

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, April 10, 1991

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

The prayer was offered by Rev. E. Dale McClaflin, Church of the Nazarene, Bismarck.

The roll was called and all members were present except Senators David, Dotzenrod, Naaden, Peterson, and Tomac.

A quorum was declared by the President.

## SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bill: SB 2003.

## MESSAGE TO THE HOUSE FROM THE SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2003.

## MESSAGE TO THE HOUSE FROM THE SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1048, HB 1383.

## MESSAGE TO THE HOUSE FROM THE SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1167 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 2594 and SCR 4073 and subsequently passed the same.

## REPORT OF CONFERENCE COMMITTEE

HB 1018, as engrossed: Your conference committee (Sens. Kelly, Mushik, Thane and Reps. Dalrymple, R. Berg, Wilkie) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 1333-1334, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1333 and 1334 of the Senate Journal and pages 1593 and 1594 of the House Journal, and that Engrossed House Bill No. 1018 be amended as follows:

Page 1, line 13, replace "23,035" with "223,035"

Page 1, line 15, replace "1,720,936" with "5,069,369"

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

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

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

Page 1, remove lines 19 through 22

Page 2, remove lines 1 and 2

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

The operating expenses line item is increased by \$200,000 from the general fund to provide \$100,000 per year for funding Families First programs in Regions 3 and 4 to support and evaluate Families First projects.

This amendment restores \$1,800,000 from the general fund removed in the House for grants to other state agencies for children at risk programs and \$462,415 of federal and other funds removed in the House for the Families First - project administration program for grants to the regional boards and other grants. In addition, federal and other funds of \$1,086,018 which may be available as a result of the \$1,800,000 general fund appropriation are added to the grants line item. The increased grants are as follows:

GRANT	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL
Department of Human Services				
Regional prevention and intervention	\$ 150,000			\$ 150,000
Day treatment Children and adolescents at risk teams	141,432	\$189,000	\$248,400	578,832
Children's psychiatric teams	929,445	190,000		1,119,445
Treatment for sexually abused children	347,487	61,179		408,666
		200,000	197,439	397,439
Department of Public Instruction				
Day treatment	173,916			173,916
Department of Corrections and Rehabilitation				
Day treatment	57,720			57,720
Families First - regional boards			202,385	202,385
Other grants		<u>260,030</u>		<u>260,030</u>
Total	\$1,800,000	\$900,209	\$648,224	\$3,348,433

The following schedule compares the executive budget recommendation and the Conference Committee version by funding source:

	EXECUTIVE BUDGET RECOMMENDATION	CONFERENCE COMMITTEE VERSION	CONFERENCE COMMITTEE CHANGE TO THE EXECUTIVE BUDGET
General fund	\$2,111,375	\$2,104,942	\$ (6,433)
Federal funds	280,000	920,179	640,179
Other funds	1,937,798	2,383,637	445,839
Total	\$4,329,173	\$5,408,758	\$1,079,585

REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on Engrossed HB 1018 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

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

## ROLL CALL

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

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

ABSENT AND NOT VOTING: Meyer; Naaden; Peterson; Tomac

HB 1018 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

HB 1517: Your conference committee (Sens. Maxson, Traynor, Stenehjem and Reps. Kretschmar, Clayburgh, Skar) recommends that the HOUSE ACCEDE to the Senate amendments on SJ page 1295, further amend as follows, and then place on the Seventh order:

That the House accede to the Senate amendments as printed on pages 1469 and 1470 of the House Journal and page 1295 of the Senate Journal, and that House Bill No. 1517 be further amended as follows:

Page 1, line 1, after "Act" insert "to establish a single trial court of general jurisdiction through the abolition of county courts and the provision for additional district court judgeships; to create and enact two new sections to chapter 27-05 of the North Dakota Century Code, relating to vacancies in the office of district court judge and the appointment of magistrates;"

Page 1, line 7, after the sixth comma insert "11-21-01,"

Page 1, line 10, after "sections" insert "12.1-20-16,"

Page 1, line 14, after the first comma insert "23-07.1-09,"

Page 1, line 16, replace "sections" with "section" and after the second comma insert "subsection 2 of section 25-03.1-21, sections"

Page 1, line 19, after the second comma insert "sections 27-05-01, 27-05-06, subsection 1 of section 27-05-08, sections 27-06-01, 27-07.1-02, 27-07.1-03,"

Page 1, line 22, after "sections" insert "27-23-02,"

Page 2, line 1, after the fourth comma insert "29-07-01.1,"

Page 2, line 2, after the third comma insert "section 29-22-02,"

Page 2, line 3, replace the second "section" with "sections 30.1-02-02,"

Page 2, line 12, after "sections" insert "40-18-06.2," and after the second comma insert "40-18-15.1, 40-18-19,"

Page 2, line 18, after the third comma insert "58-02-23,"

Page 2, line 23, remove the first "and", after "judges" insert ". multicounty agreements to share county judge services, vacancies in the office of county court judge, and abolition of the office of municipal judge if municipal cases are transferred to county or district court", and after the semicolon insert "to repeal sections 11-09-22, 11-09-23, 11-11-12, 11-15-10, 24-07-25, 27-01-04, 27-01-05, chapters 27-07.1, 27-08.2, sections 27-09.1-21, 27-20-04, chapter 27-26, and section 31-09-07 of the North Dakota Century Code, relating to references to county courts and county court judges;"

Page 2, line 24, remove "and" and after "date" insert "; to provide an expiration date; and to provide a statement of legislative intent"

Page 2, after line 25, insert:

"SECTION 1. County courts abolished - Election of additional district court judges - Case file transition - Budget and property considerations.

1. Following the completion on January 1, 1995, of the terms of the judges of all county courts, the county court and office of judge of the county court in each county are abolished.
2. District court judgeships are established on January 2, 1995, in number equal to the number of county judges serving the county courts on January 1, 1991, or the number of county judges serving the county courts on January 1, 1994, whichever is the lesser number. The district court judgeships established pursuant to this subsection must be filled by election at the general election in 1994. All statutes relating to the district court apply to the district court judgeships established pursuant to this subsection, except as otherwise provided by this section.
3. The supreme court shall designate by rule, prior to January 1, 1994, the judicial district for each additional district court judgeship established pursuant to subsection 2. The judicial district designated by the supreme court for each district court judgeship established pursuant to subsection 2 is the area of election for that office at the general election in 1994. The supreme court shall designate, prior to January 1, 1994, staggered terms for each district court judgeship established pursuant to subsection 2 in a manner that results in approximately one-third of those offices with initial terms of two years, one-third with initial terms of four years, and one-third with initial terms of six years. Any judge elected pursuant to subsection 2 shall take office on January 2, 1995, and shall hold office until completion of the designated initial term or until a successor is elected and has qualified. Subsequent to these initial terms, a judge elected to a judgeship established by subsection 2 shall hold office for the term provided in section 27-05-02.
4. All case files, untried cases, or any other unfinished business of each county court abolished pursuant to subsection 1 must be considered case files, untried cases, and other unfinished business of the district court of the judicial district in which that county is located.
5. Beginning in 1992, the budget for the district courts submitted to the legislative assembly pursuant to section 27-01-01.1 and to the director of the budget for informational purposes pursuant to section 54-44.1-13 must include all salaries and expenses for the district court judgeships established pursuant to subsection 2. Any equipment, furnishings, and law libraries in the control and

custody of the county courts on January 1, 1991, and any property acquired by county courts from that date until January 1, 1995, must be transferred on January 2, 1995, to the custody and control of the district court of the county in which each county court is located until the state court administrator determines that these items are no longer needed by the district court. Upon that determination, custody and control of the property must revert to the county."

Page 19, after line 7, insert:

"SECTION 28. AMENDMENT. Section 11-21-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-21-01. Public administrator - Appointment - Term of office. The county court of each presiding judge of the judicial district in which a county is located may, after consultation with the judges of the judicial district, appoint a public administrator for that county. A public administrator may be a corporation. The initial appointments under this section may be made upon completion of the terms of public administrators elected in 1984. The public administrator shall hold office for four years and until a successor is appointed and qualified. Two or more county courts The presiding judge may appoint a single public administrator to serve their respective counties more than one county within the district court's jurisdiction."

Page 24, after line 3, insert:

"SECTION 42. AMENDMENT. Section 12.1-20-16 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12.1-20-16. Appointment of a guardian ad litem in prosecution for sex offenses. A minor who is a material or prosecuting witness in a criminal proceeding involving an act in violation of sections 12.1-20-01 through 12.1-20-08, or section 12.1-20-11 may, at the discretion of the district court, have the witness' interests represented by a guardian ad litem at all stages of the proceedings arising from the violation. The appointment may be made upon the order of the court on its own motion or at the request of a party to the action. The guardian ad litem may, but need not, be a licensed attorney and must be designated by the court after due consideration is given to the desires and needs of the child. A person who is also a material witness or prosecuting witness in the same proceeding may not be designated guardian ad litem. The guardian ad litem shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child but may not separately introduce evidence or directly examine or cross-examine witnesses. The expenses of the guardian ad litem, when approved by the judge, must be paid by the county wherein the alleged offense took place if the action is prosecuted in county court, and by the state if the action is prosecuted in district court. The state shall also pay the expenses of the guardian ad litem in commitment proceedings held in county district court pursuant to subsection 7 of section 27-07-1-17 chapter 25-03.1."

Page 36, after line 17, insert:

"SECTION 61. AMENDMENT. Section 23-07.1-09 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-07.1-09. Appeal to district supreme court - Habeas corpus - Hearing. An appeal from an order of the judge of a county district court authorizing a specified medical facility to receive a person for care, treatment, quarantine, and isolation may be taken to the district

supreme court of the county. In such a proceeding, the state's attorney of the county wherein the appeal is taken, without additional compensation, shall represent the state health officer. The clerk of the district court of the county ~~in~~ from which the appeal is taken shall notify the state's attorney of the filing of such appeal. The ~~hearing appeal~~ shall be limited to a review of the procedures, findings, and conclusions of the lower court. All persons placed in the custody of the state health officer under the provisions of this chapter for care, treatment, quarantine, and isolation shall be entitled to the benefit of the writ of habeas corpus and a determination as to whether a person in such custody has active, infectious tuberculosis in a communicable and contagious stage and is dangerous to public health shall be made at the hearing. If the court shall decide that the person does have active, infectious tuberculosis and is dangerous to public health, such decision shall not preclude a subsequent application for a writ or the issuing of a writ upon a subsequent application, if it shall be alleged that such person shall have been restored to health."

Page 43, after line 12, insert:

"SECTION 73. AMENDMENT. Subsection 2 of section 25-03.1-21 of the North Dakota Century Code is amended and reenacted as follows:

2. If the respondent is not complying with the alternative treatment order or the alternative treatment has not been sufficient to prevent harm or injuries that the individual may be inflicting upon himself or others, the department, a representative of the treatment program involved in the alternative treatment order, the petitioner's retained attorney, or the state's attorney may apply to the court or to the ~~county~~ district court of ~~the~~ a different ~~county~~ judicial district in which the respondent is located to modify the alternative treatment order. The court shall hold a hearing within seven days after the application is filed. Based upon the evidence presented at hearing and other available information, the court may:

- a. Continue the alternative treatment order;
- b. Consider other alternatives to hospitalization, modify the court's original order, and direct the individual to undergo another program of alternative treatment for the remainder of the ninety-day period; or
- c. Enter a new order directing that the individual be hospitalized until discharged from the hospital under section 25-03.1-30. If the individual refuses to comply with this hospitalization order, the court may direct a peace officer to take the individual into protective custody and transport the respondent to a treatment facility."

Page 49, after line 3, insert:

"SECTION 83. AMENDMENT. Section 27-05-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-05-01. Judicial districts - Number of judges.

1. The judicial districts in this state are as designated by rule of the supreme court. The number of judges in each of the judicial districts is as follows:

- ~~1-~~ a. The northwest judicial district shall have five judges.
- ~~2-~~ b. The northeast judicial district shall have three judges.

- ~~3- c.~~ The northeast central judicial district shall have four judges.
- ~~4- d.~~ The east central judicial district shall have four judges.
- ~~5- e.~~ The southeast judicial district shall have three judges.
- ~~6- f.~~ The south central judicial district shall have five judges.
- ~~7- g.~~ The southwest judicial district shall have three judges.
2. Each judicial district has that number of additional judges as designated by rule of the supreme court pursuant to subsection 3 of section 1 of this Act. The supreme court shall reduce the number of district judges pursuant to section 86 to forty-two before January 2, 2001.

SECTION 84. AMENDMENT. Section 27-05-06 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-05-06. Jurisdiction of district courts. The district courts of this state have the general jurisdiction conferred upon them by the constitution, and in the exercise of such jurisdiction they have power to issue all writs, process, and commissions provided therein or by law or which may be necessary for the due execution of the powers with which they are vested. Such courts shall have:

1. Common-law jurisdiction and authority within their respective judicial districts for the redress of all wrongs committed against the laws of this state affecting persons or property.
2. Power to hear and determine all civil actions and proceedings.
3. All the powers, according to the usages of courts of law and equity, necessary to the full and complete jurisdiction of the causes and parties and the full and complete administration of justice, and to carrying into effect their judgments, orders, and other determinations, subject to a reexamination by the supreme court as provided by law.
4. Jurisdiction of appeals from all final judgments of municipal judges and from the determinations of inferior officers, boards, or tribunals, in such cases and pursuant to such regulations as may be prescribed by law.
- ~~5- Jurisdiction over actions by game and fish officials involving the confiscation of materials determined to be in excess of one thousand dollars in value.~~

SECTION 85. AMENDMENT. Subsection 1 of section 27-05-08 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The locations of the chambers of the district judges in each of the respective districts shall be as determined by rule of the supreme court. However, not more than seventy percent of the chambers of the district judges may be located in cities with a population of more than seven thousand five hundred.

SECTION 86. A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

Vacancy in office of district judge - Abolition of offices - Hearing.

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with district court judges and attorneys in the affected judicial district, whether or not that office is necessary for effective judicial administration. The supreme court may, consistent with that determination, order that:
  - a. The vacancy be filled in the manner provided pursuant to chapter 27-25;
  - b. The vacant office be abolished; or
  - c. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district.
2. Subject to subsection 3, the supreme court may, after consultation with district court judges and attorneys in the affected judicial district, abolish one or more offices of district court judge if the supreme court determines that the office is not necessary for effective judicial administration and abolition of the office is necessary to reduce the number of district court judges as required in subsection 2 of section 27-05-01. At least one year before the end of the term of office of a district court judge holding the judgeship, the supreme court shall notify the judges of the affected judicial district of a determination that the judgeship will be abolished. The abolition of an office of district court judge under this subsection is effective at the end of the term of office of the district court judge holding that judgeship. The district court judge holding the judgeship to be abolished may petition the supreme court, within thirty days after receiving notice that the judgeship will be abolished, for a hearing on the determination. The supreme court shall hold the hearing within thirty days after receipt of the petition. Within thirty days after the hearing, the supreme court shall affirm, reverse, or modify its previous determination.
3. The authority conferred upon the supreme court in subsection 2 may be exercised:
  - a. From July 1, 1995, until June 30, 1997, if on July 1, 1995, the number of district court judges is more than forty-eight;
  - b. From July 1, 1997, until June 30, 1999, if on July 1, 1997, the number of district court judges is more than forty-six; and
  - c. From July 1, 1999, until December 31, 2000, if on July 1, 1999, the number of district court judges is more than forty-four.
4. The supreme court shall notify the governor of its determinations made pursuant to this section.

SECTION 87. A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

Magistrates - Appointment - Salary - Authority. The presiding judge of a judicial district may appoint, subject to rules adopted by the supreme court, any qualified person, including a clerk of the

district court, to serve as magistrate. A magistrate appointed pursuant to this section may be paid a salary as determined by the supreme court and has that authority performable by a district court judge as assigned by the presiding judge. The supreme court may adopt rules for the qualifications of magistrates, the extent and assignment of authority, and the conduct of the office, including rules relating to training sessions and continuing education.

SECTION 88. AMENDMENT. Section 27-06-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-06-01. District court reporter - Appointment, oath, substitutes, qualifications.

1. Each district judge shall ~~appoint a qualified shorthand reporter to the office of court reporter.~~ The provide for court reporter services, unless otherwise provided by rules of the supreme court, either by the appointment of a qualified shorthand reporter to the office of court reporter or by an electronic court reporting system.
2. If a reporter is appointed, the order of appointment must be filed in the office of the clerk and entered upon the records of the court in each county of the district. The person so appointed shall take and subscribe the oath required of other civil officers and shall file the same in the office of the secretary of state. The reporter shall hold office and discharge the duties thereof in person. If the reporter shall be incapacitated from acting, the judge may appoint some other qualified shorthand reporter to act, whose notes, transcripts, and certificates shall have the same force and effect as though made by the official reporter, but the certificates made by the person must be under oath. A qualified shorthand reporter shall be a person who is the holder of a registered professional reporter certificate issued by the national shorthand reporters association or an official shorthand reporter appointed on or before July 1, 1979.

SECTION 89. AMENDMENT. Section 27-07.1-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-07.1-02. Multicounty agreements to share services of judges. The boards of county commissioners of any two or more counties may enter into an agreement to provide for the election of a single judge or any number of judges to serve the county courts of the several counties entering into the agreement. Any county entering into such an agreement shall retain its own county court which shall be located in the county seat and each action shall be venued in the county court of any county in which venue is proper under other provisions of law or rule of the supreme court. The agreement shall set forth the number of judges to be elected, the manner in which the salary and expenses of the judge or judges and any court reporters will be divided by the various counties, and the manner in which services will be provided to the various counties. Any such agreement must be entered into at least one hundred twenty days prior to the primary election in any year in which a general election is to be held, except a county in which no candidate is elected and qualified or in which a vacancy occurs may enter into an agreement with another county for the services of a judge at any time. Any agreement must remain effective for the duration of the term to which the county judge is to be elected, or, in the event of a vacancy which occurs after the agreement is entered into, until the vacancy is filled by election and the person elected takes office or the counties enter into an agreement for the provision of judicial services pursuant to subsection 4 of section 27-07.1-03. The candidates nominated or candidates elected as county judge shall be

determined in both the primary and general elections by using the total combined votes in those counties which have entered into a multicounty agreement for judicial services. The candidate elected as judge of the county court in those counties which have agreed to share the services of a county judge is exempt from the requirement of section 11-10-04, but must be a resident of this state at the time of nomination. Any agreement or change to any agreement made under this section is subject to the prior approval of the supreme court.

SECTION 90. AMENDMENT. Section 27-07.1-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-07.1-03. Vacancies. ~~Any~~

1. Except as provided in subsection 2, any vacancy in the office of county judge shall be filled by the board of county commissioners pursuant to chapter 27-26, unless the board, by resolution, determines to fill the vacancy in accordance with section 44-02-04.
2. When a vacancy occurs in the office of county court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the board of county commissioners, whether or not that office is necessary for effective judicial administration. The supreme court's determination must be made in consultation with the board of county commissioners, judges, and attorneys of each affected county. The supreme court may, consistent with its determination, order that:
  - a. The vacancy be filled, at the discretion of the county, in either the manner provided pursuant to chapter 27-26 or through an agreement described in subdivision a or b of subsection 4; or
  - b. The vacant office be abolished and that county court services be provided pursuant to subsection 4.
3. The supreme court shall notify the board of county commissioners of each affected county of its determination made pursuant to subsection 2.
4. If the supreme court orders that a vacant office be abolished pursuant to subsection 2, the board of county commissioners of each affected county shall:
  - a. Enter into an agreement with the supreme court for the provision of judicial services by the state judicial system until such time as the county courts are abolished and additional district court judgeships are established pursuant to section 1 of this Act; or
  - b. Enter into an agreement with a county that has an office of county court judge for the provision of county court services, notwithstanding the limitations imposed by section 27-07.1-02. Any county entering into such an agreement shall have a county court which must be located in the county seat and each action must be venued in the county in which venue is proper under other provisions of law or rule of the supreme court. The agreement must set forth the manner in which the salary and expenses of the judges and any court reporters will be divided by the counties, and the manner in which services will be provided to each county. The agreement may remain effective until such time as the county courts are

abolished and additional district court judgeships are established pursuant to section 1 of this Act."

Page 52, after line 27, insert:

"SECTION 100. AMENDMENT. Section 27-23-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-23-02. Creation and composition of commission, terms of office, appointment, and powers. The commission on judicial conduct is hereby created to consist of ~~one judge~~ two judges of the district court, ~~one judge of the county court~~; one lawyer who is licensed to practice law in this state, and four citizens who are not judges, retired judges, or lawyers. Members representing the ~~district and county courts~~ court shall be appointed by their ~~respective state associations~~ association and the lawyer member shall be appointed by the executive committee of the state bar association of North Dakota. The citizen members shall be appointed by the governor. The term of each member shall be three years. Initially, two members shall serve for three years, two members shall serve for two years, and three members shall serve for one year; as determined by lot. No member shall serve more than two full three-year terms. Membership terminates if a member ceases to hold the position that qualified him for appointment. A vacancy shall be filled by the appointing power for the remainder of the term. Any appointment to fill a vacancy not made within forty-five days after the vacancy occurs or the term of office ends shall be made by the supreme court. The commission shall select one of its members as chairman.

The commission has the power to investigate complaints against any judge in the state and to conduct hearings concerning the discipline, removal, or retirement of any judge."

Page 57, after line 2, insert:

"SECTION 110. AMENDMENT. Section 29-07-01.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

29-07-01.1. Payment of expenses for defense of indigents. Lawyers appointed to represent needy persons shall be compensated at a reasonable rate to be determined by the court. Expenses necessary for the adequate defense of a needy person, when approved by the judge, shall be paid by the ~~county wherein the alleged offense took place if the action is prosecuted in county court~~; by the state if the action is prosecuted in district court; and by the city wherein the alleged offense took place if the action is prosecuted in municipal court. ~~The state shall also pay the defense expenses in any felony action prosecuted in county court pursuant to subsection 9 of section 27-07-17.~~ The city shall also pay the expenses in any appeal taken to district court ~~or county court~~ from a judgment of conviction in municipal court pursuant to section 40-18-19. A defendant with appointed counsel shall reimburse the ~~county~~, state, or city such sums as the ~~county~~, state, or city expends on the defendant's behalf, unless otherwise ordered by the court. The state's attorney of the county or prosecuting attorney of the city wherein the alleged offense took place shall seek civil recovery of any such sums any time the state's attorney or city attorney determines the person for whom counsel was appointed may have funds to repay the ~~county~~, state, or city within six years of the date such amount was paid on that person's behalf. The state's attorney may contract with a private sector collection agency for assistance in seeking recovery of such funds."

Page 58, after line 27, insert:

"SECTION 114. AMENDMENT. Section 29-22-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

29-22-02. Custody of jurors. The jurors shall retire in charge of one or more officers who must be sworn to keep them together in some private and convenient place until they have rendered their verdict. Such officer or officers shall furnish food and other necessities to the jurors, ~~at the expense of the county for county court and at the expense of the state for district court~~, as directed by the court, and shall not speak to nor communicate with such jurors or any of them nor permit any other person so to do except by order of the court. Men and women jurors may retire, when rest or sleep or propriety requires it, to separate rooms."

Page 59, after line 6, insert:

"SECTION 116. AMENDMENT. Section 30.1-02-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

30.1-02-02. (1-302) Subject matter jurisdiction.

- †- The ~~county district court~~ has jurisdiction over all subject matter relating to guardianship, probate, and testamentary matters, including:
  - a- 1. Estates of decedents, including construction of wills and determination of heirs and successors of decedents.
  - b- 2. Estates of protected persons.
  - c- 3. Protection of minors and incapacitated persons.
  - d- 4. Trusts; ~~to the extent necessary for the exercise of the court's jurisdiction over probate and testamentary matters.~~
- 2- ~~The district and county courts have concurrent subject matter jurisdiction over trusts; except as provided in subdivision d of subsection †. The district court has jurisdiction of all causes at law and equity not inconsistent with the exclusive original jurisdiction over probate and testamentary matters vested by subsection † in the county court."~~

Page 81, after line 6, insert:

"SECTION 156. AMENDMENT. Section 40-18-06.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-18-06.2. Transfer of municipal ordinance cases to county court - Abolition of office of municipal judge. With the agreement of the governing body of the county, or the counties of the multicounty agreement area pursuant to section 27-07.1-02, the governing body of a city may, by ordinance, transfer some or all of the cases of the municipal court to the county court of the county in which the city is located. These cases are deemed county court cases for purposes of appeal. The governing body of a city with a population of less than five thousand, upon transferring all municipal court cases to the county, may abolish, by resolution, the office of municipal judge. The term of office of the municipal judge elected to serve that city terminates upon the date the governing body of the city abolishes the office of municipal judge.

SECTION 157. AMENDMENT. Section 40-18-06.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-18-06.2. Transfer of municipal ordinance cases to county district court - Abolition of office of municipal judge. With the agreement of the governing body of the county, ~~or the counties of the~~

multicounty agreement area pursuant to section 27-07.1-02 the presiding judge of the judicial district in which the city is located, and the state court administrator, the governing body of a city may, by ordinance, transfer some or all of the cases of the municipal court to the county district court of serving the county in which the city is located. These cases are deemed county district court cases for purposes of appeal. The governing body of a city with a population of less than five thousand, upon transferring all municipal court cases to the district court, may abolish, by resolution, the office of municipal judge. The term of office of the municipal judge elected to serve that city terminates upon the date the governing body of the city abolishes the office of municipal judge."

Page 81, after line 17, insert:

"SECTION 159. AMENDMENT. Section 40-18-15.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-18-15.1. Transfer to county district court if jury trial not waived - Expenses of prosecution - Division of funds between city and county, and state. If within twenty-eight days after arraignment a defendant has not waived in writing the defendant's right to a jury trial in a case where it otherwise exists, the matter must be transferred to the county district court for trial. The city shall provide a prosecuting attorney and, in the case of any indigent defendant, a defense attorney. The city may contract with the county, state, or any individual or entity for prosecution or defense services. In the contract, the city and the county, and state may agree by resolutions of the respective governing bodies, to a division of all fees, fines, costs, forfeitures, and any other monetary consideration collected from cases transferred under this section. ~~The share of fees, fines, costs, forfeitures, and any other monetary consideration due to the city, which must be paid to the city and county treasury at least once each quarter, while the share due to the county must be paid to the county general fund at least once each quarter.~~ At the time of payment, the county district court shall account under oath to the city auditor and county for all money collected.

SECTION 160. AMENDMENT. Section 40-18-19 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-18-19. Appeals from determinations of municipal judge. An appeal may be taken to the county district court from a judgment of conviction or order deferring imposition of sentence in a municipal court in accordance with the North Dakota Rules of Criminal Procedure. An appeal is perfected by notice of appeal. A perfected appeal to the county district court transfers the action to such county district court for trial anew. On all appeals from a determination in a municipal court, the appellate district court shall take judicial notice of all of the ordinances of the city. No filing fee may be required in county district court for the filing of an appeal from a judgment of conviction for the violation of a municipal ordinance. Expenses necessary for the adequate defense of a needy person in an appeal to district or county court from a judgment of conviction for the violation of a municipal ordinance, as approved by the presiding district or county judge, must be paid by the city wherein the alleged offense took place."

Page 93, after line 16, insert:

"SECTION 185. AMENDMENT. Section 58-02-23 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

58-02-23. Division of assets and liabilities of the original township. Within thirty days after the first election is held in a civil township established upon a petition described in section

58-02-21, the board of county commissioners, the county auditor, and the county a district judge designated by the presiding judge of the judicial district in which the new township is located shall meet as a board of arbitrators and shall determine a just and fair distribution of the property and apportionment of the debts of the original township between it and the township separated therefrom and established as a civil township. The new township shall succeed to a proportional share of the moneys and other property of the original township and shall assume a proportional share of the debts and liabilities thereof existing at the time of the division, such proportion to be determined by the relative valuation of the property of the respective parts as shown by the last preceding assessment. The board of arbitrators, upon subpoena issued by the clerk of the district court on the request of such board, may bring before it all necessary witnesses, books, and papers. The determination of the board of arbitrators may be reviewed by the district court on appeal in accordance with the procedure provided in section 28-34-01, and shall be enforced by the courts."

Page 99, after line 29, insert:

"SECTION 203. REPEAL. Sections 11-09-22, 11-09-23, 11-11-12, and 11-15-10 of the North Dakota Century Code, and sections 24-07-25, 27-01-04, 27-01-05, chapters 27-07.1 and 27-08.2, sections 27-09.1-21 and 27-20-04, chapter 27-26, and section 31-09-07 of the 1989 Supplement to the North Dakota Century Code are repealed."

Page 100, line 1, replace "This" with "Sections 2 through 82, 84, 85, 87, 88, 91 through 155, and 157 through 203 of this" and replace "becomes" with "become"

Page 100, after line 2, insert:

"SECTION 205. EXPIRATION DATE. Section 156 of this Act is effective through January 1, 1995, and after that date is ineffective.

SECTION 206. LEGISLATIVE INTENT. The legislative assembly recognizes that this Act to implement article VI, section 1, of the Constitution of North Dakota, while it makes no present statutory change in the current distribution of court revenue, will result in the transfer of responsibility for certain court expenditures beginning January 2, 1995, from the counties to the state, including judicial compensation expenditures associated with the transition from county court judgeships to district court judgeships. The counties will remain responsible for all county court services until January 1, 1995, and thereafter will remain responsible for all other substantial court expenditures, including costs associated with the provision of courthouse facilities and the office and staff of clerk of district court in each county.

The legislative assembly also recognizes that the present allocation of court revenue will change substantially, without the need for statutory revision, due to anticipated changes in judicial practices associated with the imposition of fines and the assessment of court costs, thereby subjecting counties to diminished court revenues and the state to increased fine revenues to the common schools trust fund. Although it is difficult to assess the precise fiscal impact of the transition from county court judgeships to district court judgeships, the legislative assembly recognizes that the required reduction in the present number of judges under this Act will result in a substantial cost savings to all taxpayers of North Dakota through the judicial reductions that will occur, regardless of whether the court expenditures are borne by the counties or the state.

Therefore, it is the intent of the legislative assembly that the interim legislative council committee assigned to review and monitor the implementation of this Act pursuant to Senate Concurrent Resolution No. 4043, as approved by the fifty-second legislative assembly, in

conjunction with the office of the state court administrator, perform a detailed analysis of the fiscal implications of this Act prior to the convening of the fifty-third legislative assembly and the fifty-fourth legislative assembly. It is the intent of the legislative assembly that the transition to a single trial court of general jurisdiction include revision of the distribution of court revenues and legislative appropriations from the state general fund to provide a fair and equitable allocation of expenditures between the counties and the state."

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Reengrossed HB 1517 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1517: A BILL for an Act to establish a single trial court of general jurisdiction through the abolition of county courts and the provision for additional district court judgeships; to create and enact two new sections to chapter 27-05 of the North Dakota Century Code, relating to vacancies in the office of district court judge and the appointment of magistrates; to amend and reenact section 4-33-06, subsection 5 of section 6-05.1-05, sections 11-03-08, 11-05-16, subsection 2 of section 11-07-04, sections 11-08-06, 11-08-07, 11-09-29, subsection 3 of section 11-09.1-05, sections 11-10-02, 11-10-06, subsections 1 and 4 of section 11-10-10, sections 11-10-11, 11-10-20, 11-11-10, 11-12-05, 11-15-24, 11-17-04, subsections 1 and 2 of section 11-17-08, sections 11-19-08, 11-19-13, 11-19-14, 11-19-15, 11-19-25, 11-20-01, 11-20-03, 11-21-01, subsections 2, 4, and 5 of section 11-21-02, sections 11-21-03, 11-21-04, 11-21-12, 11-21-13, 11-21-14, 11-30-16, 12-45-01, 12-46-13, 12-51-07, subsection 2 of section 12-60-16.1, section 12-62-01.1, subsection 5 of section 12.1-01-04, sections 12.1-20-16, 14-03-09, 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21, 14-03-22, 14-03-24, subsection 1 of section 14-07.1-02, sections 16.1-12-03, 16.1-15-08, 16.1-15-09, 16.1-15-11, 16.1-15-13, 16.1-16-07, 23-05-06, 23-07.1-08, 23-07.1-09, 23-07.1-10, subsection 4 of section 23-07.4-01, sections 23-07.4-02, 23-07.6-05, 23-07.6-12, 24-06-05, 24-07-22, 24-07-24, 24-07-28, subsections 2 and 7 of section 25-03.1-02, section 25-03.1-03, subsection 2 of section 25-03.1-21, sections 25-03.1-38, 25-03.1-46, subsection 3 of section 25-04-05.1, subsections 2 and 3 of section 25-04-15, sections 25-11-05, 27-01-01, 27-01-01.1, 27-01-09, subsections 1 and 3 of section 27-01-10, sections 27-05-01, 27-05-06, subsection 1 of section 27-05-08, sections 27-06-01, 27-07.1-02, 27-07.1-03, subsection 1 of section 27-08.1-01, sections 27-08.1-06, 27-08.1-08, 27-09.1-14, subsection 1 of section 27-15-01, sections 27-15-02, 27-19-08, subsection 2 of section 27-20-47, subsection 2 of section 27-23-01, sections 27-23-02, 27-24-04, 28-20-22, 28-26-19, 28-29-04, subsection 3 of section 29-01-01, subsection 4 of section 29-01-09, subsection 3 of section 29-01-14, sections 29-01-15, 29-02-13, 29-07-01.1, 29-07-06, 29-10.1-38, subsection 1 of section 29-15-21, section 29-22-02, subsection 6 of section 30.1-01-06, sections 30.1-02-02, 30.1-02-07, subdivision c of subsection 2 of section 30.1-10-01, sections 30.1-32-01, 30.1-32-03, 30.1-32-04, 30.1-33-01, 30.1-33-03, 30.1-33-04, 30.1-33-05, 30.1-33-06, subsection 1 of section 30.1-34-03, sections 30.1-34-04, 30.1-34-05, 31-01-16, 31-01-18, 32-19-23, 32-19-24, 32-19-30, 32-22-18, 32-24-01, 33-06-01, 33-06-03, 33-06-04, 36-01-18, 36-11-10, 36-11-11, 37-15-18, 37-16-04, subsection 1 of section 38-10-01, sections 38-10-03, 38-10-05, 38-10-06, 38-10-08, 39-06-16, subdivision a of subsection 5 and subsection 7 of section 39-06.1-03, sections 40-02-16, 40-09-16, 40-11-13, subsections 1 and 3 of section 40-18-01, sections 40-18-06.2, 40-18-15, 40-18-15.1, 40-18-19, 40-18-20, subsection 3 of section 42-01-07, subsection 2 of section 43-23-07, sections 44-02-04, 44-02-05, 44-03-02, subsection 2 of section 44-05-01, sections 44-08-09, 44-09-01, 44-11-12, 46-04-05, 47-03-06, 47-18-22, subsection 9 of section 47-19-02, section 47-19-06,

subsection 5 of section 47-24.1-01, subsection 2 of section 50-01.1-04, sections 50-06.3-07, 50-06.3-09, 50-24.1-07, 54-12-01.3, 57-26-02, 57-37.1-06, 57-37.1-12, 58-02-23, subsection 3 of section 59-01-11, section 59-02-12, subsection 6 of section 59-02-20, sections 59-04-02, 59-04-03, subsection 12 of section 59-04-04, sections 59-04-08, 59-04-10, 59-04-15, 59-04-24, 59-04-25, 59-04-26, 59-04-27, 59-04-29, 59-04-31, 59-05-28, and 59-05-55, relating to references to county courts and county judges, judicial districts, the election, term of office, and chambers of district judges, multicounty agreements to share county judge services, vacancies in the office of county court judge, and abolition of the office of municipal judge if municipal cases are transferred to county or district court; to repeal sections 11-09-22, 11-09-23, 11-11-12, 11-15-10, 24-07-25, 27-01-04, 27-01-05, chapters 27-07.1, 27-08.2, sections 27-09.1-21, 27-20-04, chapter 27-26, and section 31-09-07 of the North Dakota Century Code, relating to references to county courts and county court judges; to provide an effective date; to provide an expiration date; and to provide a statement of legislative intent.

ROLL CALL

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

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

NAYS: Hanson, O.; Solberg

ABSENT AND NOT VOTING: Meyer; Naaden; Peterson; Tomac

HB 1517 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that the vote by which HB 1018 and HB 1517 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1018 and HB 1517 and subsequently passed the same.

MOTION

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

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

REPORT OF CONFERENCE COMMITTEE

HB 1597: Your conference committee (Sens. Maxson, Graba, Nalewaja (refused to sign) and Reps. Kretschmar, DeWitz, Skjerven) recommends that the SENATE RECEDE from the Senate amendments on SJ page 1152, amend as follows, and then place on the Seventh order:

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

Page 1, line 1, after "reenact" insert "subsection 4 of section 53-06.1-03," replace the second "and" with a comma, and after "53-06.1-03.3" insert ", and 53-06.1-06"

Page 1, line 2, after "to" insert "the number of sites at which gaming may be conducted by certain organizations,"

Page 1, line 3, after "sites" insert ", and conduct of pull tabs by employees of certain alcoholic beverage establishments"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 4 of section 53-06.1-03 of the North Dakota Century Code is amended and reenacted as follows:

4. Games of chance may be operated or conducted only on premises or sites set forth in the application as follows:

~~a. Class A license applicants are limited to one location. A special permit for an alternate location may be granted by the attorney general for a single specific occasion per licensing year upon written request.~~

~~b.~~ License applicants shall first secure approval of the proposed site or sites on which it intends to conduct games of chance under this chapter from the governing body of the city, if within city limits, or the county, if outside city limits, where the site or sites are located. This approval or permit, which may be granted at the discretion of the governing body, must accompany the license application to the attorney general. The governing body may charge a one hundred dollar fee for this permit.

~~c.~~ b. Rented premises are subject to rules adopted by the attorney general.

~~d.~~ c. Only one eligible organization at a time may be authorized to conduct games of chance at a specific location, except that a raffle drawing may be conducted for special occasions when one of the following conditions are met:

(1) When the area for the raffle drawing is physically separated from the area where gaming is conducted by the regular licensee.

(2) Upon request of the licensee, the license is suspended for that specific day by the attorney general.

~~e.~~ d. Licenses, rules of play, and state identification devices must be displayed on forms and in the manner specified in rules adopted by the attorney general."

Page 1, line 11, overstrike "fifty"

Page 1, line 20, replace "two" with "one" and after "hundred" insert "twenty-five"

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

Page 2, line 2, after "~~fifty~~" insert "twenty-five"

Page 2, after line 2, insert:

"SECTION 4. AMENDMENT. Section 53-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-06. Persons permitted to conduct games of chance - Premises - Equipment - Compensation.

1. No person, except a member or employee of an eligible organization or a member of an organization auxiliary to an eligible organization, may assist in the holding, operating, or conducting of any game of chance under this chapter. In the conduct of pull tabs, the attorney general may allow employees of licensed alcoholic beverage establishments to provide limited assistance to an authorized class B license holding eligible organization the adjusted gross proceeds of which do not exceed sixty thousand dollars per quarterly reporting period of operation or to any class A license holding eligible organization.
2. Except when authorized by the attorney general, no games of chance may be conducted with any gaming equipment other than gaming equipment owned by an eligible organization or rented at a reasonable rate by an eligible organization from a licensed distributor.
3. The governing board of an eligible organization is primarily responsible for the proper determination and distribution of the entire net proceeds of any game of chance held in accordance with this chapter.
4. The premises where any game of chance is being held, operated, or conducted, or where it is intended that such game will be held, must be open to inspection by the licensing authority, its agents and employees, by representatives of the governing body authorizing games of chance, and by peace officers of any political subdivision of this state.
5. When any merchandise prize is awarded in a game of chance, its value is its current retail price.
6. Equipment, prizes, and supplies for games of chance may not be purchased or sold at prices in excess of the usual price thereof.
7. The entire net proceeds derived from the holding of games of chance must be devoted within three months from the date such proceeds were earned to the uses permitted by this chapter. Any organization desiring to hold the net proceeds of games of chance for a period longer than three months from the date such proceeds were earned must apply to the licensing authority or governing body, as the case may be, for special permission, and upon good cause shown, the licensing authority or governing body may grant the request.
8. ~~Except at the temporary alternate site provided by subdivision a of subsection 3 of section 53-06.1-03, only the members of an organization licensed as a class A licensee by the attorney general under this chapter and their spouses and bona fide guests may participate in playing games of chance conducted by such licensed organization.~~
- 9- No person convicted of a felony within the last two years, or determined by the attorney general to have participated in organized crime or unlawful gambling, may be permitted to sell or distribute equipment, or conduct or assist in games of chance under this chapter.

- ~~to~~ 9. Any person involved with the conduct of games of chance must be:
  - a. A person of good character, honesty, and integrity.
  - b. A person whose prior activities, criminal record, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming.
- ~~to~~ 10. The attorney general may prohibit a person from playing games of chance if the person violates any provision of this chapter or any rule adopted under this chapter."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on Reengrossed HB 1597 be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1597: A BILL for an Act to amend and reenact subsection 4 of section 53-06.1-03, sections 53-06.1-03.2, 53-06.1-03.3, and 53-06.1-06 of the North Dakota Century Code, relating to the number of sites at which gaming may be conducted by certain organizations, rent limits for twenty-one and charitable gaming ticket sites, and conduct of pull tabs by employees of certain alcoholic beverage establishments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Dotzenrod; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Keller; Keish; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Marks; Maxson; Meyer; O'Connell; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: DeKrey; Evanson; Freborg; Goetz; Holmberg; Ingstad; Jerome; Kelly; Lindaas; Mathern; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Peterson; Redlin; Solberg; Stenehjerm; Streibel; Tennefos

ABSENT AND NOT VOTING: Naaden

HB 1597 passed and the title was agreed to.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1603 and subsequently passed the same.

REPORT OF CONFERENCE COMMITTEE

HB 1021, as engrossed: Your conference committee (Sens. Yockim, Redlin, Lips and Reps. Dalrymple, Rydell, Wilkie) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 1334-1336, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1559-1561 of the House Journal and pages 1334-1336 of the Senate Journal, and that Engrossed House Bill No. 1021 be amended as follows:

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

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

Page 2, line 17, replace "1,903,828" with "1,803,828"

Page 2, line 18, replace "4,866,546" with "4,966,546"

Page 2, remove lines 25 and 26

Page 2, line 27, replace "546,096" with "2,441,096"

Page 2, line 28, replace "16,563,133" with "18,283,133"

Page 3, line 1, replace "13,993,473" with "15,713,473"

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

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

Page 3, line 23, replace "24,624,889" with "26,444,889"

Page 3, line 24, replace "12,189,533" with "13,889,533"

Page 3, line 25, replace "36,814,422" with "40,334,422"

Page 4, line 2, after "corrections" insert "and rehabilitation"

Page 4, after line 3, insert:

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

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

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 533 - STATE INDUSTRIAL SCHOOL

Estimated income is reduced by \$100,000 and the general fund is correspondingly increased by \$100,000 to replace vocational education funds that will no longer be available to the school. The Senate had reduced estimated income by \$139,326 and increased the general fund by \$139,326.

DEPARTMENT 524 - STATE PENITENTIARY

The capital improvements line item is increased by \$1,895,000 from the general fund for the following projects at the State Penitentiary and State Farm:

Domestic hot water	\$ 60,000
Electrical outlets in cell houses	85,000
New facilities at State Farm	<u>1,750,000</u>
Total	<u>\$1,895,000</u>

The House had deleted the funding for these projects from the Governor's budget. The \$1,750,000 provides funding for a dorm and delays funding for a gymnasium. The Senate provided \$2,150,000 for the facilities.

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

The Senate reduced estimated income by \$37,846 and increased the general fund correspondingly by \$37,846 to replace unavailable vocational education funds. The conference committee amendments do not provide the funding from the general fund but keep the appropriation authority in the bill.

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

#### DEPARTMENT 535 - ROUGH RIDER INDUSTRIES

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

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

#### DEPARTMENT 536 - PAROLE AND PROBATION

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

In total, the amendments increase the general fund appropriation from the House version by \$1,820,000, decrease the general fund by \$477,172 from the Senate version, and decrease the general fund appropriation by \$574,900 from the Governor's budget.

#### REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on Engrossed HB 1021 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act making an appropriation for defraying the expenses of the department of corrections and rehabilitation; providing for an appropriation from the North Dakota state penitentiary land fund; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennesfos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

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

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REPORT OF CONFERENCE COMMITTEE

SB 2515, as reengrossed: Your conference committee (Sens. Keller, Krauter, Streibel and Reps. Rydell, Tollefson, Wilkie) recommends that the SENATE ACCEDE to the House amendments on SJ pages 1317-1318, further amend as follows, and then place on the Seventh order:

That the Senate accede to the amendments as printed on pages 1317 and 1318 of the Senate Journal and page 1438 of the House Journal, and that Reengrossed Senate Bill No. 2515 be further amended as follows:

Page 1, line 1, after "programs" insert "; to provide a statement of legislative intent"

Page 4, after line 29, insert:

"SECTION 7. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the North Dakota work force 2000 program receive priority consideration in grant allocation under the grant line item for the department of economic development and finance as provided in Senate Bill No. 2058 for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the conference committee report on Reengrossed SB 2515 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2515: A BILL for an Act to provide for work force development programs; to provide a statement of legislative intent; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Hanson, O.; Moore; Mutch; Solberg; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Naaden

SB 2515 passed and the title was agreed to.

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MOTION

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

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
 MR. PRESIDENT: The House has adopted the conference committee report on SB 2234 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
 MR. PRESIDENT: The House has not adopted the conference committee report on SB 2324. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2324: Reprs. Clayburgh; Svedjan; Gabrielson

#### SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills: SB 2006, SB 2009, SB 2015, SB 2025, SB 2039, SB 2070, SB 2258, SB 2451, SB 2507, SB 2541, SB 2595.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
 MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2006, SB 2009, SB 2015, SB 2025, SB 2039, SB 2070, SB 2258, SB 2451, SB 2507, SB 2541, SB 2595.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2324 as printed on SJ page 1186 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 new Conference Committee on SB 2324: Sens. Heinrich, Jerome, Stenehjem.

#### RECONSIDERATION OF A VETOED MESSAGE

HB 1276: A BILL for an Act to amend and reenact sections 50-24.4-01 and 50-24.4-10 of the North Dakota Century Code, relating to definition of terms and reimbursement for nursing home operating costs after January 1, 1990; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 27 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

The Senate sustained the Governor's veto on Engrossed HB 1276.

#### RECONSIDERATION OF A VETOED MESSAGE

HB 1462: A BILL for an Act to amend and reenact section 50-24.1-02.2 of the North Dakota Century Code, relating to community spouse resource allowance.

#### ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 28 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Jerome; Krebsbach; Lindgren; Lips; Maxson; Moore; Mutch;

Naaden; Malewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper

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

The Senate sustained the Governor's veto on Engrossed HB 1462.

#### MOTION

**SEN. WOGSLAND MOVED** that the vote by which HB 1597, HB 1021, and SB 2515 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

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

**SB 2324:** Sens. Heinrich; Jerome; Stenehjem

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1597 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 2515 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 HB 1021, subsequently passed, and the emergency clause carried.

#### MOTION

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

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

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

**MR. SPEAKER:** The Senate has sustained the Governor's veto on HB 1276 and HB 1462. The vote on HB 1276 is: ayes, 27; nays, 26; absent and not voting, 0. The vote on HB 1462 is: ayes, 28; nays, 25; absent and not voting, 0.

**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 1127, HB 1157, HB 1165, HB 1384, HB 1433.

**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 1002, HB 1014, HB 1020, HB 1079, HB 1378, HB 1603.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HCR 3072.

#### REPORT OF CONFERENCE COMMITTEE

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

#### REPORT OF CONFERENCE COMMITTEE

**SEN. HEINRICH MOVED** that the conference committee report on Engrossed SB 2324 be adopted, which motion prevailed.

## MOTIONS

SEN. WOGSLAND MOVED that the Senate request the House to return HB 1614, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate respectfully requests the return of: HB 1614.

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

MR. PRESIDENT: The Speaker has signed: SB 2003, SB 2006, SB 2009, SB 2010, SB 2015, SB 2025, SB 2034, SB 2036, SB 2039, SB 2070, SB 2090, SB 2113, SB 2115, SB 2149, SB 2151, SB 2205, SB 2206, SB 2231, SB 2258, SB 2335, SB 2385, SB 2451, SB 2507, SB 2541, SB 2542, SB 2572, SB 2591, SB 2595, SCR 4058.

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

MR. PRESIDENT: The House has adopted the conference committee report on SCR 4073 and subsequently passed the same.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1016 and HB 1439 and subsequently passed the same.

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

MR. PRESIDENT: The House has not adopted the conference committee report on SB 2282. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2282: Reps. Hausauer; Jensen; Nowatzki

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:39 p.m., April 10, 1991: SB 2003, SB 2006, SB 2009, SB 2010, SB 2015, SB 2025, SB 2034, SB 2036, SB 2039, SB 2070, SB 2090, SB 2113, SB 2115, SB 2149, SB 2151, SB 2205, SB 2206, SB 2231, SB 2258, SB 2335, SB 2385, SB 2451, SB 2507, SB 2541, SB 2542, SB 2572, SB 2591, SB 2595.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 3:44 p.m., April 10, 1991: SCR 4058.

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

MR. SPEAKER: The President has signed: HB 1002, HB 1014, HB 1020, HB 1079, HB 1378, HB 1603, HCR 3072.

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

MR. SPEAKER: The President has signed: HB 1127, HB 1157, HB 1165, HB 1384, HB 1433.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1575, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1575: Sens. Dotzenrod, Tallackson, Vosper.

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 1575: Sens. Dotzenrod; Tallackson; Vosper

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2282 as printed on SJ page 1476 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 new Conference Committee on SB 2282: Sens. Kelsh, Lindaas, Vosper.

## MESSAGE TO THE HOUSE from the SENATE (Marion Houn, Secretary)

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

SB 2282: Sens. Kelsh; Lindaas; Vosper

## REPORT OF CONFERENCE COMMITTEE

HB 1016, as engrossed: Your conference committee (Sens. Satrom, Robinson, Ingstad and Reprs. Schmidt, Gerntholz, Meyer) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 1329-1333 and 1360, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1329-1333 and page 1360 of the Senate Journal and pages 1556-1559 of the House Journal, and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 3, after the semicolon insert "to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to the assignment of motor vehicle number plates; to provide for a contingent temporary transfer from the petroleum tank release compensation fund;"

Page 1, line 14, replace "67,228,301" with "69,435,365"

Page 1, line 16, replace "47,317,225" with "49,474,121"

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

Page 1, line 18, replace "277,243,000" with "331,785,000"

Page 1, line 21, replace "409,867,849" with "469,088,809"

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

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

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

Page 2, line 16, replace "432,974,931" with "499,689,851"

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

Page 2, line 25, after the period insert "Income in excess of the amounts appropriated for operating expenses and equipment in subdivision 3 of section 1 of this Act may be spent within the provisions of Senate Bill No. 2168 for purposes of those items. The director of the department of transportation may transfer \$2,500,000, or so much thereof as may be necessary, from the operating fund to the highway fund and may transfer appropriation authority of \$2,500,000 from the equipment line item in subdivision 3 of section 1 of this Act to the capital improvements line item in subdivision 1 of section 1 of this Act for the purpose of matching federal funds for highway construction."

Page 2, replace lines 26 through 29 with:

"SECTION 4. LEGISLATIVE INTENT - REVIEW OF FEDERAL MATCHING NEEDS. It is the intent of the legislative assembly that the

reconvened fifty-second legislative assembly address the need for providing additional state funding via the motor vehicle fuel tax to the department of transportation for the purpose of matching federal funds for highway maintenance, construction, and reconstruction for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 3, remove lines 1 and 2

Page 3, replace lines 10 through 17 with:

"SECTION 6. CONTINGENT APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated, subject to approval of the budget section of the legislative council, out of any moneys in the state treasury, not otherwise appropriated, from special funds derived from federal funds and other income, to the various divisions under the supervision of the director of the department of transportation for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.

TRANSPORTATION OPERATIONS

Salaries and wages	\$1,580,863
Operating expenses	<u>4,294,649</u>
Total special funds appropriation	\$5,875,512

Subdivision 2.

FLEET SERVICES

Operating expenses	\$201,000
Total special funds appropriation	\$201,000

SECTION 7. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Assignment of motor vehicle number plates. Motor vehicle number plates may not be assigned as a reward for any political activity, in recognition of any political affiliation or membership in any political party, or on the basis of political favoritism. However, an elected state office may be assigned a single or double digit number on a number plate as requested by that official. The department of transportation shall adopt rules governing the assignment of numbers on motor vehicle number plates in accordance with this section.

SECTION 8. SPECIAL ROAD FUND. Notwithstanding section 24-02-37, the director of the department of transportation may use the moneys in the special road fund for the purpose of matching federal funds for highway maintenance, construction, and reconstruction for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 9. PETROLEUM TANK RELEASE COMPENSATION FUND. If House Bill No. 1439 of the fifty-second legislative assembly does not become effective, the state treasurer, at the request of the director of the department of transportation, shall transfer \$1,000,000, or so much thereof as may be necessary, from the petroleum tank release compensation fund to the highway fund for the purpose of matching federal funds for highway maintenance, construction, and reconstruction for the biennium beginning July 1, 1991, and ending June 30, 1993. An amount equal to all moneys transferred must be paid to the petroleum tank release compensation fund from the highway fund by December 31, 1992."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DOT - TRANSPORTATION OPERATIONS

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

Salaries and wages are increased by \$2,207,064, of which \$441,413 is from the highway fund and \$1,765,651 is from federal funds for an additional 28 FTE positions, from 991.6 FTE to 1,019.6 FTE, and temporary and overtime pay relating to highway maintenance, construction, and reconstruction.

In addition, a separate contingent appropriation section is added to the bill providing that upon Budget Section approval additional funds of \$1,580,863, of which \$316,172 is from the highway fund and \$1,264,691 of federal funds, may be spent by the department to hire up to 20 additional FTE positions, from 1,019.6 FTE to 1,039.6 FTE, and temporary and overtime pay relating to highway maintenance, construction, and reconstruction.

Operating expenses are increased by \$2,156,896, of which \$431,379 is from the highway fund and \$1,725,517 is from federal funds for consultant engineers (\$1,750,000) and for travel and other operating costs (\$406,896).

In addition, a separate contingent appropriation section is added to the bill providing that upon Budget Section approval additional funds of \$4,294,649, of which \$858,930 is from the highway fund and \$3,435,719 of federal funds, may be spent by the department for consultant engineers (\$4,000,000) and for travel and other operating costs (\$294,649).

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

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

Capital improvements are also decreased by \$1,800,000 from the highway fund relating to the elimination of funding for the construction of a new Fargo district headquarters. Highway fund revenues are reduced by \$2,500,000 as a result of the elimination of the sale of the present Fargo district headquarters.

A section of legislative intent is added providing that the reconvened 52nd Legislative Assembly address the need for additional state funding via the motor vehicle fuel tax to match federal funds for highway maintenance, construction, and reconstruction.

A section is added providing that the department may use moneys in the special road fund to match federal funds for highway maintenance, construction, and reconstruction rather than for recreational roads. The special road fund contains interest income collections on the highway fund balance beginning July 1, 1991.

A section is added providing that if House Bill No. 1439 does not become effective, the department may use up to \$1,000,000 from the petroleum tank release compensation fund to match federal funds for highway maintenance, construction, and reconstruction. All moneys transferred from the fund must be returned by the highway fund by December 31, 1992.

#### DEPARTMENT 802 - FLEET SERVICES

A section is added to the bill providing that upon Budget Section approval operating expenses are increased by \$201,000 from other funds for increased usage of motor pool vehicles by the Transportation Operations Division.

Section 3 of the bill is amended to allow Fleet Services to spend additional income for operating expenses and equipment upon Emergency Commission approval and to allow the director of the Department of Transportation to transfer up to \$2,500,000 from the Fleet Services operating fund to the highway fund to provide matching funds for federal highway construction funds.

## DEPARTMENT 803 - MOTOR VEHICLE

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

A section is added providing guidelines regarding the assignment of motor vehicle number plates.

## REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on Engrossed HB 1016 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1016: A Bill for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to the assignment of motor vehicle number plates; to provide for a contingent temporary transfer from the petroleum tank release compensation fund; and to provide a statement of legislative intent.

## ROLL CALL

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

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

ABSENT AND NOT VOTING: David; Krauter

HB 1016 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

HB 1439, as engrossed: Your conference committee (Sens. Schoenwald (refused to sign), Meyer, David and Reps. Whalen, Soukup, Skjerven) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 1078-1079, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1078 and 1079 of the Senate Journal and page 1267 of the House Journal, and that Engrossed House Bill No. 1439 be amended as follows:

Page 1, line 2, remove "to repeal sections 1"

Page 1, remove line 3

Page 1, line 4, remove "Dakota;"

Page 1, line 5, after the first semicolon insert "and" and remove "; and to declare an"

Page 1, line 6, remove "emergency"

Page 2, after line 13, insert:

"8. "Insurance premium" means an insurance premium payment assessed on all petroleum products subject to any taxes imposed under chapters 57-43.1 and 57-43.2, except liquefied petroleum."

Page 2, line 14, replace "8" with "9"

Page 2, line 16, replace "9" with "10"

Page 2, line 18, replace "10" with "11"

Page 2, line 23, replace "11" with "12"

Page 2, line 27, replace "12" with "13"

Page 3, line 4, replace "13" with "14"

Page 4, remove lines 4 through 6

Page 7, line 6, replace "tariffs" with "insurance premiums"

Page 7, line 14, replace "Tariff" with "Insurance premium"

Page 7, line 15, replace "tax" with "insurance" and replace "tariff" with "insurance premium"

Page 7, line 16, replace "tax" with "insurance" and replace "tariff" with "insurance premium"

Page 7, line 17, replace "tax" with "insurance"

Page 7, line 18, replace "tariff" with "insurance premium"

Page 7, line 19, replace "two" with "three"

Page 7, line 20, replace "tariff" with "insurance premium"

Page 7, line 21, replace "tariff" with "insurance premium"

Page 7, line 22, replace "tariff" with "insurance premium"

Page 7, line 24, replace "fund tariff" with "insurance premium"

Page 7, line 25, replace "Tariff" with "Insurance premium" and replace "tax" with "insurance"

Page 7, line 26, replace "a tariff" with "an insurance premium of nine-fortieths"

Page 7, line 27, remove "except liquefied petroleum"

Page 7, line 29, after "equipment" insert "and liquefied petroleum"

Page 8, line 1, replace "shall" with "may", replace "tariff" with "insurance premium", and replace "purchaser or user" with "owner or operator"

Page 8, line 2, replace "tariff" with "insurance premium"

Page 8, line 3, replace "tariff" with "insurance premium"

Page 8, line 4, replace "tax" with "insurance"

Page 8, line 7, remove "The provisions"

Page 8, remove lines 8 and 9

Page 8, line 10, remove "administration of the tariff levied by this section."

Page 8, line 11, replace "tariff" with "insurance premium" and replace "tax" with "insurance"

Page 8, line 12, after "dealer" insert "with the tax commissioner"

Page 8, line 14, replace "tax" with "insurance"

Page 8, line 15, after "correct" insert "copy of their"

Page 8, line 20, replace "tax" with "insurance"

Page 8, line 22, replace "tariffs" with "insurance premiums"

Page 8, line 25, replace "tariffs" with "insurance premiums"

Page 8, line 26, replace "tax" with "insurance"

Page 8, line 27, replace "tariffs" with "insurance premiums"

Page 8, line 28, replace "a tariff" with "insurance premiums"

Page 9, line 1, replace "a tariff is" with "insurance premiums are" and replace "it is" with "they are"

Page 9, line 2, replace "tariff" with "premium"

Page 13, remove lines 19 and 20

Page 13, line 29, after the period insert "When this Act becomes ineffective, or at any earlier time that the state health officer certifies to the state treasurer that federal law no longer requires the state to maintain a petroleum release compensation fund, the state treasurer shall transfer the entire balance of the petroleum release compensation fund to the highway fund."

Page 14, remove lines 1 and 2

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the conference committee report on Engrossed HB 1439 be adopted, which motion prevailed.

#### MOTION

SEN. HEIGAARD MOVED that the Senate reconsider its action whereby the conference committee report on HB 1439 passed.

#### REQUEST

SEN. WOGSLAND REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1439 passed, which request was granted.

#### ROLL CALL

The question being on the motion to reconsider the action whereby the conference committee report on HB 1439 passed, the roll was called and there were 3 YEAS, 50 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Solberg

NAYS: DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, D.; 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; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

So the motion to reconsider the conference committee report on HB 1439 failed to pass.

#### REPORT OF CONFERENCE COMMITTEE

SB 2017, as engrossed: Your conference committee (Sens. Redlin, Robinson, Goetz and Reps. Wald, Myrdal, G. Berg) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1313-1314, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1432 of the House Journal and pages 1313 and 1314 of the Senate Journal, and that Engrossed Senate Bill No. 2017 be amended as follows:

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

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

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

Page 1, line 19, replace "10,263,960" with "11,013,960"

Page 1, line 21, replace "53,548,619" with "54,688,619"

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

Page 2, line 1, replace "4,785,123" with "5,785,123"

Page 2, after line 19, insert:

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

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 770 - STATE WATER COMMISSION

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

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

This amendment increases the grants and general fund line items by \$750,000 to provide additional funds for water projects. The intent is that the additional general fund moneys be used for replacement of resources trust fund moneys included in the executive budget for administrative costs, thereby allowing \$750,000 of resources trust fund moneys to be used for water projects.

#### REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on Engrossed SB 2017 be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act making an appropriation for defraying the expenses of the various divisions of the state water commission; providing for an appropriation of funds from the resources trust fund; providing for an appropriation from the solid waste management fund; and to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to repayment of loan proceeds and reimbursement of federal funds.

## 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, 1 NAY, 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; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Marks

SB 2017 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SB 2019: Your conference committee (Sens. Satrom, Redlin, Lips and Reps. Thompson, Jensen, Brokaw) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1467-1470, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on pages 1541-1544 of the House Journal, and that Senate Bill No. 2019 be amended as follows:

Page 1, line 2, after "divisions" insert "; and to provide a contingent appropriation"

Page 1, line 15, replace "2,609,498" with "2,719,498"

Page 1, line 20, replace "11,373,713" with "11,483,713"

Page 1, line 21, replace "10,955,782" with "11,065,782"

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 and 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."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

Conference Committee - That the House recedes from its amendments and that Senate Bill No. 2019 be amended as follows:

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.

REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on Reengrossed SB 2019 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act making an appropriation for defraying the expenses of the workers compensation bureau and its divisions; and to provide a contingent appropriation.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; 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; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2019 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

SB 2596: Your conference committee (Sens. Mushik, Wogsland, Thane and Reps. Dalrymple, Gerntholz, Laughlin) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1453-1454, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1551 of the House Journal, and that Senate Bill No. 2596 be amended as follows:

Page 6, line 14, replace "\$1,000,000" with "\$600,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

This amendment reduces funding from the general fund for adjusted compensation for eligible veterans of Operation Desert Shield and Operation Desert Storm by \$400,000, from \$1,000,000 to \$600,000. It is the intent of the Legislative Assembly that if the amount appropriated is inadequate to make all payments, the Adjutant General request additional funds from the state contingency fund under the control of the Emergency Commission.

## REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on Reengrossed SB 2596 be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2596: A BILL for an Act to provide for adjusted compensation for eligible veterans of Operation Desert Shield and Operation Desert Storm and for the method of filing and payment of claims, duties of the adjutant general, and exemption from taxation and execution for such payments; to provide a penalty; to provide an appropriation; to provide a contingent payment to the department of health and consolidated laboratories; 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 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 2596 passed, the title was agreed to, and the emergency clause carried.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on HB 1439.

## MOTION

SEN. WOGSLAND MOVED that the vote by which HB 1016, SB 2017, SB 2019, and SB 2596 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1019 and HB 1558 and subsequently passed the same.

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

MR. PRESIDENT: The House has adopted the conference committee report on SB 2020, SB 2515, and SB 2594 and subsequently passed the same.

## MOTIONS

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

SEN. WOGSLAND MOVED that the Senate be on the Seventh order of business, and at the conclusion of the Seventh order, the Senate stand adjourned until 8:00 a.m., Thursday, April 11, 1991, which motion prevailed.

## REPORTS OF CONFERENCE COMMITTEES

HB 1019, as engrossed: Your conference committee (Sens. Robinson, Yockim, Lips and Reps. Wald, Payne, Brokaw) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 1398-1401, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1594-1597 of the House Journal and pages 1398-1401 of the Senate Journal, and that Engrossed House Bill No. 1019 be amended as follows:

Page 1, line 4, replace "and" with "to repeal section 7 of House Bill No. 1005, as approved by the fifty-second legislative assembly,

relating to the land reclamation research center; to provide for a bond issuance for a Bismarck state college parking lot;"

Page 1, line 5, after "fund" insert "; and to provide for a lease agreement for the board of higher education to acquire Hastings hall"

Page 1, line 16, replace "4,168,699" with "4,356,658"

Page 1, line 18, replace "1,500,644" with "1,535,897"

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

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

Page 2, remove line 2

Page 2, line 3, replace "special" with "all", remove "appropriation", and replace "24,935,824" with "25,523,843"

Page 2, after line 3, insert:

"Less estimated income	<u>25,144,036</u>
Total general fund appropriation	\$ 379,807"

Page 2, remove line 18

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

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

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

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

Page 2, after line 29, insert:

"Grand total general fund appropriation H.B. 1019	\$ 379,807"
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Page 3, line 1, replace "102,891,887" with "99,088,549"

Page 3, after line 1, insert:

"Grand total all funds appropriation H.B. 1019	\$99,468,356"
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Page 3, line 9, replace "\$5,517,775" with "\$5,532,775"

Page 4, remove lines 6 through 10

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

Page 7, line 4, remove "section"

Page 7, remove lines 5 through 20

Page 7, line 22, replace "5623,533" with "5379,807"

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

Page 7, line 24, remove "research"

Page 7, line 25, after "1993" insert ", and the amount of \$210,193 included in grants in subdivision 1 of section 1 of this Act must be made available from the lignite research fund for nonmatching grants to maintain the center's core staff for the second year of the 1991-93 biennium"

Page 7, after line 26, insert:

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

SECTION 14. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in section 1 of this Act includes \$140,000 which the geological survey may spend from the solid waste management fund for the biennium beginning July 1, 1991, and ending June 30, 1993.

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

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

SECTION 17. BOARD OF HIGHER EDUCATION - LEASE PURCHASE AGREEMENT. The board of higher education may enter into a lease purchase agreement subject to such limitations as may be required by law for the purpose of acquiring title to Hastings hall on the North Dakota state university campus from the North Dakota state seed department beginning July 1, 1992. Terms of the agreement must be approved by the budget section of the legislative council. Moneys to make lease payments must be made within the limits of appropriations made to North Dakota state university.

SECTION 18. REPEAL. Section 7 of House Bill No. 1005, as approved by the fifty-second legislative assembly, is repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION

Salaries and Wages

Salaries and wages are increased by \$187,959 from other funds for the following positions:

	OTHER FUNDS
1 FTE geologist II (Geological Survey) (added in executive budget and deleted in House)	\$ 68,212
Geological Survey - Funding was to come from core library user fees but bill was defeated	15,000
1 FTE geologist and temporary summer help for solid waste management per House Bill No. 1060 funded from the solid waste management fund	104,747
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Total	\$187,959

The Senate had provided \$65,261 for a research analyst position the House had deleted from the executive budget, and these amendments do not provide funding for the position. Also, funding of \$4,900 in operating expenses, \$700 in data processing, and \$6,000 in equipment restored by the Senate for the research position is not included in this amendment.

#### Grants

The grants line item is increased by \$379,807 from the general fund to provide funding for the Land Reclamation Research Center for the first year of the biennium, including the Governor's salary package, and any unused amount may be used to fund the core staff for the second year of the biennium. Also, \$210,193 in nonmatching grants is provided from the lignite research fund for the center for the second year of the biennium. The center may apply on a competitive basis for grants from the lignite research fund for additional funds for the biennium. Section 7 of House Bill No. 1005 is repealed since it differs from the above provision.

#### Geological Survey Contingency

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

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

#### DEPARTMENT 473 - HOUSING FINANCE AGENCY

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

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

#### DEPARTMENT 475 - MILL AND ELEVATOR

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

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

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

A section is added to authorize the Board of Higher Education to enter into a lease purchase agreement to acquire Hastings Hall on the North Dakota State University campus.

HB 1558, as engrossed: Your conference committee (Sens. Mushik, Wogsland, Thane and Reps. Dalrymple, R. Berg, Starke) recommends that the HOUSE ACCEDE to the Senate amendments on SJ page 1100 and then place it on the Seventh order.

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

MARION HOUN, Secretary