

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, April 4, 1991

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

The prayer was offered by Fr. Gerald McCarthy, St. Paul Catholic Church, Tappen.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. WOGSLAND MOVED that HCR 3070 be placed at the top of the Fourteenth order, which motion prevailed.

SECOND 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.

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

HCR 3070 was declared adopted.

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MOTION

SEN. WOGSLAND MOVED that SB 2090 be placed at the bottom of the Seventh order, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. KINNOIN MOVED that the conference committee report on Reengrossed SB 2149 as printed on SJ page 1338 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to amend and reenact sections 36-05-05, 36-09-02.1, and 36-09-23 of the North Dakota Century Code, relating to the expiration and renewal of livestock auction market licenses, standards for recording livestock brands or marks, and brand inspections; 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 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; Tennesfos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2149 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the conference committee report on Engrossed SB 2205 as printed on SJ page 1448 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2205: A BILL for an Act to amend and reenact sections 15-63-01, 54-36-01, 54-36-02, 54-36-03, and 54-36-05 of the North Dakota Century Code, relating to the state board for Indian scholarships and the Indian affairs commission.

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

ABSENT AND NOT VOTING: Tallackson

SB 2205 passed and the title was agreed to.

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MOTIONS

SEN. WOGSLAND MOVED that SCR 4058 be placed at the bottom of the Seventh order, which motion prevailed.

SEN. WOGSLAND MOVED that HB 1132 be placed at the top of the Seventh order, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. O'CONNELL MOVED that the conference committee report on Engrossed HB 1132 as printed on SJ page 1070 be adopted, which motion prevailed.

MOTIONS

SEN. MEYER MOVED that HB 1051 be placed at the bottom of the Seventh order, which motion prevailed.

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 concurred in the House amendments to SB 2169 and subsequently passed the same.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2041 and subsequently failed to pass the same.

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

MR. PRESIDENT: The House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1117 and wishes to inform you that the House does now concur with the Senate amendments to HB 1117 and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1117.

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 2003: Reps. Hausauer; Gates; Kaldor

SB 2113: Reps. Hausauer; Gates; Kaldor

SB 2572: Reps. Hausauer; Gates; Kaldor

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

MR. PRESIDENT: The House has passed unchanged: SB 2069.

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 2259.

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

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

Page 6, line 22, remove "residential"

Page 13, replace lines 1 through 5 with:

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 60 - REAL ESTATE APPRAISER BOARD

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

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 2596.

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

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

Page 6, after line 17, insert:

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

department of health and consolidated laboratories' domestic violence fund."

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2002, SB 2004, SB 2005, SB 2006, SB 2007, SB 2019, SB 2070, SB 2234, SB 2272, SB 2282, SB 2384, SB 2451, SB 2594.

HOUSE AMENDMENTS TO ENGROSSED SB 2002

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

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

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

Page 1, line 21, replace "41,081" with "36,830"

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

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

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

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

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

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

Page 2, line 11, replace "5,432.093" with "5,365,111"

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

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

Page 2, line 16, replace "8,933,242" with "8,937,808"

Page 2, line 17, replace "25,059" with "27,059"

Page 2, line 18, replace "129,267,540" with "128,266,774"

Page 2, line 19, replace "149,405,335" with "148,204,375"

Page 2, line 20, replace "130,291,045" with "129,552,781"

Page 2, line 21, replace "19,114,290" with "18,651,594"

Page 2, line 25, replace "2,134,939" with "1,980,376"

Page 2, line 26, replace "1,062,295" with "1,053,527"

Page 2, line 28, replace "436,397,661" with "444,686,131"

Page 2, line 29, replace "441,753,585" with "449,878,724"

Page 3, line 1, replace "327,498,741" with "333,294,928"

Page 3, line 2, replace "114,254,844" with "116,583,796"

Page 3, line 6, replace "371,448" with "346,093"

Page 3, line 7, replace "894,706" with "882,284"

Page 3, line 10, replace "14,179,758" with "14,141,981"

Page 3, line 11, replace "11,884,362" with "11,852,144"

Page 3, line 12, replace "2,295,396" with "2,289,837"

Page 3, line 15, replace "5,226,294" with "5,325,688"

Page 3, line 16, replace "725,774" with "677,123"

Page 3, line 17, replace "6,089,286" with "6,799,098"

Page 3, line 18, replace "84,304" with "94,304"

Page 3, after line 18, insert:

"Children at risk initiative

1,791,727"

Page 3, line 19, replace "1,694,546" with "1,844,546"

Page 3, line 20, replace "43,184,230" with "43,469,292"

Page 3, line 21, replace "57,004,434" with "60,001,778"

Page 3, line 22, replace "31,559,175" with "33,611,940"

Page 3, line 23, replace "25,445,259" with "26,389,838"

Page 3, line 27, replace "247,804" with "246,502"

Page 3, line 28, replace "11,711,424" with "11,035,936"

Page 4, line 2, replace "55,202,616" with "54,525,826"

Page 4, line 3, replace "24,566,130" with "23,792,101"

Page 4, line 4, replace "30,636,486" with "30,733,725"

Page 4, line 7, replace "42,824,488" with "43,583,120"

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

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

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

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

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

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

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

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

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

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

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

Page 4, remove lines 25 through 29

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

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

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

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

Page 5, remove lines 17 through 24

Page 6, replace lines 12 through 16 with:

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

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

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

#### SECTION 10. CONTINGENT APPROPRIATION.

1. If House Bill No. 1511 becomes effective, and if the department of human services is able to negotiate a new lease with the red river human services foundation, relating to office space in the building located at 15 Broadway, Fargo, North Dakota, and currently used to house the southeast human

service center, the amount of \$505,463, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, to the department of human services for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center, for the period beginning November 1, 1991, and ending June 30, 1993. This appropriation is sufficient to defray rental at an amount equal to \$7.37 per square foot per year, or 1.03 times \$7.16 per square foot per year. The highest rental amount provided for in any current lease by any other state agency tenant of office space in the building located at 15 Broadway, Fargo, North Dakota, is \$7.16 per square foot per year.

2. If House Bill No. 1511 becomes effective, but the department of human services is unable to negotiate a new lease with the red river human services foundation, relating to office space in the building located at 15 Broadway, Fargo, North Dakota, and currently used to house the southeast human service center, the amount of \$389,440, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, to the department of human services for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center, for the period beginning November 1, 1991, and ending October 31, 1992. No additional appropriation is necessary for the purpose of defraying the cost of rental of that office space because, under the circumstances described in this subsection, that office space would be vacated by the southeast human service center on or before October 31, 1992.
3. The amount of \$11,035,936 identified in subdivision 7 of section 1 of this Act for human service centers' operating expenses includes \$132,278 appropriated for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, for the period beginning July 1, 1991, and ending October 31, 1991. If House Bill No. 1511 becomes effective, the appropriations made in section 1 of this Act, together with the appropriations made under this section, provide insufficient funds for rent of human service facilities within North Dakota. Insufficient funds have been appropriated in order to permit the department of human services to cancel, on its own terms, the real estate lease, entered into between red river human services foundation and the state of North Dakota, department of human services, designated as contract number 05-123, relating to rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center.
4. If House Bill No. 1511 fails to become effective, the amount of \$661,389, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, to the department of human services for the purpose of defraying the expenses of rental of office space in the building located at 15 Broadway, Fargo, North Dakota, used to house the southeast human service center.

SECTION 11. SALE OF SURPLUS STEAM HEAT - TERMS - NOT TO BE CONSTRUED AS THE DISTRIBUTION OF HEAT. The department, with the approval of the governor, is authorized but not required to determine if surplus steam heat is or may be produced at the developmental

center, and to sell any surplus steam heat to the city of Grafton. The sale may be on such terms and conditions as may be deemed necessary by the department, provided that no sale may be made for less than the cost of producing the surplus steam heat. A sale of steam heat, if made by the department to the city of Grafton, may not be construed as the distribution of heat under title 49.

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

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

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

**SECTION 14. LEGISLATIVE COUNCIL STUDY - IMPACT OF CHILD SUPPORT GUIDELINE MODELS.** The legislative council shall consider studying the impact of various child support guideline models on family units, on the quality of the relationships among the persons in the families affected by the guidelines, and on children who receive child support. The study, if conducted, should address the impact of the various models and whether the various models provide adequate financial support for the children involved. The legislative council, if a study is conducted, shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-third legislative assembly.

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Summary of changes

SUBDIVISION 1 - EXECUTIVE DIRECTOR

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

## SUBDIVISION 2 - DEPARTMENTWIDE AND MANAGERIAL SUPPORT

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

## SUBDIVISION 3 - ECONOMIC ASSISTANCE

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. AFDC reprojction	\$ 1,400,476	\$ 1,802,470	\$ (401,994)
2. Changes the funding source of the salary compensation package		(36,015)	36,015
3. IV-D incentive reprojction	(1,006,295)	(1,006,295)	
4. Changes child care block grant funding allocation (adds 3 FTE and related expenses, reduces grants) \$1,140,250 is added in subdivision 6	(1,140,250)	(1,140,250)	
5. Reduces out-of-state travel	(10,968)	(5,758)	(5,210)

6. Reduces dues and professional development	(479)	(251)	(228)
7. Reduces data processing	<u>(443,444)</u>	<u>(352,165)</u>	<u>(91,279)</u>
Subtotal	\$ (1,200,960)	\$ (738,264)	\$ (462,696)

## SUBDIVISION 4 - MEDICAL ASSISTANCE

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Adds funds for Medicaid grants reprojection	\$ 6,246,113	\$ 4,846,113	\$ 1,400,000
2. Adds funds for developmental disabilities grants reprojection	4,058,853	2,458,853	1,600,000
3. Adds funds for department payment of insurance premiums for AIDS patients	20,000		20,000
4. Changes the funding source of the salary compensation package		11,863	(11,863)
5. Deletes funds added by Senate for 4 percent salary increase for DD providers	(968,486)	(591,861)	(376,625)
6. Reduces funds added by Senate to allow the expansion of Medicaid eligibility to pregnant women and children (to age 1) with incomes up to 160 percent of poverty on January 1, 1992 (Senate provided at 150 percent - 1/1/92 and 170 percent - 1/1/93)	(468,010)	(358,010)	(110,000)
7. Deletes funds added by Senate for optional Medicaid services pursuant to Section 1929 of the Social Security Act for home and community care for functionally disabled elderly individuals	(600,000)	(450,000)	(150,000)
8. Reduces out-of-state travel	(8,066)	(4,513)	(3,553)
9. Reduces dues and professional development	(702)	(352)	(350)
10. Reduces data processing	<u>(154,563)</u>	<u>(115,906)</u>	<u>(38,657)</u>
Subtotal	\$ 8,125,139	\$ 5,796,187	\$2,328,952

## SUBDIVISION 5 - VOCATIONAL REHABILITATION

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Changes the funding		\$ (1,394)	\$ 1,394

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

## SUBDIVISION 6 - FIELD SERVICES AND PROGRAM DEVELOPMENT

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Foster care caseload reprojections savings		\$ 229,338	\$ (229,338)
2. Adds funds for children at risk initiative line item consisting of \$250,000 from the general fund for day treatment (\$100,000 for the department, \$100,000 to be distributed through the Department of Public Instruction, and \$50,000 to be distributed through the Department of Corrections) and \$731,500 from the general fund for for 8 CAAR (Children and Adolescent at Risk) teams - 18 FTE. Also 4 FTE are added for a sexual abuse treatment program funded from other funds	\$ 1,791,727	810,227	981,500
3. Adds funds for SMI club- house model project in Minot	150,000		150,000
4. Changes child care block grant funding (adds 1.5 FTE) offset by reduction in Subdivision 3	1,140,250	1,140,250	
5. Reduces out-of-state travel	(29,312)	(12,044)	(17,268)
6. Reduces dues and professional development	(6,670)	(1,907)	(4,763)
7. Reduces data processing	(48,651)	(21,543)	(27,108)
8. Changes the funding source of the salary compensation package		(91,556)	91,556
Subtotal	\$ 2,997,344	\$ 2,052,765	\$ 944,579

## SUBDIVISION 7 - HUMAN SERVICE CENTERS

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

## SUBDIVISION 8 - STATE HOSPITAL

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Adds funds to salaries and wages for: Funding 2 psychiatrists for a total of 17 psychiatrists	\$ 558,632		\$ 558,632
Funding 1 child diagnosis and evaluation psychiatric team	200,000		200,000
2. Adds funds from lands and minerals trust fund for capital improvements for asbestos removal and utilities relocation	700,000	\$ 700,000	
3. Increase income of State Hospital to restore income reduced by Senate		1,634,682	(1,634,682)
4. Changes the funding source of the salary compensation package		(1,159,707)	1,159,707
5. Reduces operating expenses for locum tenens funding to be used for 2 psychiatrists in salaries and wages	(858,948)		(858,948)
6. Reduces operating expenses for utility savings from utility relocation	(100,000)		(100,000)
7. Reduces out-of-state travel	(9,347)	(356)	(8,991)
8. Reduces dues and professional development	(21,374)	(549)	(20,825)

9. Reduces data processing	<u>(73,790)</u>		<u>(73,790)</u>
Subtotal	\$ 395,173	\$ 1,174,070	\$ (778,897)

## SUBDIVISION 9 - STATE DEVELOPMENTAL CENTER

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

## SUBDIVISION 10 - CRITICAL NEEDS FUNDING POOL

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

Section 4 is deleted relating to the Children's Services Coordinating Committee funding in the amount of \$1,768,364 of other funds as the funds are appropriated directly in this bill. A total of \$1,991,727 is provided, \$1,181,500 from the general fund. Section 8 regarding the use of moneys in the critical needs funding pool is deleted.

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

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

## OTHER AMENDMENTS

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

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

Summary of changes regarding the employee compensation package:

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

Summary of selected operating expense reductions:

	TOTAL	GENERAL FUND	OTHER FUNDS
Out-of-state travel	\$ 92,357	\$ 50,000	\$ 42,357
Dues and professional development	61,228	50,000	11,228
Data processing	822,506	300,000	522,506
Total	\$976,091	\$400,000	\$576,091

Summary of children services initiative:

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

## HOUSE AMENDMENTS TO REENGROSSED SB 2004

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

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

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

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

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

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

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

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

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

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

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

Page 4, replace lines 11 through 29 with:

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

1. By agreement with the governing body of the city of Dunseith, the director of the office of management and budget may designate up to eighty acres of the property authorized for sale by this section and, if the designated property is sold at auction, the city of Dunseith has the first right to purchase by matching the best bid received.
2. The portion of the property described in this section which is used as a golf course may be transferred for a nominal consideration to the city of Dunseith or a corporation or association of residents of the Dunseith community for use as a golf course. The transfer authorized by this subsection is exempt from the provisions of sections 54-01-05.2 and 54-01-05.5. A transfer under this subsection may be made with an easement for the appurtenant use of water from any other property described in this section.
3. The property described in this section which is not otherwise disposed of under this section may be sold at auction, subject to the provisions of section 54-01-05.2. Any sale under this section is exempt from the provisions of section 54-01-05.5, except that one appraisal must be obtained before the sale of any property. If no satisfactory bid is received on property offered for sale at auction, the director of the office of management and budget, with the approval of the governor, may cause any buildings on the property to be demolished.
4. Any sale, use, or demolition of the property described in this section is subject to approval of the lienholder, the economic development administration.

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

Page 5, remove lines 1 through 12

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 113 - OFFICE OF MANAGEMENT AND BUDGET

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

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

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

DEPARTMENT 111 - FACILITY MANAGEMENT

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

HOUSE AMENDMENTS TO ENGROSSED SB 2005

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

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

Page 2, remove lines 3 through 8

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 506 - RADIO COMMUNICATIONS

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

HOUSE AMENDMENTS TO ENGROSSED SB 2006

Page 1, line 14, remove the underscore

Page 1, after line 14, insert:

"Grants

65,000"

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

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

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

Page 1, after line 22, insert:

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

Reumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

#### HOUSE AMENDMENTS TO ENGROSSED SB 2007

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

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

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

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

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

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

Page 2, after line 16, insert:

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

Reumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 540 - ADJUTANT GENERAL

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

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

#### HOUSE AMENDMENTS TO SB 2019

Page 1, line 2, after "divisions" insert "; to provide a contingent appropriation; to provide for an appropriation for defraying certain

expenses of the attorney general; and to amend and reenact subsection 1 of section 65-13-03 of the North Dakota Century Code, relating to administration of the Uniform Crime Victims Reparations Act"

Page 1, after line 11, insert:

"Subdivision 1."

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

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

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

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

Page 1, remove line 17

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

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

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

Page 1, after line 22, insert:

"Subdivision 2

ATTORNEY GENERAL - CRIME VICTIMS REPARATIONS

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

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

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

Page 2, after line 4, insert:

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

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

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

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

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

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

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

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

This amendment transfers administration of the Uniform Crime Victims Reparations Act from the Workers Compensation Bureau to the Attorney General and provides for one FTE administrator and one FTE administrative secretary II as follows:

	GENERAL FUND	FEDERAL FUNDS	TOTAL FUNDS
Salaries and wages	\$106,875		\$ 106,875

Information services	4,120		4,120
Operating expenses	14,000		14,000
Equipment	10,300		10,300
Grants, benefits, and claims	334,403	\$910,300	1,244,703
Total	\$469,698	\$910,300	\$1,379,998

## HOUSE AMENDMENTS TO ENGROSSED SB 2070

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

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

Reumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

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

## HOUSE AMENDMENTS TO ENGROSSED SB 2234

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

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Office of administrative hearings - Agency defined - Administrative agency defined.

1. A state office of administrative hearings is created.
2. The office is under the direction of a director of administrative hearings who must be free of any association that would impair the director's ability to function officially in a fair and objective manner. The director must be an attorney-at-law in good standing, admitted to the bar in this state, and currently licensed by the state bar board. The director of administrative hearings must be appointed by the governor and confirmed by the senate and shall hold office for a term of six years, the term beginning July first of the year of appointment and ending June thirtieth of the sixth calendar year after appointment.
3. The director of administrative hearings may preside at administrative hearings and may employ or appoint additional administrative hearings officers to serve in the office as necessary to fulfill the duties of office as described in section 4 of this Act and to provide administrative hearings officers to preside at administrative hearings as requested by agencies. The director may delegate to an employee the exercise of a specific statutory power or duty as deemed advisable, subject to the director's control, including the powers and duties of a deputy director. All administrative hearings officers must be classified employees, except that the director of administrative hearings must be an unclassified employee who only may be removed, during a term of office, for cause. Each administrative hearings officer

must have a demonstrated knowledge of administrative practices and procedures and must be free of any association that would impair the officer's ability to function officially in a fair and objective manner.

4. The director of administrative hearings may employ the necessary support staff required by the office. Support staff must be classified employees.
5. The director of administrative hearings shall develop categories of positions in the classified service under class titles for the appointment or employment of hearings officers and support staff in consultation with and approved by the director of the central personnel division, including the salary to be paid for each position or category of position.
6. In this Act, unless the context or subject matter otherwise requires, "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government whether headed by an appointed or elected official.
7. In this Act, unless the context or subject matter otherwise requires, "administrative agency" means that term as defined in section 28-32-01.

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

**SECTION 3. Hearings before administrative hearings officers.**

1. Notwithstanding the authority granted in chapter 28-32 allowing agency heads or other persons to preside in an administrative proceeding, all hearings of administrative agencies under chapter 28-32, except hearings conducted by the public service commission, the industrial commission, the state engineer, the department of transportation, job service North Dakota, and the commissioner of labor, and except rulemaking hearings held in accordance with section 28-32-02, must be conducted by the office of administrative hearings in accordance with the administrative hearings provisions of chapter 28-32 and any rules adopted pursuant to chapter 28-32. But, appeals hearings pursuant to section 61-03-22 and drainage appeals from water resource boards to the state engineer pursuant to chapter 61-32 must be conducted by the office of administrative hearings. Additionally, hearings of the department of corrections and rehabilitation for the parole board in accordance with chapters 12-56.1 and 12-59, regarding parole violations; job discipline and dismissal appeals to the board of higher education; education of the handicapped act due process hearings of the superintendent of public instruction; and chapter 37-19.1 veterans' preferences hearings for any agency must be conducted by the office of administrative hearings in accordance with applicable laws.
2. The agency head shall make a written request to the director requesting the designation of a hearings officer for each administrative hearing to be held. An agency may request a hearings officer to be designated to preside over the entire administrative proceeding. If a statute so requires, an agency shall, or unless a statute prohibits, an agency may, request that the hearings officer designated issue the final order in the matter. Informal disposition of an administrative proceeding may be made by an agency at any

time before or after the designation of a hearings officer from the office of administrative hearings.

3. If a party to an administrative proceeding is in default, the agency may issue a default order and a written notice of default, including a statement of the grounds for default. If issued, the default notice and order must be served upon all the parties and the hearings officer, if one has been assigned. After service of the default notice and order, the agency may conduct further proceedings necessary to complete the administrative action with or without the participation of the party in default, and with or without a hearings officer from the office of administrative hearings presiding. The agency shall determine all the issues involved.
4. When assigning administrative hearings officers to conduct administrative hearings or to preside in an administrative proceeding, the director shall attempt to assign a hearings officer having expertise in the subject matter to be dealt with.
5. The director of administrative hearings may assign an administrative hearings officer to preside in an administrative proceeding, upon request, to any agency exempted from the provisions of this section, to any agency, or part of any agency, that is not an administrative agency subject to the provisions of chapter 28-32, to any unit of local government in this state, or to any agency to conduct a rulemaking hearing.

SECTION 4. Duties of administrative hearings officers. It is the duty of all administrative hearings officers to:

1. Advise an agency that has requested a hearings officer, and other affected interests and parties, about the location and time for an administrative hearing, or related proceeding, to be held, in order to allow for participation by all affected interests and parties. The hearings officer shall give proper notice as required by law.
2. Conduct only hearings and related proceedings for which proper notice has been given.
3. Assure that all hearings and related proceedings are conducted in a fair and impartial manner.
4. When appropriate, make findings of fact, conclusions of law, and recommendations, taking notice whether the agency has documented its statutory authority to take the proposed action, fulfilled all relevant substantive and procedural requirements of law or rule, and, in rulemaking proceedings, conformed to the provisions of chapter 28-32.
5. Perform any and all other functions required by law, assigned by the director of administrative hearings, or delegated to the hearings officers by the agency.
6. When an agency requests a hearings officer to preside only as a procedural hearings officer, the hearings officer may only conduct the hearing and perform such other functions of the proceeding as requested. If the hearings officer is presiding only as a procedural hearings officer, the agency head must be present at the hearing and the agency head shall issue findings of fact and conclusions of law, as well as any order resulting from the hearing. The procedural hearings officer may issue orders in regard to the conduct of the

hearing, pursuant to statute or rule, and to otherwise effect an orderly and prompt disposition of the proceedings.

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

1. The director of administrative hearings shall adopt, in accordance with chapter 28-32, rules of administrative hearings practice or procedure which implement chapter 28-32 and which aid in the course and conduct of all administrative hearings and related proceedings conducted by administrative agencies under chapter 28-32. The uniform rules must be effective January 1, 1992. The uniform rules must be used by all administrative agencies subject to chapter 28-32 which do not have their own rules of administrative hearings practice or procedure governing the course and conduct of hearings. If an administrative agency's rules are silent on any aspect of the agency's administrative hearings practice or procedure, the applicable uniform rule governs.
2. The director of administrative hearings may adopt rules to further establish qualifications for hearings officers; to establish procedures for requesting and designating hearings officers; and to facilitate the performance of duties and responsibilities conferred by sections 1 through 8 of this Act. Any rules adopted by the director of administrative hearings pursuant to this subsection must be adopted in accordance with chapter 28-32.

SECTION 6. Transfer and transition provisions.

1. There is transferred from all agencies required to use the office of administrative hearings to conduct administrative hearings, to the office of administrative hearings, on the effective date of this Act, the following:
  - a. All functions performed on the day before the effective date of this Act by hearings officers of the agency, pursuant to the administrative hearings provisions of chapter 28-32, and any rules adopted pursuant to it, or any other applicable law, which must now be performed by hearings officers of the office of administrative hearings on and after the effective date of this Act.
  - b. The full-time equivalents of any agency hearings officer positions which are dedicated to the appointment or employment full time, or half time or more, of administrative hearings officers. Any individual appointed or employed pursuant to such full-time equivalent whose position is transferred to the office of administrative hearings may elect to accept the transfer, with no reduction in pay, or may elect to remain employed by the agency in another position, if offered by the agency.
  - c. The full-time equivalents of any agency positions that are dedicated to the appointment or employment full time, or half time or more, of support staff for administrative hearings officers or their work. Any individual who is appointed or employed pursuant to such full-time equivalent whose position is transferred to the office of administrative hearings may elect to accept the transfer, with no reduction in pay or classification, or may elect to remain employed by the agency in another position, if offered by the agency.

- d. All property, equipment, materials, and copies of records held, used, arising from, available, or to be made available, in connection with the functions, individuals, and authority transferred by this section, as needed and required by the office of administrative hearings.
2. If the director of administrative hearings and the agency transferring any position or any property, equipment, materials, or copies of records to the office of administrative hearings cannot agree about who or what is to be transferred, the director of the office of management and budget may make determinations with regard to transfers to carry out sections 1 through 8 of this Act, to accommodate the needs and requirements of the office of administrative hearings, and to accommodate a smooth transition of positions, persons, property, equipment, materials, and records.
3. The director of the office of management and budget, if necessary, may require agencies to allow the use of agency facilities on a temporary basis to allow for an orderly consolidation of the office of administrative hearings, personnel, property, equipment, materials, and copies of records in one location as space becomes available.
4. Administrative proceedings in progress at the time of the effective date of this Act may be transferred to the office of administrative hearings to be conducted in accordance with applicable law only if the same person or persons currently involved in conducting the proceedings for the agency is available to conduct the proceedings for the office of administrative hearings. Otherwise, an administrative proceeding in progress at the time of the effective date of this Act must be handled by the agency or person previously involved, in accordance with applicable law.

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

1. The office of administrative hearings may require payment for services rendered by any administrative hearings officer provided by it to any agency, or any unit of local government, in the conduct of an administrative hearing and related proceedings and those entities must make the required payment to the office. Payment may include payment for support staff necessary to render hearings officer services. General fund moneys may not be used for payment by state agencies pursuant to this subsection. Moneys received by the office of administrative hearings in payment for providing an administrative hearings officer to conduct an administrative hearing and related proceedings must be deposited into the operating fund of the office of administrative hearings.
2. The office of administrative hearings may require payment for mileage, meals, and lodging in connection with services rendered by an administrative hearings officer provided to any agency, or any unit of local government, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment for meals and lodging must be in the amounts allowable under section 44-08-04. Payment for mileage when using state vehicles must be in amounts set for user charges under section 24-02-03.5. All other payments must be in amounts allowed for other state officials and employees. Either general fund or special fund moneys, or other income, may be used for the payment of mileage, meals, and lodging under this subsection.

- 3. A special fund is established in the state treasury and designated as the administrative hearings fund. The director of administrative hearings shall deposit in the fund all moneys received by the office of administrative hearings in payment for providing temporary administrative hearings officers to conduct administrative hearings and related proceedings under this Act, as well as all moneys received by the office in payment for mileage, meals, and lodging in connection with providing any administrative hearings officer to conduct an administrative hearing and related proceedings. The moneys in the fund are a standing and continuing appropriation and are appropriated, as necessary, for the following purposes:
  - a. For the director of administrative hearings to contract with and make payment to temporary administrative hearings officers, as necessary, for the purpose of providing requested administrative hearings officers to agencies or any unit of local government.
  - b. For the director of administrative hearings to pay mileage, meals, and lodging to any hearings officers, as necessary, in connection with the services to be provided by this Act.

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

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

SECTION 10. 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, the sums as hereinafter provided, to the office of administrative hearings for the purpose of providing administrative hearings officers for state agencies, and such units of local government, as may require hearings officer services, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Salaries and wages	\$722,142
Information Services Division	31,000
Operating expenses	104,841
Equipment	46,932
Total all funds	\$904,915
Less estimated income	665,396
Total general fund appropriation	\$239,519"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2272

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

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2282

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

Page 2, after line 3, insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2384

Page 1, line 8, remove "to amend and reenact subsection 3 of section"

Page 1, remove line 9

Page 1, line 10, remove "employer with respect to family leave;"

Page 1, line 13, remove the underscore under "Statement of legislative policy. The state must advocate"

Page 1, remove the underscore under lines 14 through 22

Page 2, remove the underscore under lines 1 and 2

Page 2, line 3, remove the underscore under "Family life education program. The department of human"

Page 2, remove the underscore under lines 4 through 21

Page 2, remove the underscore under line 24

Page 2, remove the underscore under lines 27 through 29

Page 3, remove the underscore under lines 1 through 25

Page 3, remove the underscore under lines 28 and 29

Page 4, remove the underscore under lines 1 through 6

Page 4, remove the underscore under lines 9 through 29

Page 5, remove the underscore under lines 1 through 3

Page 5, remove the underscore under lines 6 through 29

Page 6, remove the underscore under lines 1 through 28

Page 7, remove the underscore under lines 1 through 17

Page 7, remove lines 18 through 24

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2451

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

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

Page 2, line 4, remove "nonagricultural"

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

Page 2, line 6, remove "product registered"

Page 3, remove lines 8 through 13

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

Page 3, remove lines 21 through 29

Page 4, remove lines 1 through 4

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

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

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

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

Page 4, after line 11, insert:

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

Re-number accordingly

## HOUSE AMENDMENTS TO ENGROSSED SB 2594

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

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

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

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

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

Page 6, after line 6, insert:

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

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

Page 10, after line 10, insert:

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

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

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

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

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1028, HB 1266, HB 1325, and HB 1552 and subsequently passed the same.

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 2001.

Page 1, line 2, after "officials" insert "and the state firemen's association" and replace the comma with "and"

Page 1, line 3, after the first comma insert "subsection 2 of section 27-20-49, sections"

Page 1, line 4, remove "and" and after "57-01-04" insert ", and 57-39.2-26.1"

Page 1, line 8, after "commissioner" insert ", prosecution witness fees paid by the attorney general, and to the state aid distribution fund" and remove the second "and"

Page 1, line 9, after "intent" insert "; to provide an appropriation; and to declare an emergency"

Page 1, line 15, after "officials" insert "and the state firemen's association"

Page 1, line 16, after "officials" insert "and the state firemen's association"

Page 1, line 21, replace "1,184,856" with "1,111,580"

Page 2, line 1, replace "291,821" with "290,000"

Page 2, line 7, replace "25,000" with "10,000"

Page 2, line 8, replace "15,000" with "10,000"

Page 2, after line 8, insert:

"Status of women 20,000"

Page 2, line 10, replace "1,596,603" with "1,521,506"

Page 3, line 3, replace "2,008,662" with "2,084,412"

Page 3, line 7, replace "4,585,000" with "4,530,000"

Page 3, line 11, replace "17,875,681" with "17,896,431"

Page 3, line 12, replace "9,584,107" with "9,406,407"

Page 3, line 13, replace "8,291,574" with "8,490,024"

Page 3, line 21, replace "2,038,795" with "1,919,733"

Page 3, line 22, replace "3,151,156" with "3,270,218"

Page 4, line 17, replace "485,639" with "484,039"

Page 4, line 21, replace "583,158" with "581,558"

Page 4, line 23, replace "540,158" with "538,558"

Page 5, line 6, replace "2,343,112" with "2,280,561"

Page 5, line 7, replace "101,224" with "99,424"

Page 5, line 8, replace "1,496,224" with "1,368,722"

Page 5, after line 9, insert:

"Ag in the classroom  
Waterbank program 25,000  
50,000"

Page 5, line 13, replace "6,474,496" with "6,357,643"

Page 5, line 15, replace "3,730,768" with "3,613,915"

Page 5, after line 22, insert:

"Subdivision 12.

STATE FIREMEN'S ASSOCIATION

Grants, benefits, and claims \$55,000  
Total appropriation from the state fire and tornado fund \$55,000"

Page 5, line 23, replace "38,906,529" with "39,305,491"

Page 5, line 24, replace "22,767,015" with "22,545,253"

Page 5, line 25, replace "61,673,544" with "61,850,744"

Page 6, line 3, replace "\$679,393" with "\$624,393"

Page 6, line 6, remove "and the state firemen's association grants of \$55,000"

Page 8, line 10, replace "\$1,470,906" with "\$1,351,844"

Page 8, after line 25, insert:

"SECTION 16. AMENDMENT. Subsection 2 of section 27-20-49 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The supreme court shall pay reasonable compensation for services and related expenses of counsel appointed by the court for a party and reasonable compensation for a guardian ad litem. The attorney general shall pay the ~~expense of service of summons, notices, subpoenas,~~ travel expense of witnesses, ~~and other like expenses~~ incurred in the proceedings under this chapter. Expenses of the state include the cost of any necessary transportation for medical and other examinations and treatment of a child ordered by the court if the child is in the legal custody of a state agency in which case the cost must be borne by that state agency at the state mileage rate excluding meals and lodging."

Page 9, line 7, remove the overstrike over "~~forty-nine~~" and remove "fifty-one"

Page 9, line 8, replace "two" with "nine", remove "seventy-two", and after "dollars" insert "through June 30, 1992, and fifty-one thousand two hundred seventy-two dollars thereafter"

Page 10, after line 22, insert:

"SECTION 26. AMENDMENT. Section 57-39.2-26.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26.1. Allocation of sales, use, and motor vehicle excise tax revenues to revenue sharing and personal property tax replacement. Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to sixty percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate, that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax

collections under chapters 57-39.2, 57-40.2, and 57-40.3 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. The state aid distribution fund must be allocated, subject to legislative appropriation, as follows:

1. Fifty percent of the revenues must be allocated in the ~~last~~ first month ~~of~~ subsequent to each quarterly period for state revenue sharing as provided in sections 54-27-20.2 and 54-27-20.3.
2. Fifty percent of the revenues must be allocated for personal property tax replacement as provided in section 57-58-01."

Page 11, after line 12, insert:

"SECTION 30. APPROPRIATION. There is hereby appropriated out of any moneys in the petroleum tank release compensation fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary, for the purpose of administering the fund for the period beginning with the effective date of this Act and ending June 30, 1991.

SECTION 31. ATTORNEY GENERAL - CONTINGENT APPROPRIATION. If House Bill No. 1515 or House Bill No. 1579 of the fifty-second legislative assembly becomes effective, there is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$275,000, or so much thereof as may be necessary, to the attorney general for the purpose of defraying the expenses relating to the state's defense in court of the provisions of this legislation for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 32. AGRICULTURE COMMISSIONER - COYOTE BOUNTY. The agriculture commissioner may administer a twenty-five dollar per coyote bounty program in cooperation with the predatory animal control program of the United States department of agriculture for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 33. STATE AUDITOR - PERFORMANCE REVIEWS. The state auditor shall conduct performance reviews of divisions or programs of the department of human services utilizing at least one full-time equivalent position. The state auditor shall present the resulting reports to the legislative council's interim budget committee on human services and other committees as selected by the legislative council during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 34. EMERGENCY. Section 30 of this Act is declared to be an emergency measure."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 085 - PAYMENTS TO POLITICAL SUBDIVISIONS

The amendment provides that the state revenue sharing payments are delayed by one month so that the exact amount to be distributed is known on the payment due date.

DEPARTMENT 101 - GOVERNOR'S OFFICE

Salaries and wages are reduced by \$73,276 from the general fund and operating expenses are reduced by \$1,821 from the general fund relating to the

elimination of one FTE economic development coordinator position added in the executive budget.

The Governor's transition in line item is reduced by \$15,000 from the general fund, from \$25,000 to \$10,000. The Governor's transition out line item is reduced by \$5,000 from the general fund, from \$15,000 to \$10,000.

Funding of \$20,000 from the general fund for the Status of Women Committee is added as a special line item because funding for the committee was removed from the Board for Vocational Education budget.

The total change to the Governor's office budget is a general fund reduction of \$75,097, from \$1,596,603 to \$1,521,506.

#### DEPARTMENT 117 - STATE AUDITOR

This amendment provides funding of \$119,062 for one FTE audit director in the political subdivisions program from the general fund rather than from other funds as provided in the executive budget.

A section is added providing that the equivalent of at least one FTE position in the State Auditor's office conduct performance reviews of divisions or programs of the Department of Human Services. The resulting reports must be presented to the interim Budget Committee on Human Services and other committees as selected by the Legislative Council.

#### DEPARTMENT 125 - ATTORNEY GENERAL

A section is added amending Section 27-20-49 to provide that the Attorney General will not pay prosecution witness fees for expenses relating to the service of summons, notices, subpoenas, and other like expenses.

Funding of \$115,750 from the general fund removed in the Senate for prosecution witness fees is restored in the amount of \$75,750 from the general fund to the operating expenses line item. The \$40,000 reduction is as a result of the amendment to Section 27-20-49 referred to above.

The grants line item is reduced by \$55,000 of special funds from the fire and tornado fund for the State Firemen's Association grants which is being appropriated in a separate subdivision of Section 1 of this bill, due to the defeat of House Bill No. 1124, which would have allowed the appropriation in the Attorney General's budget.

The estimated income line item is reduced by \$122,700 of fees collected from state agencies and the general fund appropriation is increased by \$122,700 to provide general fund support for one FTE attorney, due to the defeat of House Bill No. 1214, which would have made the Securities Commissioner a special fund agency rather than a general fund agency.

A section is added providing a contingent appropriation of \$275,000 from the general fund if House Bill No. 1515 or 1579 becomes effective to provide funding for the state's defense of the provisions of this legislation.

The total change to the Attorney General's budget is a general fund increase of \$473,450, from \$8,291,574 to \$8,765,024, and a special fund decrease of \$177,700, from \$9,584,107 to \$9,406,407.

#### DEPARTMENT 401 - INSURANCE COMMISSIONER

A section is added providing a deficiency appropriation of \$20,000 from the petroleum tank release compensation fund for the administrative costs relating to the fund for the remainder of the 1989-91 biennium.

#### DEPARTMENT 406 - LABOR COMMISSIONER

This amendment reduces the proposed four percent annual salary increase for the Labor Commissioner by \$1,372, from \$1,972 to \$600 for the first year of

the biennium and provides the remaining \$1,372 increase the second year of the biennium. The salaries and wages line item is reduced by \$1,600 from the general fund as a result of this change.

#### DEPARTMENT 602 - AGRICULTURE COMMISSIONER

This amendment makes the following changes to the Agriculture Department's budget:

Funding for the Ag in the Classroom program (\$25,000) and the waterbank program (\$50,000) of other funds included in the operating expenses line item in the executive budget are listed as separate line items, and therefore, removed from the operating expenses line item.

The two FTE positions added in the executive budget for the farmer/rancher demonstration project are contingent upon federal funds received through Job Service being available to pay the salary and fringe benefits of the two FTE positions.

Funding for one FTE noxious weed program administrator position and related expenses added in the executive budget from the general fund is removed as follows:

Salaries and wages (1 FTE)	\$(62,551)
Information services	(1,800)
Operating expenses	<u>(18,200)</u>
Total general fund reduction	<u>\$(82,551)</u>

Funding for noxious weed control in addition to the \$458,368 from the general fund included in this bill will be provided in Senate Bill No. 2451.

Increased funding for operating expenses included in the executive budget from the general fund for the predatory animal control program is reduced by \$74,302 as follows:

- Operating fees are reduced by \$72,912, from \$526,189 to \$453,277, relating to the removal of three cost-of-living increases for the 10 full-time animal damage control specialists.
- Lease rental equipment for aerial coyote hunting is reduced by \$1,390, from \$79,890 to \$78,500.

Funding of \$40,000 from the general fund is added to the operating expenses line item to provide funding to the Agriculture Department to initiate a bounty system for coyotes of \$25 per coyote. A section is added authorizing the Agriculture Commissioner to administer the program for the 1991-93 biennium.

The total change to the Agriculture Department's budget is a reduction of one FTE position, from 42 FTE to 41 FTE, and a general fund reduction of \$116,853, from \$3,730,768 to \$3,613,915.

Senate Bill No. 2001 in total is increased by \$177,200, a \$398,962 increase from the general fund and a \$221,762 decrease in other funds.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SB 2509.

In lieu of the amendments adopted by the House as printed on page 1149 of the House Journal, Engrossed Senate Bill No. 2509 is amended as follows:

Page 1, line 3, replace "government" with "public"

Page 1, line 17, replace "state or" with "public"

Page 1, line 18, remove "local government"

- Page 1, line 22, replace "state or local government" with "public"
- Page 2, line 21, remove "or a state department"
- Page 2, line 29, after "in" insert ", for a period not to exceed the length of the development agreement"
- Page 3, line 6, remove ", and enter into"
- Page 3, line 7, remove "development agreements with,"
- Page 3, line 9, remove "at least in part"
- Page 3, line 10, remove "Public solicitation of proposals is not"
- Page 3, line 11, replace "required. A" with "After a hearing, the" and replace "the public authority" with "it"
- Page 3, line 12, remove "Public authorities are not required"
- Page 3, line 13, remove "to select the lowest bidder among competing proposals."
- Page 3, line 14, after "negotiate" insert "and enter into"
- Page 4, line 4, after the second comma insert "or" and remove ", or other lawful"
- Page 4, line 5, remove "means"
- Page 4, line 8, remove "sell or"
- Page 4, line 10, after "years" insert "and must be reviewed and may be revised every five years"
- Page 4, line 11, remove "- Arbitration by attorney general"
- Page 4, line 15, remove "In the event of any conflict between a state or local"
- Page 4, remove lines 16 through 18
- Page 5, line 8, after "That" insert ", after public notice,"
- Page 5, line 11, remove "and"
- Page 5, line 13, replace the period with a semicolon
- Page 5, line 14, after the period insert:
- "That the anticipated fees, rental income, and revenues from the operation of the facility, or other sources of funding, or any combination thereof, be sufficient to pay the maintenance and operation costs for the facility, and principal of and interest on any evidence of indebtedness to finance the facility; and
- 6."
- and replace "Development agreements may contain any" with "Any"
- Page 6, line 18, replace "New or existing" with "If approved by the governing body of the city, for property within city limits, or by the governing body of the county, for property outside city limits, new"
- Page 6, line 19, remove ", or any other form of property, excise, or use tax for the"

Page 6, remove line 20

Page 6, line 21, remove "agreement"

Page 6, line 22, replace "The" with "For portions of the project that do not involve contractor ownership, the"

Page 6, line 24, replace "exempt from" with "subject to"

Page 7, line 4, remove "In addition, this"

Page 7, remove lines 5 through 7

Re-number accordingly

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1127 and subsequently failed to pass the same.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2008, SB 2010, SB 2036, SB 2335, and SB 2385 and subsequently passed the same.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1575.

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 1008, HB 1009, HB 1017, HB 1060, HB 1072, HB 1083, HB 1095, HB 1098, HB 1110, HB 1112, HB 1177, HB 1193, HB 1194, HB 1215, HB 1219, HB 1261.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1517 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1517: Reps. Kretschmar; Clayburgh; Skar

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 2016: Reps. Myrdal; Wald; Nowatzki

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

MR. PRESIDENT: The Speaker has signed: SB 2021, SB 2032, SB 2168, SB 2284, SB 2332, SB 2353, SB 2357, SB 2403, SB 2457, SB 2458, SB 2512, SB 2534, SB 2557, SB 2560, SB 2579, SCR 4001, SCR 4003, SCR 4033, SCR 4036, SCR 4048, SCR 4061, SCR 4072.

#### MOTIONS

SEN. WOGSLAND MOVED that HB 1053 and HB 1073 be placed at the bottom of the Seventh order, which motion prevailed.

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.

#### COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

April 4, 1991

This is to inform you that on April 2, 1991, I signed the following: SB 2440, SB 2444, 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 2200, SB 2221.

On April 3, 1991, I signed the following: SB 2197, SB 2144, SB 2348, SB 2409, SB 2411, SB 2430, SB 2433, SB 2434, SB 2450, SB 2454, SB 2484, SB 2504, SB 2519, SB 2522, SB 2524, SB 2531, SB 2311, SB 2410, SB 2548, SB 2223, SB 2235, SB 2236, SB 2238, SB 2239, SB 2240, SB 2245, SB 2253, SB 2429.

**COMMUNICATION FROM GOVERNOR GEORGE A. SINNER**

April 4, 1991

This is to inform you that I have signed SB 2485 on April 3, 1991.

I have sent the enclosed letter to John Graham, Director of the Department of Human Services, directing him to implement SB 2485 "within the limits of legislative appropriations."

**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 1242.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 12:07 p.m., April 4, 1991: SB 2012, SB 2024, SB 2033, SB 2038, SB 2040, SB 2057, SB 2076, SB 2096, SB 2106, SB 2108, SB 2134, SB 2158, SB 2173, SB 2180, SB 2181, SB 2203, SB 2204, SB 2210, SB 2275, SB 2281, SB 2327, SB 2329, SB 2340, SB 2351, SB 2352, SB 2354, SB 2372, SB 2389, SB 2397, SB 2431, SB 2447, SB 2588, SB 2589, SB 2590, SB 2593.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 12:13 p.m., April 4, 1991: SB 2022, SB 2448, SB 2554, SB 2569, SB 2570, SB 2574, SB 2581, SB 2582, SB 2584, SB 2585.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 12:17 p.m., April 4, 1991: SB 2021, SB 2032, SB 2168, SB 2284, SB 2332, SB 2353, SB 2357, SB 2403, SB 2457, SB 2458, SB 2512, SB 2534, SB 2557, SB 2560, SB 2579.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 12:21 p.m., April 4, 1991: SCR 4001, SCR 4003, SCR 4033, SCR 4036, SCR 4048, SCR 4057, SCR 4061, SCR 4067, SCR 4072.

**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 1247, HB 1255, HB 1292, HB 1296, HB 1310, HB 1317, HB 1321, HB 1329, HB 1338, HB 1375, HB 1380, HB 1414, HB 1420, HB 1431, HB 1461, HB 1471, HB 1475, HB 1477, HB 1488, HB 1526, HB 1538, HB 1561, HB 1595, HB 1604, HB 1606, HB 1613, HCR 3032, HCR 3035, HCR 3039, HCR 3042, HCR 3043, HCR 3067, HCR 3071.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 12:48 p.m., April 4, 1991: SB 2028, SB 2035, SB 2063, SB 2078, SB 2100, SB 2188, SB 2193, SB 2212, SB 2213, SB 2214, SB 2215, SB 2219, SB 2227, SB 2237, SB 2262, SB 2266, SB 2270, SB 2274, SB 2279, SB 2333, 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 resolution was delivered to the Secretary of State for his filing at the hour of 1:01 p.m., April 4, 1991: SCR 4011.

REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed SB 2090 as printed on SJ page 1384 be adopted, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2090: A BILL for an Act to prohibit the department of health and consolidated laboratories from issuing permits for the construction or operation of certain solid waste disposal facilities; to amend and reenact section 23-29-07.1 of the North Dakota Century Code, relating to fees for solid waste facility permits; to provide for a legislative council study of solid waste disposal methods and facilities; 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 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; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2090 passed, the title was agreed to, and the emergency clause carried.

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MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 4:00 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 reconsidered the action whereby it placed SB 2324 with its conference committee report on the Seventh order. The House conferees respectfully request that the conference committee reconvene to further consider SB 2324.

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

MR. SPEAKER: The President has signed: HB 1008, HB 1009, HB 1017, HB 1060, HB 1072, HB 1083, HB 1095, HB 1098, HB 1110, HB 1112, HB 1177, HB 1193, HB 1194, HB 1215, HB 1219, HB 1261.

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

MR. SPEAKER: The President has signed: HB 1247, HB 1255, HB 1292, HB 1296, HB 1310, HB 1317, HB 1321, HB 1329, HB 1338, HB 1375, HB 1380, HB 1414, HB 1420, HB 1431, HB 1471, HB 1475, HB 1477, HB 1488, HB 1526, HB 1538, HB 1561, HB 1595, HB 1604, HB 1606, HCR 3032, HCR 3035, HCR 3039, HCR 3042, HCR 3043, HCR 3067, HCR 3071.

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

MR. SPEAKER: The President has signed: HB 1242.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

April 4, 1991

SB 2294 provides for a \$500,000 appropriation to the Agriculture Experiment Station from general and special funds for the purchase of Hastings Hall from the State Seed Department.

Our research indicates that never before have state general fund dollars been utilized by one state agency to purchase a building from another state agency.

Furthermore, the general fund does not have \$300,000 in excess funding to provide for this purchase.

This bill sets a poor precedent and is the beginning of busting the budget.

Therefore, I veto SB 2294.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2234 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 2234: Sens. Marks, Meyer, Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do not concur in the House amendments to SB 2451 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 2451: Sens. Kelsh, Langley, Vosper.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed SCR 4058 as printed on SJ pages 1448-1450 be adopted, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4058: A concurrent resolution urging Congress to enact legislation giving Indian tribes criminal misdemeanor jurisdiction over all Indians on reservations and to review the Indian Civil Rights Act to ensure that the constitutional rights of all Indians are protected.

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

SCR 4058 was declared adopted.

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REPORT OF CONFERENCE COMMITTEE

SEN. MEYER MOVED that the conference committee report on Engrossed HB 1051 as printed on SJ page 1450 be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act to amend and reenact subsections 3 and 5 of section 53-06.1-03 of the North Dakota Century Code, relating to the licensure of charitable gaming organizations.

ROLL CALL

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

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

NAYS: Evanson; Freborg; Holmberg; Marks; Moore; Mutch; Nelson; Nething; Stenehjem

ABSENT AND NOT VOTING: Tallackson

HB 1051 passed and the title was agreed to.

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#### REPORTS OF CONFERENCE COMMITTEES

SEN. MEYER MOVED that the conference committee report on Engrossed HB 1053 as printed on SJ page 1450 be adopted, which motion prevailed.

SEN. MATHERN MOVED that the conference committee report on HB 1073 as printed on SJ page 1450 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1073: A BILL for an Act to amend and reenact sections 14-03-10 and 14-03-19 of the North Dakota Century Code, relating to requirements for the issuance of marriage 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 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; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

HB 1073 passed and the title was agreed to.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1517, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1517: Sens. Maxson, Traynor, Stenehjem.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1006, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1006: Reps. Berg, R.; Dalrymple; Wilkie

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2065, SB 2507.

#### HOUSE AMENDMENTS TO ENGROSSED SB 2065

In addition to the amendments to Engrossed Senate Bill No. 2065 adopted by the House as printed on pages 1471-1473 of the House Journal, Engrossed Senate Bill No. 2065 is amended as follows:

Page 1, line 1, after the first "to" insert "provide for the administrative costs of the gaming commission; and to"

Page 8, after line 15, insert:

"SECTION 3. Gaming commission expenses. Notwithstanding section 53-06.1-12.1, an amount not to exceed twenty thousand dollars per biennium may be spent for the administrative costs of the gaming commission from the games of chance tax collections deposited in the attorney general's operating fund."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

This amendment provides that up to \$20,000 per biennium of the \$200,000 of games of chance tax collections deposited in the Attorney General's operating fund may be used within the limits of legislative appropriations for the Gaming Commission's administrative costs.

HOUSE AMENDMENTS TO ENGROSSED SB 2065

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

Page 1, line 3, remove "53-06.1-02.1,"

Page 1, line 4, remove "53-06.1-02.1," and remove "53-06.1-06, 53-06.1-06.1, subsection 1 of section"

Page 1, remove line 5

Page 1, line 6, remove "53-06.1-11.1, 53-06.1-12, 53-06.1-12.1, 53-06.1-12.2, 53-06.1-13,"

Page 1, line 7, replace "53-06.1-15, 53-06.1-15.1, 53-06.1-16, 53-06.1-16.2," with "and" and remove ", subsection 1"

Page 1, remove line 8

Page 1, line 9, remove "and 7 of section 57-40.2-01"

Page 1, line 10, replace the first comma with "and" and remove "and parimutuel horse racing,"

Page 1, remove lines 11 through 14

Page 1, line 15, remove "chance"

Page 2, remove line 28

Page 3, line 1, replace "8" with "7"

Page 3, line 10, replace "9" with "8"

Page 5, line 1, replace "10" with "9"

Page 5, line 4, replace "11" with "10"

Page 5, line 7, remove the overstrike over "~~attorney~~"

Page 5, line 8, remove the overstrike over "~~general~~" and remove "commission"

Page 5, line 10, replace "12" with "11"

Page 5, line 13, replace "13" with "12"

Page 5, line 19, replace "14" with "13"

Page 5, line 21, replace "15" with "14"

- Page 5, line 23, after the first overstruck period insert "15." and remove the overstrike over "~~licensing authority means the attorney general.~~"
- Page 7, line 1, replace "Three" with "Two"
- Page 7, line 7, replace "five-year" with "three-year"
- Page 7, line 12, remove "At the expiration of the five-year term of each incumbent"
- Page 7, remove lines 13 and 14
- Page 7, line 25, after "compensation" insert "for each day spent on commission duties"
- Page 7, remove lines 27 and 28
- Page 8, remove lines 1 through 9
- Page 8, remove lines 16 through 28
- Page 9, remove lines 1 through 14
- Page 9, line 21, remove the overstrike over "~~attorney general~~" and remove "commission"
- Page 9, line 22, remove the overstrike over "~~attorney general~~"
- Page 9, line 23, remove "commission"
- Page 10, line 24, remove the overstrike over "~~attorney~~"
- Page 10, line 25, remove the overstrike over "~~general~~" and remove "commission"
- Page 11, line 4, remove the overstrike over "~~attorney general~~" and remove "commission"
- Page 11, line 12, remove the overstrike over "~~attorney general~~" and remove "commission"
- Page 11, line 22, remove the overstrike over "~~attorney general~~" and remove "commission"
- Page 12, line 3, remove the overstrike over "~~attorney general~~" and remove "commission"
- Page 12, line 11, remove the overstrike over "~~attorney general~~"
- Page 12, line 12, remove "commission"
- Page 12, line 14, remove the overstrike over "~~attorney~~"
- Page 12, line 15, remove the overstrike over "~~general~~" and remove "commission"
- Page 12, line 24, remove the overstrike over "~~attorney general~~" and remove "commission"
- Page 12, line 27, remove the overstrike over "~~attorney general~~" and remove "commission"
- Page 12, line 28, remove "or the commission"
- Page 13, remove lines 16 through 28
- Page 14, remove lines 1 through 29

Page 15, remove lines 1 through 28

Page 16, remove lines 1 through 29

Page 17, remove lines 1 through 29

Page 18, remove lines 1 through 29

Page 19, remove lines 1 through 29

Page 20, remove lines 1 through 29

Page 21, line 6, remove the overstrike over "~~attorney~~"

Page 21, line 7, remove the overstrike over "~~general~~" and remove "commission"

Page 21, line 9, remove the overstrike over "~~attorney~~"

Page 21, line 10, remove the overstrike over "~~general~~" and remove "commission"

Page 22, line 5, remove the overstrike over "~~attorney general's office~~"

Page 22, line 6, remove "commission"

Page 22, line 12, remove the overstrike over "~~attorney general~~" and insert immediately thereafter "or"

Page 22, remove lines 18 through 29

Page 23, remove lines 1 through 29

Page 24, remove lines 1 through 25

Page 25, remove lines 15 through 29

Page 26, remove lines 1 through 29

Page 27, remove lines 1 through 29

Page 28, remove lines 1 through 29

Page 29, remove lines 1 through 14

Re-number accordingly

HOUSE AMENDMENTS TO SB 2507

Page 1, line 1, after "reenact" insert "section 54-52-19.2 and"

Page 1, line 2, after "to" insert "crediting prior service for certain members of the public employees retirement system and to"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 54-52-19.2 of the North Dakota Century Code is amended and reenacted as follows:

54-52-19.2. Grant of prior service credit after refund. A member who exercised the privilege to withdraw from the predecessor plan to the public employees retirement system, under subsection 10 of section 54-52-17 as created by section 13 of chapter 499 of the 1977 Session Laws, is entitled to a regrant of the member's prior service credit forfeited by that withdrawal. To be eligible for the regrant, the member must have been an employee of this state from the date of withdrawal from the predecessor plan through at least July 1, ~~1987~~ 1991. An eligible member is entitled to prior service credit for service before July 1, 1966. The cost of the repurchase of the credit

is the amount of refund the member received, plus interest, compounded at the rate of ~~seven and one-half~~ eight percent per year, for the period since June 30, 1977. To claim the grant of prior service credit, the member shall notify the executive director of the public employees retirement system of that election and pay to the public employees retirement system the entire cost, with interest, of that repurchase, computed in accordance with this section, by December 31, ~~1987~~ 1991."

Renumber accordingly

#### MOTION

SEN. WOGSLAND MOVED that the Senate amend Senate Rule 506 to "sixty-third" legislative day, which motion prevailed.

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 1517: Sens. Maxson; Traynor; Stenehjem

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2234 and SB 2451, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2234: Sens. Marks; Meyer; Stenehjem

SB 2451: Sens. Kelsh; Langley; Vosper

#### MOTION

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., Friday, April 5, 1991, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

SB 2591: Your conference committee (Sens. Kelsh, Kinnoin, Vosper and Reps. Grosz, Gorder, Nichols) recommends that the HOUSE RECEDE from the House amendments on SJ page 1239, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1325 of the House Journal and page 1239 of the Senate Journal and that Senate Bill No. 2591 be amended as follows:

Page 1, line 16, after "hearing" insert "conducted by an independent hearing officer"

Renumber accordingly

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

MARION HOUN, Secretary