Sens. Meyer, DeKrey, Traynor and Reps. Byerly, Kelsch, Grumbo) recommends that the HOUSE RECEDE from the House amendments on SJ page 1034, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1059 of the House Journal and page 1034 of the Senate Journal and that Engrossed Senate Bill No. 2335 be amended as follows:

Page 2, line 28, replace the second "may" with "must"

Re-number accordingly

SB 2422: Your conference committee (Sens. Dotzenrod, Tennefos, Kinnoin and Reps. Grosz, Anderson, Nicholas) recommends that the SENATE ACCEDE to the House amendments on SJ page 954 and then place it on the Seventh order.

SB 2425, as engrossed: Your conference committee (Sens. Krauter, Keller, Mutch and Reps. Martinson, Shide, Mahoney) recommends that the HOUSE RECEDE from the House amendments on SJ page 907, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on pages 740 and 741 of the House Journal and page 907 of the Senate Journal and that Engrossed Senate Bill No. 2425 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to oral transmission of refilled prescriptions; and to"

Page 2, after line 3, insert:

"SECTION 2. A new section to chapter 43-15 of the North Dakota Century Code is created and enacted as follows:

Oral transmission of refill prescriptions. An oral reorder for a prescription drug may be accepted and dispensed by a pharmacist or registered pharmacist intern if received from a practitioner, or a nurse licensed under chapter 43-12.1 who is authorized by the practitioner to transmit the oral refill prescription. Before authorizing the transmittal of the oral refill prescription, the practitioner shall place a written copy of the prescription in the patient's records. Only a registered pharmacist or a registered pharmacist intern may receive an oral refill prescription. An oral refill prescription received by an agent or clerical person employed by a pharmacy may not be dispensed. The licensing board of a practitioner shall notify the board of pharmacy and board of nursing in writing, on an annual basis or more frequent basis if necessary, of the specific nurse or nurses who are authorized by the practitioner to transmit oral refill prescriptions."

Re-number accordingly

SB 2542, as engrossed: Your conference committee (Sens. O'Connell, Heinrich, O. Hanson and Reps. Muhs, Schimke, Huether) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1036-1037, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1063 of the House Journal and pages 1036 and 1037 of the Senate Journal and that Engrossed Senate Bill No. 2542 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 198 of the 1989 Session Laws of North Dakota, relating to home-based instruction; and" and replace "sections 4 and" with "section"

Page 1, remove lines 4 through 22

Page 2, remove lines 1 through 27

Page 3, line 12, remove "if so requested by the parent"

Page 4, line 9, remove "An"

Page 4, remove lines 10 and 11

Page 4, line 12, remove "any state in the area of the apparent deficiency of the child."

Page 5, remove lines 19 through 21

Page 5, line 22, remove "thirtieth percentile."

Page 6, after line 2, insert:

"SECTION 2. AMENDMENT. A new section to chapter 198 of the 1989 Session Laws of North Dakota is created and enacted as follows:

Home-based instruction - Liability. No state agency, public school, or county superintendent may be found liable for accepting as correct the information on the statement of intent or for any damages resulting from the parent's failure to educate the child."

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3070: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of allowing state agencies to retain and expend a portion of unexpended general fund appropriations beyond the end of the biennium for which the funds were appropriated and the possibility of a bonus system in lieu of sick leave use.

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

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

MARION HOUN, Secretary