

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, April 1, 1991

The Senate convened at 12:00 noon, with President Omdahl presiding.

The prayer was offered by Senator Marks.

The roll was called and all members were present except Senators DeKrey, Ingstad, Keller, Naaden, Nelson, and Nething.

A quorum was declared by the President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HCR 3032, HCR 3035, HCR 3039, HCR 3042, and HCR 3043 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1516 and failed to pass the same.

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

MR. PRESIDENT: The House has concurred to the Senate amendments, subsequently passed, and the emergency clause carried on: HB 1001, HB 1139, HB 1291, HB 1578.

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

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

SCR 4058: Reprs. Clayburgh; Freier; Mutzenberger

**MOTION**

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

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

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

MR. PRESIDENT: The House has passed unchanged: SB 2168.

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

MR. PRESIDENT: The House has failed to pass: SB 2099, SB 2187, SB 2528.

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

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

**SIGNING OF BILLS AND RESOLUTIONS**

The President signed the following enrolled bills: SB 2038, SB 2040, SB 2057, SB 2076, SB 2096, SB 2106, SB 2108, SB 2134, SB 2158, SB 2173, SB 2180, SB 2181.

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

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

**SIGNING OF BILLS AND RESOLUTIONS**

The President signed the following enrolled bills: SB 2212, SB 2213, SB 2266, SB 2279, SB 2333, SB 2357, SB 2378, SB 2416, SB 2472, SB 2492, SB 2493, SB 2494, SB 2498, SB 2506, SB 2508, SB 2520, SB 2526, SB 2530, SB 2539, SB 2556, SB 2559.

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

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

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 1:25 p.m., April 1, 1991: SB 2011, SB 2013, SB 2014, SB 2066, SB 2103, SB 2117, SB 2119, SB 2121, SB 2142, SB 2146, SB 2161, SB 2163, SB 2166, SB 2167, SB 2171, SB 2172, SB 2177, SB 2183, SB 2184, SB 2197, SB 2200, SB 2221.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 1:32 p.m., April 1, 1991: SB 2223, SB 2235, SB 2236, SB 2238, SB 2239, SB 2240, SB 2245, SB 2253, SB 2429.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 1:37 p.m., April 1, 1991: SB 2144, SB 2294, SB 2311, SB 2348, SB 2409, SB 2410, SB 2411, SB 2430, SB 2433, SB 2434, SB 2440, SB 2444, SB 2450, SB 2454, SB 2484, SB 2485, SB 2504, SB 2519, SB 2522, SB 2524, SB 2531, SB 2548.

## COMMUNICATION

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

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

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

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

HB 1611: Reps. DeWitz; Martin; Gilmore

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

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

SB 2206: Reps. Dorso; Tollefson; Mahoney

SB 2591: Reps. Grosz; Gorder; Nichols

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

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

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

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

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-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1361, line 49, replace "SB 25" with "SB 2515"

Page 1383, line 34, delete "Senate" insert "House"

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

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1991 NCAA Division II national championship.

It shall be numbered SCR 4072.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

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

(Approved by the Committee on Delayed Bills)

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

Was read the first time.

#### MOTION

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

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

(Approved by the Committee on Delayed Bills)

#### SENATE CONCURRENT RESOLUTION NO. 4072

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

WHEREAS, the North Dakota State University Bison women's basketball team capped a 31-4 basketball season by claiming their first NCAA Division II national championship with an 81-74 victory over Southeast Missouri State University; and

WHEREAS, the North Dakota State University Bison women's basketball team displayed remarkable individual talent and yet, under the guidance of coach Amy Ruley, combined for a true team effort with solid team defense and balanced offensive production; and

WHEREAS, the women's basketball program at North Dakota State University has become a huge success and the team's outstanding record and national championship victory are accomplishments of which North Dakotans can be proud;

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

That the Fifty-second Legislative Assembly takes great pride and pleasure in extending its congratulations to the North Dakota State University Bison women's basketball team and their coach, Amy Ruley, for winning the national championship; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration at North Dakota State University, to the members of the North Dakota State University Bison women's basketball team, and to head coach Amy Ruley.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

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

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

SCR 4072 was declared adopted on a voice vote.

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#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a resolution congratulating Nadine Schmidt on being selected as the Most Valuable Player at the NCAA Division II final four women's national basketball championship.

It shall be numbered SR 3.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

#### FIRST READING OF SENATE RESOLUTION

Sen. Naaden introduced:

(Approved by the Committee on Delayed Bills)

SR 3: A resolution congratulating Nadine Schmidt on being selected as the Most Valuable Player at the NCAA Division II final four women's national basketball championship.

Was read the first time.

#### MOTION

SEN. NAADEN MOVED that the rules be suspended, that SR 3 not be printed, not be referred to committee, but be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sen. Naaden introduced:

(Approved by the Committee on Delayed Bills)

#### SENATE RESOLUTION NO. 3

A resolution congratulating Nadine Schmidt on being selected as the Most Valuable Player at the NCAA Division II final four women's national basketball championship.

WHEREAS, Nadine Schmidt completed a record-setting high school career at Braddock, North Dakota, by being named Miss Basketball for North Dakota and chose to remain in North Dakota to attend college and play collegiate basketball at North Dakota State University; and

WHEREAS, Nadine Schmidt completed her sophomore season at North Dakota State University by leading the North Dakota State University Bison women's basketball team to its first NCAA Division II national championship; and

WHEREAS, Nadine Schmidt was named the Most Valuable Player at the NCAA Division II final four women's basketball championship;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA:

That the Senate takes great pride and pleasure in extending its congratulations to Nadine Schmidt on her outstanding season and being named Most Valuable Player at the NCAA Division II final four women's basketball championship; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of the Senate to the administration at North Dakota State University, to North Dakota State University Bison women's basketball head coach Amy Ruley, and to Nadine Schmidt and her family.

SECOND READING OF SENATE RESOLUTION

SR 3: A resolution congratulating Nadine Schmidt on being selected as the Most Valuable Player at the NCAA Division II final four women's national basketball championship.

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

SR 3 was declared adopted on a voice vote.

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MOTION

SEN. WOGSLAND MOVED that 250 copies of SB 2058 be reprinted, which motion prevailed.

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

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

CONSIDERATION OF AMENDMENTS

HB 1018: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 1333-1334 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act making an appropriation for defraying the expenses of the children's services coordinating committee.

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

ABSENT AND NOT VOTING: Ingstad; Nelson

HB 1018 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

HB 1002: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 1375-1376 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. SATROM MOVED that Engrossed HB 1002 be amended as follows, which motion prevailed.

Page 1, line 2, remove "and to amend and reenact sections 27-02-02 and 27-05-03"

Page 1, remove line 3

Page 1, line 4, replace "the supreme and district courts" with "to provide an appropriation for additional compensation to North Dakota state employees; to amend and reenact sections 4-01-21, 15-21-02, 26.1-01-09, 27-02-02, 27-05-03, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, superintendent of public instruction, commissioner of insurance, supreme court justices, district court judges, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner; and to provide an effective date"

Page 2, line 22, replace "23,157,696" with "29,216,133"

Page 2, line 23, replace "403,162" with "3,555,167"

Page 2 line 24, replace "23,560,858" with "32,771,300"

Page 3, remove lines 9 through 29

Page 4, replace lines 1 through 7 with:

"SECTION 4. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated out of the general fund and from special funds or moneys derived from federal funds or income in the state treasury as indicated to the agencies and institutions of state government named for the purpose of providing additional compensation to employees for the various agencies and institutions for the period beginning July 1, 1992, and ending June 30, 1993:

AGENCY OR INSTITUTION	GENERAL FUND	SPECIAL FUNDS	TOTAL
Governor	\$ 13,072		\$ 13,072
Lieutenant governor	2,313		2,313
Secretary of state	17,748		17,748
Office of management and budget			
Facility management	43,019		43,019
Central operations	50,222		50,222
Information services division		\$ 97,125	97,125
State auditor	31,296	18,380	49,676
Central duplicating services		16,912	16,912
State treasurer	7,010		7,010
Attorney general	96,954	5,103	102,057
Tax department	117,346		117,346
Legislative council	33,066		33,066
Supreme court	43,355		43,355
Judicial qualifications commission	3,439		3,439
District court	130,612		130,612
Retirement and investment office		17,045	17,045
Public employees retirement board		16,752	16,752
Public instruction	45,703	55,860	101,563
Board of higher education	16,156		16,156
Land department		15,001	15,001
Bismarck state college	124,426		124,426
UND-Lake Region	37,657		37,657
UND-Williston	40,191		40,191
University of North Dakota	922,455		922,455
Medical center rehabilitation hospital		153,976	153,976
University of North Dakota medical center	217,122	145,352	362,474

State toxicologist	6,100		6,100
North Dakota state university	747,163		747,163
North Dakota state college of science	201,188		201,188
Dickinson state university	107,925		107,925
Mayville state university	64,628		64,628
Minot state university	241,336		241,336
Valley City state university	94,758		94,758
NDSU-Bottineau branch	35,419		35,419
North Dakota forest service	15,698		15,698
State library	17,756		17,756
School for the deaf	38,721		38,721
School for the blind	25,423		25,423
Vocational education	11,064	13,522	24,586
State department of health and consolidated laboratories	128,379	85,586	213,965
Veterans home	20,180	30,271	50,451
Indian affairs commission	1,409		1,409
Veterans affairs	3,724		3,724
Children's services coordinating committee	2,979		2,979
Department of human services			
Executive office	2,155	240	2,395
Managerial support	46,021	20,676	66,697
Economic assistance	26,293	8,764	35,057
Medical assistance	10,253	17,457	27,710
Vocational rehabilitation	15,920	15,296	31,216
Office of field services	53,296	1,648	54,944
Regional centers	443,364	28,300	471,664
State hospital	560,479	11,439	571,918
Developmental center	174,378	354,039	528,417
Protection and advocacy project	20,564		20,564
Insurance commissioner		27,386	27,386
Industrial commission		43,917	43,917
Labor commissioner	5,300		5,300
Public service commission	27,246	14,671	41,917
Aeronautics commission	481	3,306	3,787
Department of banking and financial institutions		18,449	18,449
Securities commissioner	5,441		5,441
Bank of North Dakota		141,669	141,669
Housing finance agency		27,209	27,209
Job service		341,969	341,969
Workers compensation bureau		76,654	76,654
Highway patrol		147,812	147,812
Radio communications	21,489		21,489
Emergency management	3,280	9,841	13,121
Department of corrections			
Central office	4,477		4,477
Juvenile services	17,102		17,102
Industrial school	41,191	17,653	58,844
State penitentiary	130,382		130,382
Penitentiary industries		16,805	16,805
Parole and probation	27,011	3,001	30,012
Adjutant general	25,077	63,224	88,301
Economic development and finance department	26,869		26,869
Department of agriculture	24,475	6,119	30,594
Milk stabilization board		4,158	4,158
Oilseed council		705	705
Seed department		26,250	26,250
Board of animal health	4,257		4,257
State wheat commission		6,698	6,698
Transportation institute	3,627	6,176	9,803
Extension service	171,402	21,184	192,586
Northern crops institute	4,254	1,737	5,991
Main research center	221,065	94,743	315,808

Dickinson research center	8,689		8,689
Central grassland research center	3,743		3,743
Hettinger research center	4,388	488	4,876
Langdon research center	3,696	653	4,349
North central research center	4,601		4,601
Williston research center	5,253		5,253
Carrington research center	7,795	2,740	10,535
Agronomy seed farm		2,341	2,341
Land reclamation research center		16,170	16,170
Historical society	35,119	1,848	36,967
Council on the arts	2,277	569	2,846
Soil conservation committee	7,972		7,972
Centennial trees commission	804		804
Game and fish department		87,377	87,377
Department of parks and tourism	33,280	1,752	35,032
Water commission	66,659		66,659
Department of transportation			
Transportation operation		740,986	740,986
Fleet services		11,642	11,642
Motor vehicle		35,359	35,359
Total	\$6,058,437	\$3,152,005	\$9,210,442

SECTION 5. STATE EMPLOYEE SALARY INCREASES - EFFECTIVE DATE. The amounts appropriated in section 1 of this Act are only to be available to state agencies and institutions beginning on July 1, 1992, to be paid beginning on August 1, 1992, or later, for average employee compensation increases of two percent with a minimum of fifty dollars per month for each permanent full-time employee.

SECTION 6. AMENDMENT. Section 4-01-21 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-01-21. Salary of commissioner of agriculture. The annual salary of the commissioner of agriculture is ~~forty nine~~ forty nine ~~fifty-one~~ fifty-one thousand ~~three~~ three ~~two~~ two hundred ~~seventy-two~~ seventy-two dollars through June 30, 1992, and ~~fifty-two~~ fifty-two thousand ~~two~~ two hundred ~~ninety-seven~~ ninety-seven dollars thereafter.

SECTION 7. AMENDMENT. Section 15-21-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-21-02. Salary and traveling expenses. The annual salary of the superintendent of public instruction is ~~fifty~~ fifty ~~two~~ two thousand ~~three~~ three hundred ~~twelve~~ twelve dollars through June 30, 1992, and ~~fifty-three~~ fifty-three thousand ~~three~~ three hundred ~~fifty-eight~~ fifty-eight dollars thereafter. The superintendent is also entitled to reimbursement for expenses incurred in the discharge of official duties, such expenses to be paid monthly on a warrant prepared by the office of management and budget and signed by the state auditor, upon the filing of an itemized and verified statement of expenses.

SECTION 8. AMENDMENT. Section 26.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-09. Salary of commissioner. The annual salary of the commissioner is ~~forty nine~~ forty nine ~~fifty-one~~ fifty-one thousand ~~three~~ three ~~two~~ two hundred ~~seventy-two~~ seventy-two dollars through June 30, 1992, and ~~fifty-two~~ fifty-two thousand ~~two~~ two hundred ~~ninety-seven~~ ninety-seven dollars thereafter.

SECTION 9. AMENDMENT. Section 27-02-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-02-02. Salaries of judges of supreme court. Each judge of the supreme court ~~shall~~ shall ~~is~~ is entitled to receive an annual salary ~~commencing July 1, 1989,~~ commencing July 1, 1989, of ~~sixty three~~ sixty three ~~seventy-one~~ seventy-one thousand ~~eight~~ eight ~~hundred~~ hundred ~~seventy-one~~ seventy-one dollars ~~except that the~~ except that the ~~through~~ through June 30, 1992, and ~~seventy-two~~ seventy-two thousand ~~four~~ four hundred ~~ninety-seven~~ ninety-seven dollars thereafter. The chief justice of the supreme court ~~shall~~ shall ~~is~~ is

entitled to receive an additional one two thousand seven hundred seventy-seven dollars per annum and commencing on July 1, 1990; each judge of the supreme court shall receive an annual salary of sixty-eight thousand three hundred forty-two dollars except that the chief justice of the supreme court shall receive an additional one thousand nine hundred one dollars per annum through June 30, 1992, and two thousand forty dollars per annum thereafter.

SECTION 10. AMENDMENT. Section 27-05-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-05-03. Salaries and expenses of district judges. Each district judge of this state ~~shall~~ is entitled to receive an annual salary commencing July 1, 1989, of ~~fifty-nine~~ sixty-five thousand four hundred ~~five~~ ninety dollars and commencing July 1, 1990, an annual salary of ~~sixty-two thousand nine hundred sixty-nine~~ sixty-two thousand nine hundred eighty dollars and ~~his~~ through June 30, 1992, and ~~sixty-six~~ sixty-eight thousand dollars thereafter. Each district judge is entitled to actual travel expenses; ~~which shall include~~ including mileage and subsistence while engaged in the discharge of ~~his~~ official duties outside the county in which ~~his~~ the judge's chambers are located. Such salary and expenses shall be payable monthly in the manner provided by law.

Each district judge who has been appointed by the supreme court to act as presiding judge of a judicial district ~~shall~~ is entitled to receive an additional one thousand ~~four~~ five hundred ~~eight~~ eighty fifty dollars per annum commencing July 1, 1989; ~~and one thousand four hundred ninety-three~~ dollars per annum commencing July 1, 1990, through June 30, 1992, and one thousand five hundred ~~eighty-one~~ dollars thereafter.

SECTION 11. AMENDMENT. Section 34-05-01.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-05-01.2. Department of labor to be administered by commissioner of labor. The department of labor must be administered by a commissioner of labor who must be elected for a four-year term on a no-party ballot in the year 1966 and every four years thereafter in the same manner as provided for no-party candidates pursuant to title 16.1. Following his election, the term of the commissioner of labor commences on the same day as the terms for other elected state officials. The commissioner of labor shall possess the same qualifications for office as the commissioner of agriculture. The annual salary of the commissioner of labor is ~~forty-nine~~ fifty-one thousand ~~three~~ two hundred ~~seventy-two~~ dollars through June 30, 1992, and ~~fifty-two~~ thousand two hundred ninety-seven dollars thereafter.

SECTION 12. AMENDMENT. Section 49-01-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

49-01-05. Salary of commissioners. The annual salary of a commissioner is ~~forty-nine~~ fifty-one thousand ~~three~~ two hundred ~~seventy-two~~ dollars through June 30, 1992, and ~~fifty-two~~ thousand two hundred ninety-seven dollars thereafter. All fees received or charged by any such commissioner for any act or service rendered in any official capacity, shall be accounted for and paid over by him monthly to the state treasurer and shall be credited to the general fund of the state.

SECTION 13. AMENDMENT. Section 54-07-04 of the North Dakota Century Code is amended and reenacted as follows:

54-07-04. Salary of governor. The annual salary of the governor is ~~sixty-five~~ sixty-seven thousand ~~two~~ eight hundred ~~four~~ dollars through June 30, 1992, and ~~sixty-nine~~ thousand one hundred sixty dollars thereafter.

SECTION 14. AMENDMENT. Section 54-08-03 of the North Dakota Century Code is amended and reenacted as follows:

54-08-03. Salary of lieutenant governor. The annual salary of the lieutenant governor is up to ~~forty-three~~ fifty-five thousand ~~five~~ six hundred ~~thirty-six~~ dollars through June 30, 1992, and ~~fifty-six~~ thousand seven hundred ~~forty-nine~~ dollars thereafter.

SECTION 15. AMENDMENT. Section 54-09-05 of the North Dakota Century Code is amended and reenacted as follows:

54-09-05. Salary of secretary of state. The annual salary of the secretary of state is ~~forty-nine~~ fifty-one thousand ~~three~~ two hundred ~~seventy-two~~ dollars through June 30, 1992, and ~~fifty-two~~ thousand two hundred ~~ninety-seven~~ dollars thereafter.

SECTION 16. AMENDMENT. Section 54-10-10 of the North Dakota Century Code is amended and reenacted as follows:

54-10-10. Salary of state auditor. The annual salary of the state auditor is ~~forty-nine~~ fifty-one thousand ~~three~~ two hundred ~~seventy-two~~ dollars through June 30, 1992, and ~~fifty-two~~ thousand two hundred ~~ninety-seven~~ dollars thereafter.

SECTION 17. AMENDMENT. Section 54-11-13 of the North Dakota Century Code is amended and reenacted as follows:

54-11-13. Salary of state treasurer. The annual salary of the state treasurer is ~~forty-nine~~ fifty-one thousand ~~three~~ two hundred ~~seventy-two~~ dollars through June 30, 1992, and ~~fifty-two~~ thousand two hundred ~~ninety-seven~~ dollars thereafter.

SECTION 18. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general. The annual salary of the attorney general is ~~fifty-five~~ fifty-seven thousand ~~seven~~ nine hundred ~~twenty-eight~~ dollars through June 30, 1992, and ~~fifty-nine~~ thousand ~~eighty-seven~~ dollars thereafter.

SECTION 19. AMENDMENT. Section 57-01-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-01-04. Salary. The annual salary of the state tax commissioner is ~~forty-nine~~ fifty-one thousand ~~three~~ two hundred ~~seventy-two~~ dollars through June 30, 1992, and ~~fifty-two~~ thousand two hundred ~~ninety-seven~~ dollars thereafter."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides for an employee salary increase during the second year of the 1991-93 biennium of two percent, with a minimum of \$50 per month, for each permanent full-time employee. A total of \$6,058,437 from the general fund is added with an additional \$3,152,005 of other funds, for a total addition of \$9,210,442.

#### SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to provide an appropriation for additional compensation to North Dakota state employees; to amend and reenact sections 4-01-21, 15-21-02, 26.1-01-09, 27-02-02, 27-05-03, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, superintendent of public instruction, commissioner of insurance, supreme court justices,

district court judges, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner; 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 45 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; Hanson, O.; Moore; Solberg; Streibel

ABSENT AND NOT VOTING: Ingstad; Nelson

HB 1002 passed and the title was agreed to.

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MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
MR. SPEAKER: The President has signed: HB 1515, HB 1579.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4072.

#### CONSIDERATION OF AMENDMENTS

HB 1019: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 1376-1379 be adopted with DO PASS.

#### MOTION

SEN. LIPS MOVED that Engrossed HB 1019 be amended in lieu of the amendments as printed on pages 1376-1379 of the Senate Journal as follows, which motion prevailed:

In lieu of the amendments as printed on pages 1376-1379 of the Senate Journal, that Engrossed House Bill No. 1019 be amended as follows:

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"
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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"
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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 geological survey 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 - BOND 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."

Reumber 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	\$253,220

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.

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.

A new section appropriates \$140,000 from the solid waste management fund to the Geological Survey for completing site suitability reviews. Of the \$140,000, \$104,747 is in salaries and \$35,253 is in operating expenses.

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.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to amend and reenact section 57-61-01.5 of the North Dakota Century Code, relating to the lignite research fund; 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; and to provide a continuing appropriation for the lignite research fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; Hanson, O.; Moore; Mutch; Naaden; Solberg; Streibel; Teneffos; Vosper

ABSENT AND NOT VOTING: Ingstad; Nelson

HB 1019 passed and the title was agreed to.

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THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Berube

CONSIDERATION OF AMENDMENTS

HB 1031: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 1379-1380 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1031: A BILL 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.

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

ABSENT AND NOT VOTING: Ingstad; Nelson

HB 1031 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that HB 1079 and HB 1532, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1575: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 1381-1383 be adopted with DO PASS, which motion prevailed.

MOTIONS

SEN. WOGSLAND MOVED that HB 1571, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. WOGSLAND MOVED that HCR 3064 be placed at the top of the Fourteenth order, which motion prevailed.

SEN. LINDGREN MOVED that Engrossed HCR 3064 be amended as follows, which motion prevailed on a verification vote:

Page 2, line 17, after the period insert "The balance in the foundation aid stabilization fund may not exceed an amount equal to twenty-five percent of the amount appropriated for foundation aid payments to school districts for the biennium in which the balance is determined and the state treasurer shall transfer any amount in excess of this limitation to the state general fund."

Renumber accordingly

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3064: A concurrent resolution to create a new section to article X of the Constitution of North Dakota, relating to allocation of certain oil and gas production or extraction tax revenues to the petroleum reserve fund and the foundation aid stabilization fund and providing for use of the revenues in the petroleum reserve fund and the foundation aid stabilization fund; and to provide an effective date.

## ROLL CALL

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO PASS, the roll was called and there were 18 YEAS, 33 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Hanson, O.; Kinnoin; Krebsbach; Lindgren; Maxson; Moore; Naaden; Nalewaja; O'Connell; Streibel; Tennefos; Traynor; Vosper

NAYS: Dotzenrod; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Meyer; Mushik; Mutch; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Tallackson; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Ingstad; Nelson

HCR 3064 lost.

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

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

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

## SECOND READING OF HOUSE BILLS

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the aeronautics commission.

## 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 50 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Moore

ABSENT AND NOT VOTING: Ingstad; Nelson

HB 1008 passed and the title was agreed to.

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HB 1228: A BILL for an Act to amend and reenact sections 4-12.2-01, 4-12.2-04, 4-12.2-04.1, 4-12.2-06, 4-12.2-07, 4-12.2-08, 4-12.2-09, 4-12.2-14, 4-12.2-18, 4-12.2-19, 4-12.2-20, 4-12.2-21, 4-12.2-22, and 4-12.2-24 of the North Dakota Century Code, relating to licensing beekeepers and maintaining bees in this state; to declare an emergency; and to provide a penalty.

## 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 0 YEAS, 48 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh;

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

ABSENT AND NOT VOTING: Dotzenrod; Ingstad; Langley; Meyer; Nelson

HB 1228 lost.

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HB 1471: A BILL for an Act to amend and reenact subsection 3 of section 61-33-01 of the North Dakota Century Code, relating to the definition of sovereign lands for purposes of sovereign land management.

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

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson

HB 1471 passed and the title was agreed to.

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HB 1566: A BILL for an Act to amend and reenact sections 57-43.1-03.1 and 57-43.1-04 of the North Dakota Century Code, relating to claims for refunds of motor vehicle fuel taxes paid on fuel used for agricultural purposes; to repeal sections 57-43.1-11 and 57-43.1-12 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refund claims; and to provide an effective date.

MOTION

SEN. MUTCH MOVED that Engrossed HB 1566 be amended as follows, which motion prevailed.

Page 3, line 25, replace "1990" with "1991"

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 23 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson

HB 1566 lost for want of a Constitutional majority.

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## SECOND READING OF HOUSE BILL

HB 1603: A BILL for an Act to amend and reenact sections 54-35-02.3 and 54-35-02.4 of the North Dakota Century Code, relating to the membership of the legislative council's committee on public employees retirement programs and its jurisdiction over workers' compensation and public employee and retiree health plans.

## MOTION

SEN. PETERSON MOVED that HB 1603 be amended as follows, which motion prevailed.

Page 1, line 4, remove "workers' compensation and"

Page 1, line 14, replace "nine" with "five"

Page 1, line 15, replace "six" with "four"

Page 2, line 7, after the underscored comma insert "and"

Page 2, line 9, remove ", and workers' compensation"

Page 2, line 19, after the second underscored comma insert "or"

Page 2, line 20, remove ", or workers' compensation"

Page 2, line 21, after the second underscored comma insert "or" and remove ", or"

Page 2, line 22, remove "workers' compensation"

Page 3, line 13, after the second underscored comma insert "or"

Page 3, line 14, remove ", or workers' compensation program"

Page 3, line 22, after the underscored comma insert "or"

Page 3, line 23, remove ", or workers' compensation program"

ReNUMBER accordingly

HB 1603: A BILL for an Act to amend and reenact sections 54-35-02.3 and 54-35-02.4 of the North Dakota Century Code, relating to the membership of the legislative council's committee on public employees retirement programs and its jurisdiction over public employee and retiree health plans.

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

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson

HB 1603 passed and the title was agreed to.

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SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3067: A concurrent resolution directing the Legislative Council to study charitable gaming laws and rules.

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

HCR 3067 was declared adopted.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2017 as printed on SJ pages 1313-1314 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 2017: Sens. Redlin, Robinson, Goetz.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2020 as printed on SJ pages 1314-1315 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 2020: Sens. Satrom, Lindaas, Ingstad.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2021 as printed on SJ pages 1318-1319, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; providing an appropriation for case mix nursing home reimbursement; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Naaden; Nelson

SB 2021: passed, the title was agreed to, and the emergency clause carried.

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MOTION

SEN. WOGSLAND MOVED that SB 2032 be moved to the bottom of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2284 as printed on SJ pages 1315-1317, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2284: A BILL for an Act to amend and reenact sections 54-01-05.2 and 54-01-05.5 of the North Dakota Century Code, relating to sale or exchange of state land; to authorize the director of the department of human services to transfer title and convey certain land at the state developmental center at Grafton to the city of Grafton; 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 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; Jerome; Keller; Kelly; Kelsch; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson

SB 2284 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2332 as printed on SJ page 1317, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to prohibit the assisting of suicide and to provide for actions against any person assisting in the commission of a suicide; 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 43 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; Kinnoin; Maxson; Peterson; Schoenwald; Yockim

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson

SB 2332 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2353 as printed on SJ pages 953-954, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2353: A BILL for an Act to amend and reenact subsection 1 of section 47-18-05.1 of the North Dakota Century Code, relating to notice of waiver of homestead exemption.

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

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson

SB 2353 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Reengrossed SB 2403 as printed on SJ page 1358, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2403: A BILL for an Act to amend and reenact sections 16.1-04-02, 16.1-13-27, and 48-02-19 of the North Dakota Century Code, relating to physically disabled accessibility requirements for public buildings and facilities and voting places.

## ROLL CALL

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

YEAS: David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; 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; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Bowman; Hanson, O.; Moore; Solberg

ABSENT AND NOT VOTING: Dotzenrod; Ingstad; Langley; Meyer; Nelson

SB 2403 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2457 as printed on SJ pages 1186-1187, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2457: A BILL for an Act to create and enact a new section to chapter 50-11.1 and a new section to chapter 50-25.1 of the North Dakota Century Code, relating to criminal history record investigations of prospective child care providers and the establishment of a carecheck registry and a child abuse information index; to amend and reenact sections 14-09-22, 50-11.1-07, subsection 1 of section 50-25.1-03, and section 50-25.1-05.2 of the North Dakota Century Code, relating to penalties for child abuse, background investigations, release of information maintained by child care providers, persons required to report suspected child abuse, and entry of child abuse reports in a child abuse information index; to provide a penalty; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Hanson, O.; Kinnoin; Maxson; Schoenwald; Streibel; Tennefos; Tomac

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson

SB 2457 passed and the title was agreed to.

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## MOTION

SEN. WOGSLAND MOVED that SB 2032 be moved to the top of the Twelfth order, which motion prevailed.

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

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

SB 2515: Reps. Rydell; Tollefson; Wilkie

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

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

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

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

HB 1013: Reps. Howard; Gerntholz; Laughlin

HB 1014: Reps. Schmidt; Howard; Meyer

HB 1020: Reps. Gerntholz; Howard; Meyer

HB 1043: Reps. Martinson; Shide; Enget

HB 1433: Reps. Delzer; Price; Pyle

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2016, SB 2034, SB 2113, SB 2169.

## HOUSE AMENDMENTS TO ENGROSSED SB 2016

Page 1, line 2, replace "tourism" with "recreation, department of tourism," and after the semicolon insert "providing a statement of legislative intent regarding historic site master plans;"

Page 1, line 9, replace "tourism" with "recreation, department of tourism,"

Page 1, line 13, replace "TOURISM" with "RECREATION"

Page 1, line 14, replace "4,113,089" with "3,401,516"

Page 1, line 15, replace "56.000" with "36,000"

Page 1, line 16, replace "5,226,480" with "1,831,851"

Page 1, line 17, replace "186,060" with "160.682"

Page 1, line 19, replace "3,706,080" with "3,646,080"

Page 1, line 21, replace "15,705,309" with "11,493,729"

Page 1, line 22, replace "5,609,905" with "5,429,905"

Page 2, line 1, replace "10,095,404" with "6,063,824"

Page 2, after line 1, insert:

"Subdivision 2.

DEPARTMENT OF TOURISM

Salaries and wages	\$ 711,573
Information services	20,000
Operating expenses	3,443,129
Equipment	25,378
Grants, benefits, and claims	<u>60,000</u>
Total all funds	\$4,260,080
Less estimated income	180,000
Total general fund appropriation	<u>\$4,080,080</u>

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

Page 2, line 11, replace "1,710,418" with "1,766,668"

Page 2, line 12, replace "3,344,956" with "3,288,706"

Page 2, line 13, replace "13,602,860" with "13,595,110"

Page 2, line 14, replace "7,420,323" with "\$7,476,573"

Page 2, line 15, replace "21,023,183" with "21,071,683"

Page 2, line 25, remove "parks and"

Page 3, line 5, replace "tourism" with "recreation"

Page 3, line 8, replace "TOURISM" with "RECREATION"

Page 3, line 11, replace "tourism" with "recreation"

Page 3, line 13, replace "tourism" with "recreation"

Page 3, line 14, replace "transfer" with "make payments of"

Page 3, line 15, after "board" insert "for defraying the costs of parks and historic sites improvements conducted by the state historical board"

Page 3, line 19, replace "tourism" with "recreation, department of tourism,"

Page 3, after line 24, insert:

"SECTION 8. LEGISLATIVE INTENT - HISTORICAL BOARD - PLANNING. It is the intent of the legislative assembly that the state historical board develop master plans for the Fort Totten state historic site, the Fort Buford state historic site, and the Fort Seward state historic site during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 9. FORT SEWARD MASTER PLAN. The state historical board shall provide a grant to the city of Jamestown for the development of the Fort Seward state historic site master plan."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - HISTORICAL SOCIETY

The estimated income line item is increased by \$56,250 with a corresponding decrease in general fund support for the Historical Society due to the Historical Society collecting fees for services as provided for in Senate Bill No. 2170.

A section of legislative intent is added providing that the Historical Society develop master plans at Fort Totten, Fort Buford, and Fort Seward and regarding the Fort Seward master plan, a section is added that the Historical Society shall provide a grant to the city of Jamestown for the development of the Fort Seward master plan.

#### DEPARTMENT 740 - DEPARTMENT OF TOURISM

This amendment separates the appropriation for the Department of Tourism from the Department of Parks and Recreation in an amount of \$4,322,580, of which \$4,142,580 is from the general fund and \$180,000 is from other funds, and providing 10 FTE positions.

#### DEPARTMENT 750 - DEPARTMENT OF PARKS AND RECREATION

This amendment separates the appropriation for the Department of Tourism from the Department of Parks and Recreation and provides the Department of Parks and Recreation funding of \$11,645,229, of which \$6,115,324 is from the general fund, \$2,624,061 is from federal funds, and \$2,905,844 is from other funds, and includes 38 FTE positions.

The operating expenses line item is increased by \$48,500 from the general fund for space rental payments of the Parks and Recreation Department because the department will not be collocating with the Department of Tourism in the Liberty Memorial Building.

#### HOUSE AMENDMENTS TO REENGROSSED SB 2034

Page 3, line 24, remove the overstrike over "~~for a period not to exceed three years~~"

Page 3, line 25, remove the overstrike over "~~from one hundred twenty-five to~~"

Page 3, replace lines 28 and 29 with "The interim district board shall have the option to receive the amount equivalent to its third-year payment over a two-year period. This extended payment request must be contained in the consortium's third-year cooperative plan"

Page 4, remove lines 1 through 4

Page 4, line 5, remove "year of participation"

Page 4, line 9, remove the overstrike over "~~maximum~~"

Page 4, overstrike lines 14 and 15

Page 4, line 16, overstrike "newly formed school district is eligible to receive" and remove "a"

Page 4, line 17, overstrike "supplemental pupil payment" and remove "in the amount of eighty-five dollars per"

Page 4, line 18, remove "pupil", overstrike "for an additional period of", remove "one year", and overstrike "following the"

Page 4, overstrike lines 19 through 21

Page 8, line 29, replace "one year" with "two years"

Page 10, line 17, replace "Planning grants" with "Pairing"

Page 10, remove lines 18 through 25

Page 10, line 26, replace "Within one year of receipt of the financial assistance, the" with "The"

Page 10, line 27, replace "report" with "plan"

Page 10, line 28, replace "report" with "plan"

Page 10, line 29, replace "An analysis of data studied, findings, and recommendations" with "Evidence of school board approval, by majority vote, of the plan"

Page 11, line 25, replace "eighty-five" with "one hundred sixty-five"

Page 11, line 27, remove "who is participating in the purchased"

Page 11, line 28, remove "educational services"

Renumber accordingly

#### HOUSE AMENDMENTS TO REENGROSSED SB 2113

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to state school aid;"

Page 1, after line 5, insert:

"SECTION 1. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

State school aid - limited enrollment. Beginning with the 2000-2001 school year, any school district that has twenty-five or fewer students enrolled in grades nine through twelve is not eligible to receive any state aid for students enrolled in grades nine through twelve unless the school district is a part of a restructured school district program or a cooperative arrangement with another school district, including a reciprocal agreement for attending an out-of-state school, under a plan approved by the superintendent of public instruction."

Page 1, line 11, replace "thirty-one" with "fifty-two"

Page 1, line 13, overstrike "five" and insert immediately thereafter "six" and replace "eighty-seven" with "eight"

Page 1, line 15, remove "It is the intent of the"

Page 1, remove lines 16 through 18

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendments increase the per-pupil payments for the 1991-93 biennium from \$1,531 to \$1,552 for the first year of the biennium and from \$1,587 to \$1,608 for the second year of the biennium. The amendments also provide a new section to the North Dakota Century Code providing that beginning with the 2000-2001 school year a school district with 25 or fewer high school students will not be eligible for state aid relating to these students unless the school district is cooperating with another school district in a plan approved by the Superintendent of Public Instruction.

#### HOUSE AMENDMENTS TO REENGROSSED SB 2169

Page 1, line 13, after "cents" insert "per mile [1.61 kilometers]"

Renumber accordingly

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSDN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2032 as printed on SJ page 1320, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2032: A BILL for an Act making an appropriation from the state aid distribution fund for county optional supplemental payment grants by the department of human services; and declaring 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 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson; Wogsland

SB 2032 passed, the title was agreed to, and the emergency clause carried.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2458 as printed on SJ page 1187, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2458: A BILL for an Act to create and enact two new sections to chapter 4-38 of the North Dakota Century Code, relating to organic foods; to amend and reenact sections 4-38-02 and 4-38-03 of the North Dakota Century Code, relating to organic foods; and to provide a penalty.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Naaden; Nelson

SB 2458 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2512 as printed on SJ page 1211, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2512: A BILL for an Act to amend and reenact section 54-56-01 of the North Dakota Century Code, relating to the children's services coordinating committee membership.

## 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, 10 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Moore; Mutch; Solberg; Streibel; Tennefos

ABSENT AND NOT VOTING: Ingstad; Kelsh; Langley; Meyer; Naaden; Nelson

SB 2512 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2534 as printed on SJ pages 1169-1170, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2534: A BILL for an Act to create and enact a new section to chapter 43-28 of the North Dakota Century Code, relating to fees assessed by the board of dental examiners; to amend and reenact sections 43-20-02, 43-20-06, 43-20-07, 43-20-12.1, 43-20-12.2, subsection 5 of section 43-28-02, sections 43-28-03, 43-28-04, 43-28-05, 43-28-06, 43-28-11, 43-28-12, 43-28-12.1, 43-28-12.2, 43-28-14, 43-28-15, 43-28-16, 43-28-17, 43-28-18, 43-28-22, and 43-28-24 of the North Dakota Century Code, relating to the regulation of dental hygienists and the regulation of the practice of dentistry; and to repeal section 43-20-04 of the North Dakota Century Code, relating to the recording of dental hygienist licenses.

## ROLL CALL

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

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

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson; Tomac

SB 2534 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to Reengrossed SB 2557 as printed on SJ page 1037, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2557: A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code, relating to the required use of child restraint devices in motor vehicles.

## 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, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: David; Maxson; Moore; Solberg; Streibel; Tennesfos

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson

SB 2557 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Reengrossed SB 2560 as printed on SJ pages 1127-1128, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2560: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to a requirement of a certified financial statement from certain charitable gaming organizations; to amend and reenact subsections 1 and 2 of section 12.1-28-02 of the North Dakota Century Code, relating to the penalty for illegal gambling; 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 46 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Holmberg; Lindgren; Marks

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson

SB 2560 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to Engrossed SB 2579 as printed on SJ pages 1238-1239, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2579: A BILL for an Act to provide for disposition of excess assessments for escrow accounts on residential real estate mortgage loans

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

NAYS: Naaden; Tennefos

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer; Nelson

SB 2579 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SCR 4001 as printed on SJ page 1210, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4001: A concurrent resolution directing the Legislative Council to study North Dakota election laws, including the laws relating to the financing of election campaigns and the reporting of election campaign expenditures.

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

SCR 4001 was declared adopted.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to Reengrossed SCR 4003 as printed on SJ page 1210, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4003: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the privatization of some state government services.

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

SCR 4003 was declared adopted.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to Engrossed SCR 4022 as printed on SJ page 1104, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4022: A concurrent resolution directing the Legislative Council to study and develop one or more legislative redistricting plans.

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

SCR 4022 lost on a verification vote.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Engrossed SCR 4033 as printed on SJ page 1210, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4033: A concurrent resolution directing the Legislative Council to study the cost containment effect of the certificate of need law.

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

SCR 4033 was declared adopted.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SCR 4036, as printed on SJ page 1039, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4036: A concurrent resolution directing the Legislative Council to study the structure, organization or consolidation with Job Service North Dakota, and administration of the Workers Compensation Bureau, including the qualifications of the bureau's claims analysts and rehabilitation staff.

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

SCR 4036 was declared adopted.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to Engrossed SCR 4048 as printed on SJ pages 1104-1105, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4048: A concurrent resolution directing the Legislative Council to study means of providing incentives for individuals to obtain long-term care insurance.

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

SCR 4048 was declared adopted.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Engrossed SCR 4061 as printed on SJ page 1210, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4061: A concurrent resolution directing the Legislative Council to study the investigation, prosecution, and treatment of offenders in child sexual abuse cases.

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

SCR 4061 was declared adopted.

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POINT OF PERSONAL PRIVILEGE

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

I voted "Yea" on SB 2332 by mistake. I wish to be recorded as a "Nay" vote.

## MOTIONS

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

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Seventh order of business, and at the conclusion of the Seventh order, the Senate stand adjourned until 8:00 a.m., Tuesday, April 2, 1991, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SB 2249, as reengrossed: Your conference committee (Sens. Tomac, Moore, Dotzenrod and Reps. Nichols, Wardner, Belter) recommends that the HOUSE RECEDE from the House amendments on SJ page 1185, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on pages 1258 and 1259 of the House Journal and page 1185 of the Senate Journal and that Reengrossed Senate Bill No. 2249 be amended as follows:

Page 1, line 10, after "taxation" insert "for the first ten full taxable years after commencement of construction"

Page 1, line 11, after "oilfield" insert "in this state"

Page 1, line 16, after "taxes" insert "during the time it is exempt from taxation under section 1 of this Act"

Renumber accordingly

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

MARION HOUN, Secretary