

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 24, 1993

The Senate convened at 9:00 a.m., with President Myrdal presiding.

The prayer was offered by Rev. Brent Braunberger, Assembly of God Church, Harvey.

The roll was called and all members were present except Senator W. Stenehjem.

A quorum was declared by the President.

MOTION

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

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Mushik presiding.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 23, 1993

This is to inform you that on March 23, 1993, I signed the following: SB 2284, SB 2345, SB 2411, SB 2464, and SB 2469.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1019, HB 1208, HB 1219, HB 1349, HB 1438, HB 1463, an HB 1504 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1019: Reps. St. Aubyn; Byerly; Nichols
HB 1208: Reps. Dalrymple; Wald; Kaldor
HB 1219: Reps. Boehm; Skarphol; Cleary
HB 1349: Reps. Drovdal; Wanzenek; Grumbo
HB 1438: Reps. Gates; Poolman; Ness
HB 1463: Reps. C. Carlson; Froseth; Mahoney
HB 1504: Reps. Price; Stenehjem; Brodshaug

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1075, HB 1079, HB 1158, HB 1178, and HB 1212 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1075: Reps. D. Olsen; Wardner; Nelson
HB 1079: Reps. Maragos; Wanzenek; Ring
HB 1158: Reps. Monson; Boehm; Aarsvold
HB 1178: Reps. Gates; Stenehjem; Thorpe
HB 1212: Reps. Timm; Freier; Glassheim

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2056.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1344.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SCR 4019.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1110, HB 1182, HB 1216, HB 1217, HB 1262, HB 1297, HB 1323, HB 1332, HB 1336, HB 1345, HB 1356, HB 1360, HB 1373, HB 1377, HB 1380, HB 1401, HB 1419, HB 1424, HCR 3036.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

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

SB 2040: Reps. Bernstein; Froseth; Stenson
 SB 2155: Reps. Kelsch; Kretschmar; Allmaras
 SB 2285: Reps. Skarphol; Wanzek; Ring
 SB 2453: Reps. Brown; Klein; Sitz
 SB 2490: Reps. Monson; Boehm; Aarsvold

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SCR 4016.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2511.

HOUSE AMENDMENTS TO SENATE BILL NO. 2511

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

Page 2, after line 8, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2002, SB 2008, SB 2010, SB 2017, SB 2200, SB 2214, SB 2390, SB 2473.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

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

Page 1, remove line 3

Page 1, line 4, remove "the supreme and district courts"

Page 1, line 15, replace "4,361,294" with "4,246,645"

Page 1, line 16, replace "174,000" with "156,600"

Page 1, line 17, replace "1,345,900" with "1,229,310"

Page 1, line 18, replace "117,000" with "24,000"

Page 1, line 19, replace "392,289" with "375,233"

Page 1, remove line 20

Page 1, line 21, replace "6,412,483" with "6,031,788"

Page 2, line 1, replace "46,779" with "46,379"

Page 2, line 2, replace "6,365,704" with "5,985,409"

Page 2, line 5, replace "14,942,688" with "14,494,139"

Page 2, line 6, replace "50,974" with "45,877"

Page 2, line 7, replace "4,717,805" with "4,317,805"

Page 2, line 9, replace "898,001" with "858,960"

Page 2, line 10, replace "20,947,740" with "20,055,053"

Page 2, line 12, replace "20,762,482" with "19,869,795"

Page 2, line 16, replace "329,261" with "321,852"

Page 2, line 17, replace "10,000" with "9,000"

Page 2, line 20, replace "474,511" with "466,102"

Page 2, line 22, replace "402,511" with "394,102"

Page 2, line 23, replace "27,530,697" with "26,249,306"

Page 2, line 24, replace "304,037" with "303,637"

Page 2, line 25, replace "27,834,734" with "26,552,943"

Page 3, remove lines 9 through 29

Page 4, remove lines 1 through 4

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 180 - SUPREME COURT

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$97,232 from the general fund to reflect Governor Schafer's salary increase recommendation.
- The judges' retirement line item is decreased by \$9,551 from the general fund to reflect Governor Schafer's salary increase recommendation.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:

- The salaries and wages line item is decreased by \$17,417 from the general fund to remove the two percent salary increase for the Supreme Court judges, in accordance with the House plan of not providing salary increases to elected officials.
- The information services line item is decreased by \$17,400, of which \$17,000 is from the general fund and \$400 is from other funds, to reflect a 10 percent reduction.
- The operating expenses line item is decreased by \$30,000 from the general fund to reflect a reduction in the law library funding, increased by \$25,000 from the general fund for lease payments on a new

copy machine, and decreased by \$111,590 from the general fund to reflect a 10 percent reduction for a net decrease of \$116,590 from the general fund.

- The equipment line item is decreased by \$93,000 from the general fund, of which \$80,000 is for the elimination of the purchase of a new copy machine and \$13,000 for reduced miscellaneous equipment purchases.
- The judges' retirement line item is decreased by \$7,505 from the general fund to remove the two percent salary increase.
- The Court of Appeals line item of \$22,000 from the general fund is eliminated.

In total, this amendment decreases the appropriation to the Supreme Court by \$380,695, of which \$380,295 is from the general fund and \$400 is from other funds.

DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION

HOUSE - This amendment reduces the salaries and wages line item by \$7,409 from the general fund to reflect Governor Schafer's salary increase recommendation.

In addition to the change made to reflect Governor Schafer's recommended appropriations, this amendment decreases the information services line item by \$1,000 from the general fund to reflect a 10 percent reduction.

In total, this amendment decreases the appropriation to the Judicial Conduct Commission by \$8,409 from the general fund.

DEPARTMENT 185 - TRIAL COURTS

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations.

- The salaries and wages line item is decreased by \$347,433 from the general fund to reflect Governor Schafer's salary increase recommendation.
- The judges' retirement line item is decreased by \$21,861 from the general fund to reflect Governor Schafer's salary increase recommendation.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:

- The salaries and wages line item is decreased by \$101,116 from the general fund to remove the two percent salary increase for the district court judges, in accordance with the House plan of not providing salary increases to elected officials.
- The information services line item is decreased \$5,097 from the general fund to reflect a 10 percent reduction.
- The operating expenses line item is decreased by \$400,000 from the general fund to reflect an approximate 10 percent reduction.
- The judges' retirement line item is decreased by \$17,180 from the general fund to remove the two percent salary increase.

In total, this amendment decreases the appropriation to the trial courts by \$892,687 from the general fund.

In total, funding provided in Senate Bill No. 2002 is decreased by \$1,281,791, of which \$1,281,391 is from the general fund and \$400 is from other funds.

HOUSE AMENDMENTS TO SENATE BILL NO. 2008

Page 1, line 10, replace "479,194" with "466,657"

Page 1, line 16, replace "3,311,515" with "3,298,978"

Page 1, line 17, replace "3,053,680" with "3,042,396"

Page 1, line 18, replace "257,835" with "256,582"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**DEPARTMENT 412 - AERONAUTICS COMMISSION**

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$12,537, of which \$1,253 is from the general fund and \$11,284 is from other funds. Of this reduction, \$2,304, \$230 of which is from the general fund, relates to reduced employee health insurance costs and \$10,233, \$1,023 of which is from the general fund, relates to Governor Schafer's salary increase recommendation.

In total, this amendment decreases the appropriation to the Aeronautics Commission by \$12,537, of which \$1,253 is from the general fund and \$11,284 is from other funds.

HOUSE AMENDMENTS TO SENATE BILL NO. 2010

Page 1, line 1, after "to" insert "amend and reenact subsection 4 of section 6-01-04.3, sections 6-01-17, 6-01-17.1, 6-01-17.2, 6-03-11, 6-03-13.5, 6-03-70, 6-05-28, subsection 4 of section 6-06-08, subdivision a of subsection 2 of section 6-06-35, sections 6-06-36, 6-06.1-05, subsection 3 of section 6-08.3-02, sections 6-10-06, 7-05-01, 13-03-04, subsection 1 of section 13-03-09, section 13-03.1-05, subsection 1 of section 13-03.1-11, section 13-04.1-04, subdivision a of subsection 1 of section 13-04.1-11, section 13-05-04, subsection 2 of section 13-05-06, subsection 1 of section 51-17-07, and section 51-17-10 of the North Dakota Century Code, relating to the financial institutions regulatory fund; to"

Page 1, line 2, after "institutions" insert "; to provide a transfer; and to repeal section 6-01-01.1 of the North Dakota Century Code, relating to the financial institutions regulatory fund"

Page 1, line 6, replace "financial institutions regulatory" with "general"

Page 1, line 10, replace "2,087,726" with "2,031,809"

Page 1, line 11, replace "20,286" with "18,257"

Page 1, line 12, replace "400,582" with "363,082"

Page 1, line 13, replace "24,900" with "24,900"

Page 1, remove lines 14 and 15

Page 1, line 16, after "Total" insert "general fund", remove "from the financial institutions", and replace "2,652,367" with "2,438,048"

Page 1, replace line 17 with:

"SECTION 2. TRANSFER. On July 1, 1993, the state treasurer shall transfer the unobligated balance of the financial institutions regulatory fund to the general fund in the state treasury. After payment of all obligations of the financial institutions regulatory fund, the state treasurer shall transfer the balance to the general fund in the state treasury.

SECTION 3. AMENDMENT. Subsection 4 of section 6-01-04.3 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. In determining the amount of civil penalty imposed, the board shall consider the good faith of the financial institution or the person being assessed, the gravity of the violation and any previous violations. The board may not impose a civil money penalty in excess of five thousand dollars for each occurrence and one hundred dollars per day for each day that the violation continues after service of an order. Any civil money penalties collected under this section must be paid to the state treasurer and deposited in the financial institutions regulatory general fund, ~~if the fund is established by the legislative assembly in the state treasury.~~

SECTION 4. AMENDMENT. Section 6-01-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-01-17. Yearly assessment of banks. Every state banking association and banking institution placed under the jurisdiction and control of the commissioner and the commissioner's deputy examiners by the provisions of this title, including the Bank of North Dakota, shall pay a yearly assessment. This assessment is to be determined by the state banking board as necessary to fund that portion of the department's budget relating to the regulation of state-chartered banks. Assessment fees may not be computed on the combined assets of the bank and its trust department for those banks exercising trust powers. Fees for the examination of the trust department must be computed in accordance with section 6-05-28. The assessment must be paid to the state treasurer within thirty days of each June thirtieth. Institutions that have not been examined by the commissioner or the state banking board for three years prior to any assessment date shall not be required to pay the assessment. The state treasurer shall report such payments of fees to the commissioner, and if any such corporation or institution shall be delinquent more than twenty days in making such payment, the board may make an order suspending the functions of such delinquent corporation or institution until payment of the amount due. The commissioner may assess a penalty of five dollars for each day that the assessment fee is delinquent. All fees and penalties under this section must be paid to the state treasurer and deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 5. AMENDMENT. Section 6-01-17.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-01-17.1. Application fees - Cost of transcript. The following fees must accompany an application presented to the state banking board, state credit union board, or commissioner and must be paid deposited by the commissioner ~~into~~ in the financial institutions regulatory general fund in the state treasury:

1. For a certificate of authority to organize a banking association, a fee of five thousand dollars, paid by the applicants.
2. A banking association's application for authority to remove its business to some place within the state other than the town in which it is presently located and to change its name, a fee of two thousand five hundred dollars.
3. National bank conversion to a state bank, a fee of two thousand five hundred dollars.
4. Application by two or more banks to merge or consolidate, a fee of one thousand five hundred dollars for each merging bank.
5. Application by a person to sell, dispose, or purchase an association, banking institution, or holding company, a fee of five hundred dollars unless a hearing is held before the board in which case the fee is two thousand dollars.
6. A banking association's application to establish and operate a separate facility for drive-in and walkup service, a fee of one thousand five hundred dollars.
7. A banking association's application to establish and operate a paying and receiving station, a fee of one thousand five hundred dollars.
8. A banking association's application to establish customer electronic funds transfer centers, a fee not to exceed five hundred dollars.
9. For a certificate of authority to organize an annuity, safe deposit, surety or trust company, a fee of five thousand dollars.
10. A banking association's application for authority to exercise trust powers, a fee of one thousand five hundred dollars.
11. Application to organize a credit union, a fee of three hundred dollars, paid by the applicants.
12. Application for a credit union to establish a branch, a fee of three hundred dollars.
13. Application by a credit union to expand its field of membership, a fee of one hundred fifty dollars.
14. Application by a federal credit union to convert to a state credit union, a fee of three hundred dollars.
15. For a certificate of authority to organize a savings and loan association, a fee of five thousand dollars.
16. A savings and loan association's application to establish and operate a branch office, a fee of one thousand five hundred dollars.

The commissioner may cause a certified transcript to be prepared for any hearing conducted on an application. The costs for the original and up to six copies of the transcript must be paid by the applicant.

SECTION 6. AMENDMENT. Section 6-01-17.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-01-17.2. Additional assessment of banks. Where the commissioner determines that more than one visit, inspection, or examination is necessary to promote the safety and soundness of a state banking association during a twelve-month period, such state banking association shall pay to the state treasurer a fee for the time used by the commissioner or other person designated by the commissioner in supervising, filing, and corresponding in connection with each additional visit, inspection, or examination and report of examination and for time used by each deputy examiner, or other person or persons in making and otherwise preparing and typing the reports of examination herein provided for. Fees for such visit, inspection, or examination must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the visit, inspection, or examination provided for by this section. A state banking association shall pay such assessment or fee within ten days of receiving a billing from the commissioner. Fees must be deposited in the financial institutions regulatory general fund in the state treasury. The state treasurer shall report such payments of fees to the commissioner, and if any such corporation or institution is delinquent more than twenty days in making such payment, the board may make an order suspending the functions of such delinquent corporation or institution until payment of the amount due. The commissioner may assess a penalty of five dollars a day additional for the delay. The state banking board may waive or postpone the collection of this special assessment if such assessment would place an undue burden on the state banking association.

SECTION 7. AMENDMENT. Section 6-03-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-03-11. Conversion, consolidation, or merger. Any two or more banking institutions as defined in section 6-01-02 upon making application to the state banking board may consolidate or merge if authorized by the board into one banking institution under the charter of either existing banking institution on such terms and conditions as lawfully may be agreed upon by a majority of the board of directors of each banking institution proposing to consolidate or merge subject to rules adopted by the state banking board. Before becoming final, such consolidation or merger must be ratified and confirmed by the vote of the shareholders of each such banking institution owning at least two-thirds of its capital stock outstanding, at a meeting to be held on the call of the directors. Notice of such meeting and of the purpose thereof must be given to each shareholder of record by registered or certified mail at least ten days prior to the meeting. The shareholders may unanimously waive such notice and may consent to such meeting and consolidation or merger in writing. The capital stock and surplus of such consolidated banking institution must not be less than that required under this title for the organization of a banking institution of the class of the largest consolidating banking institution. Immediately after the consolidation or merger a full report thereof including a statement of the assets and liabilities of the consolidated banking institution must be made to the commissioner by the surviving banking institution. Any banking institution may without approval by any state authority convert into or merge or consolidate with a national banking association as provided by federal law. A national bank proposing to merge into a state-chartered bank shall grant the commissioner discretionary authority to conduct an examination. The commissioner shall set fees for such examination at an hourly rate sufficient to cover all reasonable expenses of the department of banking and financial institutions associated with the examination. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 8. AMENDMENT. Section 6-03-13.5 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-03-13.5. National bank conversion to state bank. A national bank located in this state which follows the procedure prescribed by federal law to convert into a state bank, must be granted a state charter if it meets the provisions of the North Dakota Century Code for the incorporation and chartering of a new state bank. Any requirement that shares must be paid in cash may be satisfied by the exchange of shares of the converted state bank for those of the converting national bank, which may be valued at no more than their fair cash market value. The procedure for incorporation of a state bank may be modified by the state banking board to the extent made necessary by the difference between an ordinary incorporation and a conversion and no public hearing need be held on a conversion application. A national bank proposing to convert into a state-chartered bank shall grant the commissioner discretionary authority to conduct an examination. The commissioner shall set fees for such examination at an hourly rate sufficient to cover all reasonable expenses of the department of banking and financial institutions associated with the examination. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

SECTION 9. AMENDMENT. Section 6-03-70 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-03-70. Reports - Regular and special - Publication - Penalty. Every state banking association shall respond to calls each year, the number to be determined by the commissioner. The commissioner shall prescribe the forms for such reports which must be the same forms as those for similar reports called by the federal deposit insurance corporation. The reports must exhibit in detail, under appropriate headings, the resources and liabilities of the association at the close of business on a past day specified by the commissioner, which must be the same day on which similar reports are required by the federal deposit insurance corporation. Each report must be verified by the oath of the president or the cashier and attested as correct by at least two of the directors, and must be transmitted to the commissioner within thirty days after receipt of the request for the same. Each report, in a form prescribed by the commissioner, must be published within sixty days of the call date, at the expense of the association, in some newspaper in the city where such bank is located, and in case there is no such newspaper, then in a legal newspaper of the county in which such association is located. The commissioner may request an amended call for reports filed in error and may require republication of the call report containing material errors. At the discretion of the commissioner, a call may be complied with by submission of a photocopy of the call report submitted to the federal deposit insurance corporation or federal reserve bank, or a printout retrieved from computer facilities in the department of banking and financial institutions and connected to those of the federal deposit insurance corporation. The commissioner may call for a special report from any association whenever in the commissioner's judgment the same is necessary to obtain complete knowledge of the condition of the association. Every association ~~which that~~ fails to make and transmit any report required by this section ~~shall forfeit~~ forfeits and must pay to the state treasurer for deposit in the ~~financial institutions regulatory~~ general fund in the state treasury a penalty of two hundred dollars for each delinquency. The commissioner may waive the penalty for reports filed late, not exceeding three business days beyond the due date required by this section.

SECTION 10. AMENDMENT. Section 6-05-28 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-05-28. Examination by commissioner - Fees - Power over business, officers, and employees. The commissioner shall make a full, true, complete, and accurate examination and investigation of the affairs of each corporation doing business under this chapter as often as the commissioner deems necessary. Such examination must be made without previous notice to the corporation to be examined. Fees for such examinations must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section. Fees must be paid to the state treasurer and deposited in the ~~financial institutions regulatory~~ general fund in the state treasury. The commissioner, in the commissioner's discretion, may accept, in lieu of any examination authorized or required by this title to be conducted by the department of banking and financial institutions, the examination that may have been made of such institution within a reasonable period by the federal reserve bank or federal deposit insurance corporation, if a copy of such examination is furnished to the commissioner. The commissioner shall assume and exercise over each such corporation and its business, officers, directors, and employees all the power and authority conferred upon the commissioner over banking and other financial or moneyed corporations or associations.

SECTION 11. AMENDMENT. Subsection 4 of section 6-06-08 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. Every state credit union, including North Dakota central credit union, placed under the jurisdiction and control of the state credit union board and the commissioner by the provisions of this title shall pay a yearly assessment. This assessment is to be determined by the state credit union board as necessary to fund that portion of the department's budget relating to the regulation of state-chartered credit unions. The assessment must be paid to the state treasurer within thirty days of each June thirtieth. Credit unions that have not been examined by the commissioner or the state credit union board for three years prior to any assessment date are not required to pay the assessment. The state treasurer shall report the payments of fees to the commissioner, and if any credit union is delinquent more than twenty days in making payment, the board may make an order suspending the functions of the delinquent credit union until payment of the amount due. The commissioner may assess a penalty of five dollars for each day that the penalty is delinquent. The examination fee for North Dakota central credit union shall be charged by the department at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examination. All fees and penalties under this section must be paid to the state treasurer and deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

SECTION 12. AMENDMENT. Subdivision a of subsection 2 of section 6-06-35 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- a. A federal credit union, organized under the laws of the United States may be converted into a state credit union by (1) complying with all federal requirements requisite to enabling it to convert to a state credit union or to

cease being a federal credit union, (2) filing with the state credit union board proof of such compliance, satisfactory to the commissioner, (3) filing with the commissioner an organization certificate and bylaws, both in triplicate, as required by section 6-06-02, and (4) granting discretionary authority to the commissioner to conduct an examination prior to the conversion date. The commissioner shall set fees for such examination at an hourly rate sufficient to cover all reasonable expenses of the department of banking and financial institutions associated with the examination. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the financial institutions' regulatory general fund in the state treasury.

SECTION 13. AMENDMENT. Section 6-06-36 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-06-36. Merger. Any credit union chartered under this chapter or under act of Congress may merge under rules and regulations established by the state credit union board. A federal credit union proposing to merge into a state-chartered credit union shall grant the commissioner discretionary authority to conduct an examination. The commissioner shall set fees for such examination at an hourly rate sufficient to cover all reasonable expenses of the department of banking and financial institutions associated with the examination. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the financial institutions' regulatory general fund in the state treasury.

SECTION 14. AMENDMENT. Section 6-06.1-05 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-06.1-05. Examinations in voluntary liquidation. When deemed advisable by the commissioner, an examination of the books and records of a credit union may be made prior to, during, or following completion of voluntary liquidation. A fee for each examination must be assessed at the rate currently in effect for examinations of operating credit unions. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the financial institutions' regulatory general fund in the state treasury.

SECTION 15. AMENDMENT. Subsection 3 of section 6-08.3-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The board shall act on the application within thirty days after the end of the public comment period provided in section 6-08.3-10. The board may extend the thirty-day period an additional thirty days if the board determines that any material information submitted is substantially inaccurate or the applicant has not furnished all the information required. All applications must be accompanied by an application fee of five thousand dollars payable to the state treasurer and deposited ~~into~~ in the financial institutions' regulatory general fund in the state treasury. Compliance with sections 6-08.3-02 through 6-08.3-05 satisfies the requirements of section 6-08-08.1. The state banking board may alter the procedures under this chapter in the case of an insolvent institution acquisition by merger, consolidation, or purchase of assets and assumption of liabilities. No notice of application need be given and no public hearing need be held in the case of an acquisition of an insolvent institution.

SECTION 16. AMENDMENT. Section 6-10-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-10-06. Duty of commissioner. The commissioner may make an examination of the business of such licensee, and such applicant shall pay an examination fee. Fees for such examinations must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section. Fees must be paid to the state treasurer and deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 17. AMENDMENT. Section 7-05-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7-05-01. Examination and fees therefor. The commissioner of banking and financial institutions, at least once each year or oftener if the commissioner deems it necessary or expedient, shall examine into the affairs of all domestic associations doing business in this state. Whenever persons holding ten percent or more of the subscribed shares of any association file a written application with the commissioner requesting the commissioner to make an examination of any such association, the commissioner shall make such examination forthwith. Upon the completion of any examination of any association made by the commissioner or under the direction of the commissioner, the association so examined shall pay to the state treasurer a fee. Fees for such examination must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section. The commissioner shall report such payment to the state banking board, and if any such association is delinquent more than twenty days in making such payment, the state banking board may make an order suspending the functions of such association until payment of the amount due. The commissioner may assess a penalty of five dollars additional for each day of delay in payment. In lieu of the examinations herein required, the commissioner may accept any examination made by a federal home loan bank, the federal home loan bank board, or by the federal savings and loan insurance corporation. The commissioner may in his or her discretion conduct a joint examination with said described federal agencies. Fees and penalties under this section must be paid to the state treasurer and deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 18. AMENDMENT. Section 13-03-04 of the North Dakota Century Code is amended and reenacted as follows:

13-03-04. License - Application and fees. Application for a license must be in writing, under oath, and in the form prescribed by the commissioner. The application must give the location where the business is to be conducted and must contain such further information as the commissioner may require, including the names and addresses of the partners, officers, directors, or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by section 13-03-05. At the time of making such application, the applicant shall pay to the commissioner the sum of three hundred dollars, which is not subject to refund, as a fee for investigating the application, and the sum of two hundred dollars for the annual license fee. Fees must be deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 19. AMENDMENT. Subsection 1 of section 13-03-09 of the North Dakota Century Code is amended and reenacted as follows:

1. At least once each thirty months the commissioner or duly authorized representatives shall make an examination of the place of business of each licensee and of the loans, transactions, books, papers, annual reports, and records of such licensee so far as they pertain to the business licensed under this chapter. Fees for such examinations must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section. Fees must be paid to the state treasurer and deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 20. AMENDMENT. Section 13-03.1-05 of the North Dakota Century Code is amended and reenacted as follows:

13-03.1-05. Application and fees. Application for a license must be in writing, under oath, and in the form prescribed by the administrator. The application must give the location where the business is to be conducted and must contain such further information as the administrator may require, including the names and addresses of the partners, officers, directors, or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by section 13-03.1-06. When making such application, the applicant shall include payment in the amount of three hundred dollars, which is not subject to refund, as a fee for investigating the application, and two hundred dollars for the annual license fee. Fees must be deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 21. AMENDMENT. Subsection 1 of section 13-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

1. At least once each thirty months the administrator or a duly authorized representative shall make an examination of the loans, business, and records of every licensee. In addition, for the purpose of rediscovering violations of this chapter or securing information lawfully required, the administrator may at any time investigate the loans, business, and records of any lender. For these purposes the administrator shall have free and reasonable access to the offices, places of business, and records of the lender. Fees for such examinations must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section. Fees must be paid to the state treasurer and deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 22. AMENDMENT. Section 13-04.1-04 of the North Dakota Century Code is amended and reenacted as follows:

13-04.1-04. Fee and bond to accompany application for money broker license. The application for license must be in writing, under oath, and in the form prescribed by the commissioner. The application must give the location where the business is to be conducted and must contain any further information the commissioner requires, including the names and addresses of the partners, officers, directors, trustees, and the principal owners or members, as will provide the basis for the investigation and findings contemplated by section 13-04.1-03. At the time of making such application, the applicant shall include payment in the sum of three hundred dollars, which is not subject to refund, as a

fee for investigating the application, and the sum of two hundred dollars for the annual license fee, and provide a surety bond in the sum of twenty-five thousand dollars. Fees must be deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 23. AMENDMENT. Subdivision a of subsection 1 of section 13-04.1-11 of the North Dakota Century Code is amended and reenacted as follows:

- a. May make such public or private investigation within or outside this state as it deems necessary to determine whether any person has violated or is about to violate any provision of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder. The licensee shall pay an investigation fee and must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the visitation provided for by this section. Fees must be paid to the state treasurer and deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 24. AMENDMENT. Section 13-05-04 of the North Dakota Century Code is amended and reenacted as follows:

13-05-04. Application requirements - Fee and bond to accompany application for collection agency license. The application for a collection agency license must be in writing, under oath, and in the form prescribed by the commissioner. The application must give the location where the business is to be conducted and must contain any further information the commissioner requires, including the names and addresses of the partners, officers, directors, trustees, and the principal owners or members as will provide the basis for the investigation and findings contemplated by section 13-05-03. At the time of making such application, the applicant shall include payment in the sum of three hundred dollars, which is not subject to refund, as a fee for investigating the application, and the sum of two hundred dollars for the annual license fee, and provide a surety bond in the sum of twenty thousand dollars. In addition, the applicant shall pay a fifty dollar annual fee for each branch location. Fees must be deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 25. AMENDMENT. Subsection 2 of section 13-05-06 of the North Dakota Century Code is amended and reenacted as follows:

2. Conduct investigations and have authority to make an examination of any licensee or his place of business, including all records of such business, and to subpoena witnesses any time they have reason to believe such is necessary. The licensee shall pay an examination or visitation fee and must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examination or visitation provided for by this section. Fees must be paid to the state treasurer and deposited in the financial institutions regulatory general fund in the state treasury.

SECTION 26. AMENDMENT. Subsection 1 of section 51-17-07 of the North Dakota Century Code is amended and reenacted as follows:

- 1. An investigation fee of three hundred dollars, which is not subject to refund, shall be in addition to the annual license fee. Fees must be deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

SECTION 27. AMENDMENT. Section 51-17-10 of the North Dakota Century Code is amended and reenacted as follows:

51-17-10. Annual license fee. Each licensee shall pay to the commissioner annually on or before June fifteenth of each year a license fee of two hundred dollars, which must be deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

SECTION 28. REPEAL. Section 6-01-01.1 of the 1991 Supplement to the North Dakota Century Code is repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 413 - DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS

HOUSE - This amendment makes the following changes to reflect Governor Schafer's recommendations:

Changes are made providing that funding for the agency be from the general fund rather than from the financial institutions regulatory fund and that moneys collected by the agency be deposited in the general fund rather than the special fund.

The salaries and wages line item is decreased by \$55,917 from the general fund. Of this reduction, \$9,216 relates to reduced employee health insurance costs and \$46,701 to Governor Schafer's salary increase recommendation for state employees.

The interagency legal fees line item of \$103,873 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

This amendment also makes the following changes:

The information services line item is reduced by \$2,029 from the general fund to reflect a 10 percent reduction in information services.

The operating expenses line item is reduced by \$37,500 from the general fund. Of this reduction, \$34,000 relates to rent which will not be paid to the Office of Management and Budget because the agency now receives its funding from the general fund and \$3,500 relates to audit fees which will not be paid to the State Auditor because the agency now receives its funding from the general fund.

The contingency line item of \$15,000 from the general fund is deleted.

In total, this amendment removes the special fund appropriation of \$2,652,367 and provides a general fund appropriation of \$2,438,048.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2017

Page 1, line 3, after "commission" insert "; to provide for a limit on state building authority lease payments; to repeal sections 54-17.2-21 and 54-17.2-22 of the North Dakota Century Code, relating to the capital construction fund; to provide a statement of legislative intent; and to provide an effective date"

Page 1, line 14, replace "4,822,705" with "4,673,066"

- Page 1, line 15, replace "156,883" with "141,195"
- Page 1, line 16, replace "1,329,149" with "1,409,149"
- Page 1, line 19, replace "Bond" with "Lease"
- Page 1, line 21, replace "29,369,343" with "29,284,016"
- Page 2, line 1, replace "24,233,000" with "12,220,995"
- Page 2, line 2, replace "5,136,343" with "17,063,021"
- Page 2, line 5, replace "11,723,884" with "11,470,832"
- Page 2, line 7, replace "4,675,000" with "4,733,730"
- Page 2, line 11, replace "22,575,234" with "22,380,912"
- Page 2, line 15, replace "6,878,083" with "6,879,949"
- Page 2, line 18, replace "18,442,671" with "18,444,537"
- Page 2, line 21, replace "2,747,412" with "2,629,295"
- Page 2, line 22, replace "90,316" with "81,284"
- Page 2, line 23, replace "865,245" with "874,081"
- Page 2, line 27, replace "37,069,333" with "36,951,020"
- Page 2, line 28, replace "5,136,343" with "17,063,021"
- Page 2, line 29, replace "102,320,238" with "89,997,464"
- Page 3, line 1, replace "107,456,581" with "107,060,485"
- Page 3, line 14, replace "APPROPRIATION" with "TRANSFER"
- Page 3, line 20, replace "APPROPRIATION" with "TRANSFER"
- Page 3, line 26, replace "APPROPRIATION" with "TRANSFER"
- Page 4, line 3, replace "APPROPRIATION" with "TRANSFER"
- Page 5, line 9, replace "bond" with "lease"
- Page 5, line 13, replace "Capital construction fund's portion of sales, use and" with "State general fund"
- Page 5, remove line 14
- Page 5, remove lines 18 through 23
- Page 6, after line 28, insert:

SECTION 17. TRANSFER. The state treasurer shall transfer the unobligated balance in the capital construction fund to the state general fund on July 1, 1993. Upon payment of all obligations, the state treasurer shall transfer any balance to the state general fund. After June 30, 1993, the state treasurer shall deposit in the state general fund any moneys that would otherwise be deposited in the capital construction fund.

SECTION 18. State building authority lease payments - Limitation. The amount of lease payments for a biennium associated

with capital construction projects financed by the industrial commission acting as the state building authority may not exceed the amount equal to a portion of sales, use, and motor vehicle excise tax collections equal to twelve and one-half percent of an amount, determined by multiplying the quotient of one percent divided by the general sales tax rate that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3.

SECTION 19. REPEAL. Sections 54-17.2-21 and 54-17.2-22 of the North Dakota Century Code are repealed.

SECTION 20. LEGISLATIVE INTENT. It is the intent of the fifty-third legislative assembly that if 1993 House Bill No. 1240 is passed by the legislative assembly, the industrial commission shall make appropriate staffing adjustments in the housing finance agency during the 1993-95 biennium based on workloads and consistent with personnel considerations and anticipated income. If 1993 House Bill No. 1240 passes, the industrial commission is to report to the first 1993-94 interim budget section meeting on the changes in the housing finance agency.

SECTION 21. EFFECTIVE DATE. Sections 17 and 19 of this Act are effective for all sales, use, and motor vehicle excise tax revenues received by the state treasurer for deposit after June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION

HOUSE - The salaries and wages line item is decreased by \$107,394, of which \$96,655 is from the general fund and \$10,739 from other funds, to reflect Governor Schafer's salary increase recommendation.

The salaries and wages line item is reduced by \$42,245 from other funds to delete one FTE administrative secretary for the Municipal Bond Bank that was added by Governor Sinner and approved by the Senate.

The operating expenses line item is increased by \$80,000 from the general fund to ensure funding of the geological information system. The geological information system was to be funded from federal funding that may not be available.

The information services line item is reduced by \$15,688, of which \$13,507 is from the general fund and \$2,181 from other funds, for a 10 percent reduction.

The general fund appropriation is increased by \$11,956,840 and other funds are decreased by \$11,956,840 to provide the bond payments being from the general fund rather than the capital construction fund. Also, a section is added transferring the balance of the capital construction fund to the state general fund, and a section is added repealing the sections of the North Dakota Century Code that provided for the capital construction fund. A new section is added providing that the Building Authority lease payments for a biennium are not to exceed the amount to which 12.5 percent of a one percent sales, use, and motor vehicle excise tax is equal. Presently 12.5 percent of a one percent sales, use, and motor vehicle tax is approximately \$14.8 million.

DEPARTMENT 471 - BANK OF NORTH DAKOTA

HOUSE - The salaries and wages line item is decreased by \$253,052 from other funds to reflect Governor Schafer's salary increase recommendation.

The operating expenses line item is increased by \$58,730 from other funds for indirect cost allocation payments to the Office of Management and Budget.

DEPARTMENT 473 - HOUSING FINANCE AGENCY

HOUSE - The salaries and wages line item is decreased by \$59,317 from other funds to reflect Governor Schafer's salary increase recommendation.

The salaries and wages line item is decreased by \$58,800 from other funds to delete funding for a new FTE outreach training specialist provided for in Governor Sinner's budget.

The information services line item is decreased by \$9,032 from other funds for a 10 percent reduction.

The operating expenses line item is increased by \$8,836 from other funds for indirect cost allocation payments to the Office of Management and Budget.

A section of legislative intent is added stating it is the intent of the Legislative Assembly that if 1993 House Bill No. 1240 passes relating to local housing authorities, the Industrial Commission shall make the appropriate staffing changes in the Housing Finance Agency based on agency workload and income.

DEPARTMENT 475 - MILL AND ELEVATOR

HOUSE - The operating expenses line item is increased by \$1,866 from other funds for indirect cost allocation payments to the Office of Management and Budget.

The total amendments to Engrossed Senate Bill No. 2017 increase the general fund appropriation by \$11,926,678, decrease other funds by \$12,322,774, and decrease all funds by \$396,096.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2200

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 65-01-02 of the North Dakota Century Code, relating to workers' compensation definitions; to amend and reenact paragraph 2 of subdivision b of subsection 8 of section 65-01-02, subsections 9, 17, 29, and 30 of section 65-01-02, sections 65-01-09, 65-01-11, 65-02-15, 65-02-17, 65-02-18, 65-04-04, subdivision a of subsection 2 of section 65-05-08.1, sections 65-05-09.2, 65-05-12, 65-05-13, 65-05-14, subsection 2 of section 65-05-25, and subsection 5 of section 65-05.1-01 of the North Dakota Century Code, relating to workers' compensation benefits and procedures; to repeal section 65-02-16 of the North Dakota Century Code, relating to removal of a workers' compensation binding arbitration panel member; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Paragraph 2 of subdivision b of subsection 8 of section 65-01-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- (2) Any injury caused by the use of ~~narcotics~~ controlled substances or intoxicants.

SECTION 2. A new subsection to section 65-01-02 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

"Seasonal employment" includes an occupation that has periods of thirty consecutive days of unproductivity.

SECTION 3. AMENDMENT. Subsections 9, 17, 29, and 30 of section 65-01-02 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

9. "Date of first disability" and "loss of earnings date" mean the first full date the employee ~~was unable to work in relation to a compensable injury~~ meets the eligibility criteria set forth in section 65-05-08. These terms do not apply to recurrent disabilities.
17. "Fairly traceable to the employment" when used to modify the term "disease" means only a disease which that:
 - a. Arises under conditions wherein it is apparent to the rational mind upon consideration of all the circumstances that there is a direct causal connection between the conditions under which the work is performed and the disease;
 - b. Can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment;
 - c. Can be fairly traced to the employment;
 - d. ~~However, any condition or impairment of health of a full time paid firefighter or law enforcement officer caused by lung or respiratory disease, hypertension, heart disease, or exposure to infectious disease as defined by sections 23-07.3-01 and 23-07.3-02, or occupational cancer in a full time paid firefighter, resulting in total or partial disability or death is presumed to have been suffered in the line of duty. The condition or impairment of health may not be attributed to any disease existing before that total or partial disability or death unless the contrary is shown by competent evidence. As used in this subdivision, an occupational cancer is one which arises out of employment as a full time paid firefighter and is due to injury due to exposure to smoke, fumes, or carcinogenic, poisonous, toxic, or chemical substances while in the performance of active duty as a full time paid firefighter. A full time paid firefighter or law enforcement officer is not eligible for the benefit provided under this subdivision unless that full time paid firefighter or law enforcement officer has completed two years of continuous service and has successfully passed a physical examination which fails to reveal any evidence of such a condition.~~
29. "Wages" means ~~all an employee's remuneration payable in money or a substitute for money for services rendered by an employee.~~
 - a. The term includes:
 - (1) ~~The actual value of board, lodging, rent, or housing and per diem expenses to be included within the actual wage as remuneration, if such board, lodging, rent, or housing and per diem is lost as a result of the injury.~~
 - (2) ~~Commissions and bonuses.~~

- ~~(3) Extra wages for any and all overtime work.~~
- ~~(4) Wages or salary paid during holidays, vacations, or sickness periods.~~
- ~~(5) Gratuities received in the course of employment, from others than the employer, only when such gratuities are received with the knowledge of the employer and reported to the internal revenue service.~~
- ~~(6) Wages earned from employment at more than one occupation or employer other than the employer at the time of injury, if those wages are lost due to compensable injury.~~
- ~~(7) Unemployment insurance benefits and workers' compensation temporary total disability benefits paid to the injured employee during the twelve months preceding the month of injury will be taken into account when computing the average weekly gross earnings in cases where there are special circumstances under which the average gross weekly earnings cannot be determined.~~

b. The term "wages" does not include:

- ~~(1) Severance pay.~~
- ~~(2) The cash value of health, medical, life, or other insurance benefits or retirement benefits.~~
- ~~(3) Social security benefits.~~
- ~~(4) Passive investment income such as income from stocks, bonds, trust accounts, or individual retirement accounts from all employments reportable by employers to the internal revenue service as earned income for federal income tax purposes and lost as a result of a compensable work injury.~~

30. "Gross Average weekly wage" means the weekly wages the employee was receiving from all employments at the time of injury on the date the employee meets the eligibility criteria under section 65-05-08. The average weekly wage as determined under this section must be rounded to the nearest dollar. In cases where the employee's wages are not fixed by the week, they must be determined in the following manner by using the first applicable formula from the schedule below:

- a. The "average weekly wage" of a self-employed employee is determined by the following formula: net profits based on preceding tax year or preceding fifty-two weeks whichever is higher, plus depreciation, meal and travel expenses, and any expenses chargeable to use of personal residence as allowed under the federal tax laws.
- b. Hourly or daily rate multiplied by number of hours or days worked per seven day week;
- ~~b. c.~~ Monthly rate multiplied by twelve months and divided by fifty-two weeks;
- ~~c. d.~~ Biweekly rate divided by two;

- e. In seasonal employment that cannot be carried on throughout the year, the average weekly wage is one-fiftieth of the total wage the employee has earned from all occupations during the twelve calendar months immediately preceding the injury;
- d- f. If the average weekly earnings wage of an employee cannot be ascertained, the wage for the purposes of calculating compensation must be taken to be the usual wage paid other employees engaged in like or similar occupations where the wages are fixed; or
- e- g. If there are special circumstances under which the average weekly wages cannot be reasonably and fairly determined by applying subdivisions a through d f, an average weekly wage may be computed by dividing the aggregate wages during the twelve months prior to the injury by fifty-two weeks, or the number of weeks actually worked, whichever is less. Unemployment insurance benefits and workers' compensation temporary total disability benefits paid to the injured employee during the twelve consecutive months preceding the month of injury may be taken into account when determining the average weekly wage in cases where there are special circumstances under which the average weekly wage cannot otherwise be determined. In order to have overtime calculated as part of the average weekly wage, an employee must have a frequent and regular history of overtime starting at least eight weeks before the date the employee meets the eligibility requirements under section 65-05-08.

SECTION 4. AMENDMENT. Section 65-01-09 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-01-09. Injury through negligence of third person - Option of employee - Fund subrogated when claim filed. When an injury or death for which compensation is payable under provisions of this title ~~shall~~ have has been sustained under circumstances creating in some person other than the fund a legal liability to pay damages in respect thereto, the injured employee, or the employee's dependents, may claim compensation under this title and proceed at law to recover damages against such other person. The fund is subrogated to the rights of the injured employee or the employee's dependents to the extent of ~~fifty percent of the damages recovered up to a maximum of the total amount it has paid or would otherwise pay in the future in compensation and benefits for the injured employee.~~ The bureau has no further jurisdiction to award additional benefits on a claim when benefits paid for the claim are equal to the amount of the bureau's subrogation interest. The bureau's subrogation interest may not be reduced by settlement, compromise, or judgment. The action against ~~such the~~ other person may be brought by the injured employee, or the employee's dependents in the event of the employee's death. ~~Such The~~ action shall must be brought in the injured employee's or in the employee's dependents' own right and name and as trustee for the bureau for the subrogation interest of the bureau. If the injured employee or the employee's dependents do not institute suit within sixty days after date of injury the bureau may bring the action in its own name and as trustee for the injured employee or the employee's dependents and retain as its subrogation interest the full amount ~~it has paid or would otherwise pay in the future in compensation and benefits to the injured employee or the employee's dependents of the damages recovered.~~ Within sixty days after both the injured employee and the bureau have declined to commence an action against a third person as

provided above, the employer may bring the action in the employer's own name or in the name of the employee, or both, and in trust for the bureau and for the employee. The party bringing the action may determine if the trial jury should be informed of the trust relationship. If the action is brought by the injured employee or the employee's dependents, or the employer as provided above, the bureau shall pay fifty percent of the costs of the action, exclusive of attorney fee, when such ~~those~~ costs are incurred. If there is no recovery of damages in the action, ~~this shall be~~ payment of costs is a cost of the bureau to be paid from the bureau general fund. When there is recovery of damages in the action, the bureau shall bear the costs of the action, exclusive of attorneys fees, must be prorated and adjusted on the percentage of the total subrogation interest of the bureau recovered to the total recovery in the action. The bureau shall pay attorney fees to the injured employee's attorney from the bureau general fund as follows:

1. ~~Twenty percent of the subrogation interest recovered for the bureau when legal action is not commenced.~~
2. ~~Twenty five percent of the subrogation interest recovered for the bureau when action is commenced and settled before judgment.~~
3. ~~Thirty three and one third percent of the subrogation interest recovered for the bureau when recovered through judgment~~ at a rate of twenty-eight percent of the total recovery.

~~The above~~ These provisions as to costs of the action and attorney fees ~~is~~ are effective only when the injured employee advises the bureau in writing of the name and address of the employee's attorney, and that the employee has employed ~~such~~ the attorney for the purpose of collecting damages or of bringing legal action for recovery of damages. If a claimant fails to pay the bureau's subrogation interest within thirty days of receipt of a recovery in a third party action, ~~the bureau's subrogation interest is the full amount of the damages recovered, up to a maximum of the total amount it has paid or would otherwise pay in the future in compensation and benefits to the injured employee or the employee's dependents, and no bureau may not pay any costs or attorney fees will be paid from the bureau's subrogation interest.~~ The bureau may bring an action against a third person on the bureau's behalf to recover as damages all amounts the bureau has paid or will pay in benefits to an employee. When an employee is injured as the result of a third person's operation of a motor vehicle, the bureau's action is not barred under sections 26.1-41-08 and 26.1-41-17. In this section, "action" includes settlement, mediation, arbitration, civil action, and any appeal. The bureau and its authorized representatives are exempt from civil liability to an injured employee or employee's dependents on account of any action the bureau may bring under this section.

SECTION 5. AMENDMENT. Section 65-01-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-01-11. Burden of proof in compensation matters - Death certificate. If the bureau or an employer claims that an employee is not entitled to the benefits of the North Dakota Workers' Compensation Law by reason of the fact that the employee's injury was caused by the employee's willful intention to injure himself, or to injure another, or by reason of the voluntary ~~intoxication~~ use of alcohol or a controlled substance of the employee, the burden of proving such exemption or forfeiture is upon the bureau or upon the person alleging the same; however, a blood alcohol concentration level at or above the legal intoxication limit as defined in subsection 3 of section

39-20-07 set by the United States secretary of transportation in 49 CFR 383.52 or an intoxicating level of a controlled substance found by a test required by a physician, qualified technician, chemist, or registered nurse and performed as required by the United States secretary of transportation under 49 CFR part 40, at or above the cutoff level in part 40, creates a rebuttable presumption that the injury was due to intoxication the use of alcohol or a controlled substance. An employer or a doctor who has reasonable grounds to suspect an employee's alleged work injury was caused by the employee's voluntary use of alcohol or a controlled substance may request that the employee undergo testing to determine if the employee had alcohol or a controlled substance in the employee's system at levels greater than the limit set by the United States department of transportation at the time of the injury. If an employee refuses to submit to a reasonable request to undergo a test to determine if the employee was intoxicated, the employee forfeits all entitlement to workers' compensation benefits arising out of that injury. Any claimant against the fund, however, has the burden of proving by a preponderance of the evidence that the claimant is entitled to participate in the same. In the event of a claim for death benefits the official death certificate must be considered as evidence of death and may not be used to establish the cause of death.

SECTION 6. AMENDMENT. Section 65-02-15 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-15. Workers' compensation binding arbitration panel—Membership - Regions. The bureau shall divide the state into four regions and for each region establish four regional listings a regional listing of persons who may serve as arbitrators for complex workers' compensation proceedings. Each regional listing must contain an equal number of names submitted to the director by an organization, statewide in scope, which, through its affiliates, embraces represent a cross section and a majority of the organized employers, labor of, and legal and medical professionals in the state; an equal number of names submitted to the director by a recognized statewide organization of employers, representing a majority of employers; and a similarly equal number of names selected by the bureau to serve as arbitrators. The legal and medical professionals must be selected from applications by interested persons throughout the state who demonstrate the unique submitted to the bureau and must be based on the applicant's ability, experience, and qualifications to serve as arbitrators an arbitrator. Each list must be revised every three years. The people whose names appear on a regional listing An employer and employee arbitrator must reside in that the region where the arbitrator serves. When a disputed complex workers' compensation proceeding claim is submitted for binding arbitration, the employee shall select a name from the appropriate regional list that was submitted by the labor organization; the employer shall select a name from the appropriate regional list that was submitted by the statewide organization of employers or shall designate the bureau to do so; and the selected employee and employer representatives bureau shall select a name from the appropriate regional list of those individuals medical and legal professionals who have been selected to serve as arbitrators based upon their experience and ability. The appropriate region is the region in which the employee resides. If the employee resides out of state, the appropriate region is the region of the situs of employment. As an alternative selection procedure, by mutual agreement, the employee and the employer may designate themselves as the employee and employer representatives on the panel and together shall select the third panel member from the appropriate regional list of those individuals who have been selected to serve as arbitrators based upon their experience and ability. Panel members are entitled to remuneration for their services at a rate set by the bureau and to travel expenses at the rate in effect for state employees. The bureau shall provide staff services to

the panel members. ~~The salaries and expenses of the panel must be paid from money appropriated to the bureau for that purpose. A "complex workers' compensation proceeding" includes a proceeding involving fraud, unusual stress, toxic exposure, occupational disease, closed head injury, quadriplegia, paraplegia, hemiplegia, or any workers' compensation proceeding involving more than ten thousand dollars in controversy when a formal administrative order has been issued. The term includes any other proceeding as determined by rule. A workers' compensation proceeding submitted for binding arbitration, other than a complex workers' compensation proceeding, must be heard before a single arbitrator chosen from a list of qualified arbitrators. The process for choosing arbitrators and qualifications for arbitrators must be outlined by rule. The employee or employer can request and the bureau may allow a change of arbitrator upon a showing of just cause. A person providing binding arbitration services under this section is immune from civil liability relating to the binding arbitration process and decision.~~

SECTION 7. AMENDMENT. Section 65-02-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-17. Binding arbitration panel ~~Attorneys' fees.~~ ~~Following constructive denial of a claim or issuance of an administrative order under chapter 28-32 reducing or denying benefits, an aggrieved employee or employer may request that the action be submitted to binding arbitration before the workers' compensation binding arbitration panel in lieu of a formal administrative hearing or judicial remedy. The bureau shall pay, at an hourly rate established by the bureau, a claimant's attorneys' fees on claims submitted for binding arbitration. If the aggrieved employee elects not to submit the action to binding arbitration, attorneys' fees may only be paid if the employee prevails. Binding arbitration is permitted only with the consent of the nonrequesting party.~~

SECTION 8. AMENDMENT. Section 65-02-18 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-18. Administrative orders - ~~Decisions of binding arbitration panel~~ Binding arbitration decisions - Appeals. An appeal of an administrative order is subject to section 28-32-14. A decision of the workers' compensation resulting from binding arbitration panel is final and nonreviewable by a district any court, except as provided in section 65-05-04.

SECTION 9. AMENDMENT. Section 65-04-04 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-04-04. Employers obligated to pay premiums - Premium receipts and certificates to be mailed. Each employer subject to this title shall pay into the fund annually the amount of premiums determined and fixed by the bureau for the employment or occupation of the employer. The amount must be determined by the classifications, rules, and rates made and published by the bureau and must be based on a proportion of the annual expenditure of money by the employer for the service of persons subject to the provisions of this title. A Immediately after payment is made, the bureau shall mail to the employer a receipt or certificate specifying that the payment has been made must be mailed to the employer by the bureau immediately after the payment is made, and the. The receipt or certificate, attested by the seal of the bureau, is prima facie evidence of the payment of the premium. The bureau shall provide that premiums to be paid by school districts, townships, and all public corporations or agencies, except municipal corporations, fall due at the end of the fiscal year of that entity, and that premiums to be paid by all municipal corporations fall due at the end of the calendar year, and may make provisions so that premiums

of other employers fall due on different or specified dates. For the purpose of effectuating different or specified due dates the bureau may carry new or current risks for a period of less than one year and not to exceed fifteen months, either by request of the employer or action of the bureau. An employer subject to this chapter shall display in a conspicuous manner at the workplace and in a sufficient number of places to reasonably inform employees of the fact, a certificate of premium payment showing compliance with this chapter and the toll-free telephone number used to report actual and suspected workers' compensation fraud. Any employer subject to this chapter is liable to pay a civil penalty of two hundred fifty dollars for failure to display the notice of compliance and the toll-free telephone number as required by this section.

SECTION 10. AMENDMENT. Subdivision a of subsection 2 of section 65-05-08.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- a. The medical basis established by medical evidence supported by objective medical findings for the certification of disability;

SECTION 11. AMENDMENT. Section 65-05-09.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-09.2. Retirement offset. ~~If a claimant~~ an employee is entitled to permanent total disability benefits and social security retirement benefits under 42 U.S.C. sections 402 and 405, the aggregate wage-loss benefits payable under this title must be determined in accordance with this section. The employee's social security retirement offset must equal forty percent of the calculated ratio of the employee's average weekly wages, as calculated on the commencement of the first, or recurrent, disability under section 65-05-09, to the current state's average weekly wage. Any offset calculated cannot exceed forty percent of the employee's weekly social security retirement benefit. If a claim has been accepted on an aggravation basis and the ~~worker~~ employee is eligible for social security benefits, the bureau's offset must be proportionally calculated. An overpayment must be recouped in the same manner as set forth in section 65-05-09.1. ~~The provisions of this section are effective for workers who retire on or after July 1, 1989~~ This section applies to an employee who becomes entitled to and receives social security retirement benefits after June 30, 1989, or who receives social security retirement benefits that have been converted from social security disability benefits by the social security administration after June 30, 1989. A conversion by the bureau from offsetting an employee's social security disability benefits to offsetting an employee's social security retirement benefits under this section may not result in a decrease in the aggregate amount of benefits the employee receives from both sources.

SECTION 12. AMENDMENT. Section 65-05-12 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-12. Permanent impairment - Compensation - Time paid. ~~The catastrophically injured employee's doctor~~ employee shall ~~report to the bureau any~~ be examined for a rating of any impairment of function as the result of the injury on the date of maximum medical improvement, except for total losses claimed under section 65-05-13. Any rating of the percentage of functional impairment should be in accordance with the standards for the evaluation of permanent impairment as published in the most recent edition of the American medical association's "Guides to the Evaluation of Permanent Impairment" unless proven otherwise by clear and convincing medical evidence. The doctor's

report must include a clinical report in sufficient detail to support the percentage ratings assigned. Any subsequent award for impairment must be made minus any previous award given on any earlier claim or the same claim for that same member or body part. If the injury causes permanent impairment, other than scheduled injuries, as elsewhere provided for in this chapter, the percentage which such impairment bears to total impairment must be determined, and the fund shall pay to the impaired employee a lump sum, calculated by multiplying thirty-three and one-third percent of the average weekly wage in this state rounded to the next highest dollar, on the date the impairment is determined, by the following number of weeks, depending upon the percentage of impairment:

For a one percent impairment	5 weeks.
For a ten percent impairment	50 weeks.
For a twenty percent impairment	100 weeks.
For a thirty percent impairment	150 weeks.
For a forty percent impairment	200 weeks.
For a fifty percent impairment	250 weeks.
For a sixty percent impairment	300 weeks.
For a seventy percent impairment	350 weeks.
For an eighty percent impairment	400 weeks.
For a ninety percent impairment	450 weeks.

SECTION 13. AMENDMENT. Section 65-05-13 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-13. Scheduled injuries - Permanent loss of member - Compensation - Time compensation payable. If the injury causes the loss of a member, the fund shall pay to the ~~impaired~~ catastrophically injured employee a lump sum, calculated by multiplying thirty-three and one-third percent of the average weekly wage in this state rounded to the next highest dollar, on the date the impairment is determined, by the following number of weeks, depending upon the percentage of impairment:

1. For loss of arm at shoulder	250 weeks.
2. For loss of arm at or above elbow	220 weeks.
3. For loss of hand at or above wrist	200 weeks.
4. For loss of thumb	65 weeks.
5. For loss of second or distal phalanx of thumb	28 weeks.
6. For loss of first finger	40 weeks.
7. For loss of middle or second phalanx of first finger	28 weeks.
8. For loss of third or distal phalanx of first finger	22 weeks.
9. For loss of second finger	30 weeks.
10. For loss of middle or second phalanx of second finger	22 weeks.
11. For loss of third or distal phalanx of second finger	14 weeks.

12.	For loss of third finger	20 weeks.
13.	For loss of middle or second phalanx of third finger	16 weeks.
14.	For loss of third or distal phalanx of third finger	10 weeks.
15.	For loss of fourth finger	16 weeks.
16.	For loss of middle or second phalanx of fourth finger	12 weeks.
17.	For loss of third or distal phalanx of fourth finger	6 weeks.
18.	For loss of leg at hip	234 weeks.
19.	For loss of leg at or above knee	195 weeks.
20.	For loss of foot at or above ankle	150 weeks.
21.	For loss of great toe	30 weeks.
22.	For loss of second or distal phalanx of great toe	18 weeks.
23.	For loss of any other toe	12 weeks.
24.	For loss of middle or second phalanx of any other toe	10 weeks.
25.	For loss of third or distal phalanx of any other toe	7 weeks.
26.	For loss of an eye	150 weeks.
27.	For loss of hearing in one ear	50 weeks.
28.	For loss of hearing in both ears	200 weeks.
29.	<u>For spinal cord injury (paraplegia, quadriplegia, hemiplegia)</u>	
	a. <u>Sixty-five percent</u>	<u>950 weeks.</u>
	b. <u>Seventy percent</u>	<u>1,040 weeks.</u>
	c. <u>Seventy-five percent</u>	<u>1,130 weeks.</u>
	d. <u>Eighty percent</u>	<u>1,220 weeks.</u>
	e. <u>Eighty-five percent</u>	<u>1,310 weeks.</u>
	f. <u>Ninety percent</u>	<u>1,400 weeks.</u>
	g. <u>Ninety-one percent or above</u>	<u>1,500 weeks.</u>
30.	<u>For cervical, thoracic, or lumbar spine injury per one percent diagnostic rating</u>	<u>7 weeks.</u>

The amount paid for the loss of more than one finger of one hand may not exceed the amount provided in this schedule for the loss of a hand. For the loss of the metacarpal bone, of the palm, together with the corresponding thumb or finger, ten weeks must be added to the number of weeks of payment. The permanent loss of use of a thumb, finger, toe, arm, hand, foot, leg, or eye must be considered as the equivalent of the loss of such thumb, finger, toe, arm, hand, foot, leg, or eye, and compensation for partial loss of use of said parts must be allowed on a percentage basis. Twenty-five percent additional must be allowed as compensation for the loss of use of the master hand or any member or members thereof. The loss of any part of a phalanx must be considered equal to the loss of the entire phalanx. If any employee dies from some independent cause, the right of any compensation payable under section 65-05-12 or this section, unpaid at the date of his the employee's death, shall ~~survive~~ survives and ~~pass~~ passes to his the employee's dependent spouse, minor children, parents, or his estate and in that order named. Wherever possible, an impairment award must be made under the terms of this section.

Recovery under this section shall ~~bar~~ bars an additional award of permanent impairment for the same injury, as elsewhere provided in this chapter.

Any rating for impairment of function resulting from injury to the spinal cord must be calculated based solely on the percentage that the impairment of function bears to total impairment of function of the whole body. Any rating for impairment of function of the back must be calculated according to the employee's diagnosis, and may not include any rating for other factors, including loss of range of motion, radiculopathy, pain, and loss of strength and sensation.

Any rating for impairment of function resulting from injuries other than amputations, injuries to the back, and injuries to the spinal cord must be based on diagnosis directly related to the work injury. Any rating for impairment of function for loss or strength and sensation resulting from injuries other than amputations, injuries to the back, and injuries to the spinal cord must be based on objective medical evidence of nerve damage. Any rating for impairment of function due to loss of range of motion must be based on objective medical evidence of structural damage to a joint or loss of motor function. An employee is not entitled to any award for impairment of function due to pain. Any rating for impairment of function may not include any impairment attributable to a preexisting condition. Any rating for impairment of function under this section must be made according to the most recent edition of the American medical association's "Guides to the Evaluation of Permanent Impairment".

If a compensable injury causes an impairment under this section, and also causes impairment to a part of the body which cannot be compensated under the terms of this section, a whole body award may be made under section 65-05-12 if ~~such~~ the award is not duplicative.

An impairment award made by the bureau in the past under this section or section 65-05-12 must be deducted from a subsequent impairment award for injury to the same part of the body.

In addition to a catastrophically injured employee, an employee who has suffered amputation is eligible for an award under this section if permanent partial disability benefits were not payable under section 65-05.1-01.

SECTION 14. AMENDMENT. Section 65-05-14 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-05-14. Scheduled injuries - Partial loss of use of member - Weekly compensation time - Compensation payable. If an injury causes permanent impairment of a member, the sight of an eye, or the hearing in an ear, the fund shall pay to the impaired employee a weekly compensation for that proportion of the number of weeks specified in the schedule in section 65-05-13 for the loss of such member, the sight of an eye, or the hearing in an ear, which the partial loss of the use thereof bears to the total loss of the use of such member, eye, or ear.

Recovery under this section ~~shall bar~~ bars an additional award of permanent impairment for the same injury, as elsewhere provided in this chapter. In addition, recovery under this section is barred if the employee has received permanent partial disability benefits under section 65-05.1-01.

SECTION 15. AMENDMENT. Subsection 2 of section 65-05-25 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The bureau and an employee may compromise to resolve a disputed claim. The contract of settlement made is enforceable by the parties. The contract may provide that the employee shall utilize the funds to engage in certain rehabilitation programs. If the employee breaches the contract, the bureau may require the employee to repay the benefits received under the agreement. In cases in which the extent of disability is disputed and resolved by agreement, the concept of reopening a disability claim due to significant change in medical condition is applicable or in final settlement of an entire claim, the claim may not be reopened if there is any change in the employee's medical condition.

SECTION 16. AMENDMENT. Subsection 5 of section 65-05.1-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. If the vocational consultant concludes that none of the priority options under subsection 4 of section 65-05.1-01 ~~are~~ is viable, and will not return the employee to the lesser of seventy-five percent of the average weekly wage, or the employee's preinjury earnings, and the employee shall continue to minimize the loss of earnings capacity, to seek, obtain, and retain employment:
 - a. ~~That meets the employee's medical limitations;~~
 - b. ~~In which the employee meets the qualifications to compete; and~~
 - c. ~~Which will reasonably result in retained earnings capacity equivalent to the lesser of the employee's preinjury earnings or fifty percent of the average weekly wage in the state on the date the rehabilitation consultant's report is issued.~~

An award of partial disability due to retained earnings capacity under this section must be made pursuant to section 65-05-10 has attained maximum medical improvement and is not catastrophically injured as defined under paragraph 1 of subdivision c of subsection 2 of section 65-05.1-06.1, the employee must undergo an examination to determine a permanent partial disability rating. The permanent partial disability rating must be determined and paid in accordance with rules

adopted by the bureau. The benefit amount must be determined using the following factors:

- a. The employee's earnings at the time of injury;
- b. The state's average weekly wage;
- c. The permanent partial disability rating; and
- d. Other relevant factors as set forth by rule.

Upon receipt of the permanent partial disability benefits, the employee is not entitled to any further disability or rehabilitation benefits in connection with the injury unless the bureau in its sole discretion reopens the award due to a significant change in medical condition. Any previous permanent partial impairment award issued under sections 65-05-12, 65-05-13, and 65-05-14 must be deducted from any permanent partial disability award issued pursuant to this section.

SECTION 17. REPEAL. Section 65-02-16 of the 1991 Supplement to the North Dakota Century Code is repealed.

SECTION 18. EFFECTIVE DATE. Sections 2 and 3 of this Act are effective for all claims after July 31, 1993, irrespective of injury date. Section 4 of this Act is effective for any recovery received or legal action commenced, whichever first occurs, after July 31, 1993, irrespective of injury date. Sections 6, 7, 8, and 17 of this Act are effective for requests for binding arbitration filed after July 31, 1993, irrespective of injury date. Section 15 of this Act becomes effective August 1, 1993, for all claims irrespective of injury date. Sections 12, 13, 14, and 16 of this Act become effective August 1, 1995, irrespective of injury date."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2214

Page 8, line 22, replace "\$50,000" with "\$25,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - HEALTH DEPARTMENT

HOUSE - The appropriation for administering the municipal waste landfill release compensation fund is reduced from \$50,000 to \$25,000.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2390

Page 2, line 2, replace "eighty" with "ninety"

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2473

In lieu of the amendments adopted by the House as printed on page 1089 of the House Journal, Reengrossed Senate Bill No. 2473 is amended as follows:

Page 1, line 1, remove "impose a surcharge on persons convicted of driving while"

Page 1, line 2, remove "under the influence of intoxicants and to"

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove "; and to provide an effective date"

Page 1, remove lines 6 through 14

Page 1, line 15, replace the second "2" with "1" and replace "5" with "4"

Page 2, line 13, replace "2" with "1" and replace "5" with "4"

Page 2, line 14, replace "2" with "1" and replace "5" with "4"

Page 2, line 19, replace "2" with "1" and replace "5" with "4"

Page 3, line 2, replace "2" with "1" and replace "5" with "4"

Page 3, remove lines 5 through 7

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1170, HB 1407, HB 1409, HB 1412, HB 1415, HB 1427, HB 1455, HB 1456, HB 1457, HB 1483, HB 1492, HB 1501.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1136, HB 1211, HB 1429, HB 1467, HB 1490.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1160, HB 1326, HB 1366, HB 1468.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HB 1395, HB 1422, HB 1452, HCR 3002, HCR 3032, HCR 3037, HCR 3068.

CONSIDERATION OF AMENDMENTS

HB 1007: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 1155-1156 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1008, which is on the Sixth order, be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1008 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1011: SEN. NAADEN (Appropriations Committee) MOVED that the amendments on SJ page 1157 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1390: A BILL for an Act to create and enact a new section to chapter 39-12 of the North Dakota Century Code, relating to a shipper's liability for an overweight motor vehicle.

ROLL CALL

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

NAYS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand;

Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Mushik; Stenehjem, W.; Tennefos
HB 1390 lost.

REQUEST

SEN. MUSHIK REQUESTED that her vote show as "Nay", which request was granted.

MOTION

SEN. WOGSLAND MOVED that HB 1397 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1406: A BILL for an Act to amend and reenact subsection 1 of section 54-06-09 of the North Dakota Century Code, relating to prior approval by the director of the office of management and budget of certain mileage and travel expenses of state officers and employees.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Thane

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tennefos

HB 1406 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1408: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to reconciliation of state law to federal laws regarding out-of-state meal reimbursement.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tennefos

HB 1408 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1410: A BILL for an Act to amend and reenact section 6-08-16.2 of the North Dakota Century Code, relating to issuing a check without an account or with insufficient funds.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tennefos

HB 1410 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1416, which is on the Fourteenth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1416 was rereferred.

SECOND READING OF HOUSE BILL

HB 1444: A BILL for an Act to amend and reenact section 60-07-11 of the North Dakota Century Code, relating to storage company license exemptions.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tennefos

HB 1444 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to create and enact a new section to chapter 16.1-06 of the North Dakota Century Code, relating to ballots for constitutional amendments and referred measures.

ROLL CALL

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

NAYS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson;

Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Thane;
Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tallackson;
Tennefos

HB 1449 lost.

SECOND READING OF HOUSE BILL

HB 1453: A BILL for an Act to amend and reenact subsection 3 of section 28-22-03.1 of the North Dakota Century Code, relating to exemptions from judicial process.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tallackson;
Tennefos

HB 1453 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1460: A BILL for an Act to create and enact a new subsection to section 25-01-01 of the North Dakota Century Code, relating to the definition and duties of the administrator of the state hospital; and to amend and reenact sections 12-47-28, 12-47-29, 14-05-03, subsection 8 of section 25-01-01, sections 25-01-02, 25-01-06, 25-02-04, 25-03.1-02, 25-03.1-04, 25-03.1-06, subsection 3 of section 25-03.1-21, subsection 1 of section 25-03.1-26, sections 25-03.1-30, 25-03.1-31, subsections 1 and 2 of section 25-03.1-34, sections 25-03.1-36, 25-03.1-37, and subdivision b of subsection 6 of section 37-18-11 of the North Dakota Century Code, relating to the administrator and medical director of the state hospital.

ROLL CALL

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

NAYS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tallackson;
Tennefos

HB 1460 lost.

SECOND READING OF HOUSE BILL

HB 1472: A BILL for an Act to create and enact section 47-25-06.1 of the North Dakota Century Code, relating to the change of name or address of a trade name registrant; and to amend and reenact sections 47-25-02, 47-25-04, and 47-25-07 of the North Dakota Century Code, relating to trade name requirements.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tallackson; Tennefos

HB 1472 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1489: A BILL for an Act to amend and reenact subsection 4 of section 43-23-08 of the North Dakota Century Code, relating to education standards for real estate brokers and salespersons.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 1 NAY, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: DeMers

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Stenehjem, W.; Tallackson; Tennefos; Wogsland

HB 1489 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1506: A BILL for an Act to create and enact a new subsection to section 10-23-04 and a new subsection to section 10-28-01 of the North Dakota Century Code, relating to the filing fee for cancellation of a reserved corporate name; to amend and reenact sections 10-19.1-16, 10-19.1-23, 10-22-09, 10-22-13, 10-24-07.1, 10-24-09, 10-24-36, 10-27-09, and 10-27-13 of the North Dakota Century Code, relating to requirements of filings with the secretary of state by domestic and foreign business and nonprofit corporations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and

has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Stenehjem, W.; Tallackson; Tennefos; Wogsland

HB 1506 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1507: A BILL for an Act to create and enact section 47-22-06.1 of the North Dakota Century Code, relating to the change of name of a trademark owner; and to amend and reenact sections 47-22-03 and 47-22-08 of the North Dakota Century Code, relating to trademark requirements.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Sand; Stenehjem, W.; Tennefos

HB 1507 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1508: A BILL for an Act to create and enact sections 10-15-12.1 and 10-15-52.6 of the North Dakota Century Code, relating to change of a cooperative's registered office or registered agent; to amend and reenact sections 10-15-13, 10-15-36, 10-15-38, 10-15-46, 10-15-51, 10-15-52.1 of the North Dakota Century Code, relating to cooperative requirements; and to repeal section 10-15-52.2 of the North Dakota Century Code, relating to amendment to articles of association of foreign cooperatives.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Kelly; Stenehjem, W.; Tennefos

HB 1508 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1509: A BILL for an Act to amend and reenact sections 45-10.1-08, 45-10.1-09, 45-10.1-52, and 45-10.1-55 of the North Dakota Century Code, relating to limited partnership requirements.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tennefos; Wogsland

HB 1509 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HCR 3014 and HCR 3017 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3018: A concurrent resolution directing the Legislative Council to study the feasibility of forming multicounty health districts statewide.

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

HCR 3018 was declared adopted.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3021: A concurrent resolution urging the Division of Emergency Management to study the feasibility and desirability of combining local emergency management organizations and plans into a regional system of emergency management organizations.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3021 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3025: A concurrent resolution urging Congress to replace Four Bears Bridge on the Fort Berthold Indian Reservation and to build two bridges to connect the Fort Berthold communities of Twin Buttes, White Shield, and Mandaree, North Dakota.

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

HCR 3025 was declared adopted.

MOTION

SEN. MATHERN MOVED that HCR 3035 and HCR 3070, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1510: A BILL for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to the tax commissioner providing a tax lien of record clearance before the state board of equalization grants a state income tax exemption for a new or expanding business; and to amend and reenact subsection 4 of section 40-57.1-02 of the North Dakota Century Code, relating to the definition of a project qualifying for an income tax exemption.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Evanson

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tennefos

HB 1510 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Representative Oscar Solberg
Former Representative Sarah Carlson

SECOND READING OF HOUSE BILL

HB 1397: A BILL for an Act to amend and reenact sections 43-23.4-02, 43-23.4-05, and subsection 3 of section 43-23.4-06 of the North Dakota Century Code, relating to interest-bearing real estate broker's trust accounts and an exemption for certain accounts.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Stenehjem, W.; Tennefos

HB 1397 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 2:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Mushik presiding.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to SB 2033 as printed on SJ page 890, which motion prevailed.

SB 2033, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2033: A BILL for an Act to amend and reenact section 27-05-08 of the North Dakota Century Code as amended by section 85 of chapter 326 of the 1991 Session Laws of North Dakota, relating to the chambers and residency of district court judges; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennesfos

SB 2033 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Engrossed SB 2036 as printed on SJ page 806, which motion prevailed.

Engrossed SB 2036, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

SB 2036: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06 of the North Dakota Century Code, relating to the calculation of educational support per pupil.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Bowman; Nelson

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2036 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to Engrossed SB 2049 as printed on SJ pages 815-816, which motion prevailed.

Engrossed SB 2049, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2049: A BILL for an Act to require the governor to appoint a committee to prepare a comprehensive solid waste management plan for state agencies, departments, and institutions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2049 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to SB 2060 as printed on SJ page 1027, which motion prevailed.

SB 2060, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2060: A BILL for an Act to amend and reenact subsections 3 and 5 of section 57-27-02 of the North Dakota Century Code, relating to an exception to the notice of redemption provisions for owners of certain severed mineral interests; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Lindaas; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2060 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TOMAC MOVED that the Senate do concur in the House amendments to SB 2068 as printed on SJ page 911, which motion prevailed.

SB 2068, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2068: A BILL for an Act to amend and reenact subsections 1, 3, 4, and 5 of section 54-52.1-03 and section 54-52.1-03.1 of the North Dakota Century Code, relating to participation in the uniform group insurance program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2068 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Engrossed SB 2079 as printed on SJ page 834, which motion prevailed.

Engrossed SB 2079, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

SB 2079: A BILL for an Act to create and enact six new sections to chapter 43-45 of the North Dakota Century Code, relating to licensure of addiction counselors; and to amend and reenact sections 43-45-01, 43-45-02, 43-45-03, 43-45-04, 43-45-06, and 43-45-07 of the North Dakota Century Code, relating to the powers and duties of the board of addiction counseling examiners and licensing of addiction counselors.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2079 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2085 be moved to the bottom of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to SB 2093 as printed on SJ pages 850-852, which motion prevailed.

SB 2093, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to create and enact a new subdivision to subsection 4 of section 19-03.1-11 of the North Dakota Century Code, relating to controlled substances; and to amend and reenact subsection 1 of section 19-03.1-01.1, subsections 5 and 7 of section 19-03.1-05, subsection 5 of section 19-03.1-13, and subsections 4 and 5 of section 19-03.1-37 of the North Dakota Century Code, relating to controlled substances and controlled substances board membership.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED; 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennesfos

SB 2093 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to SB 2116 as printed on SJ page 1085, which motion prevailed.

SB 2116, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to amend and reenact section 50-25.1-05.1 of the North Dakota Century Code, relating to findings of child abuse or neglect in cases involving parental religious beliefs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Bowman; Mutch; Nelson; Streibel

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2116 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to SB 2122 as printed on SJ page 766, which motion prevailed.

SB 2122, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2122: A BILL for an Act to amend and reenact section 39-29-12 of the North Dakota Century Code, relating to penalties for failure to register an all-terrain vehicle.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 8 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Thane; Traynor; Urlacher; Wogsland

NAYS: Krauter; Mutch; Nething; O'Connell; Stenehjem, B.; Streibel; Tomac; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2122 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to SB 2123 as printed on SJ page 766, which motion prevailed.

SB 2123, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2123: A BILL for an Act to amend and reenact section 39-24-11 of the North Dakota Century Code, relating to penalties for nonregistration of snowmobiles.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 11 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Nalewaja; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Thane; Traynor; Urlacher; Wogsland; Yockim

NAYS: Freborg; Kelsh; Krauter; Marks; Mutch; Nelson; Nething; O'Connell; Stenehjem, B.; Streibel; Tomac

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2123 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to Engrossed SB 2130 as printed on SJ page 816, which motion prevailed.

Engrossed SB 2130, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2130: A BILL for an Act to amend and reenact subsections 1, 2, 4, 6, and 9 of section 39-01-15 and section 39-04-10.2 of the North Dakota Century Code, relating to mobility-impaired parking certificates and license plates; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2130 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to Engrossed SB 2133 as printed on SJ page 766, which motion prevailed.

Engrossed SB 2133, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2133: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to the authority of the director of the department of transportation to contract with adjoining states and provinces concerning highway projects; and to amend and reenact sections 24-02-11, 24-02-17, and 24-02-19 of the North Dakota Century Code, relating to the confidentiality of financial records of minority contractors, a fee for providing copies of records, and bidding requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2133 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TOMAC MOVED that the Senate do concur in the House amendments to SB 2142 as printed on SJ page 891, which motion prevailed.

SB 2142, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2142: A BILL for an Act to amend and reenact section 12-59-02 of the North Dakota Century Code, relating to the compensation of parole board members.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: O'Connell

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2142 passed and the title was agreed to.

MOTION

SEN. NELSON MOVED that SB 2143, which is on the Twelfth order, be laid over one legislative day, which motion failed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TOMAC MOVED that the Senate do concur in the House amendments to SB 2143 as printed on SJ page 892, which motion prevailed.

SB 2143, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2143: A BILL for an Act to amend and reenact section 12-55-02 of the North Dakota Century Code, relating to the compensation of members of the board of pardons.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 14 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

YAYS: Bowman; Freborg; Goetz; Grindberg; Lindgren; Mutch; Nalewaja; Nelson; Nething; O'Connell; Stenehjem, B.; Streibel; Traynor; Urlacher

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2143 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TOMAC MOVED that the Senate do concur in the House amendments to Engrossed SB 2148 as printed on SJ page 926, which motion prevailed.

Engrossed SB 2148, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2148: A BILL for an Act to amend and reenact subsections 1 and 4 of section 12-48-15 of the North Dakota Century Code, relating to penitentiary inmate accounts.

ROLL CALL

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

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Dotzenrod; Holmberg; Naaden; Solberg; Stenehjem, W.; Tennefos

SB 2148 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to SB 2153 as printed on SJ page 816, which motion prevailed.

SB 2153, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to amend and reenact subsection 1 of section 6-09.11-03 of the North Dakota Century Code, relating to the interest rate on participation interests purchased by the Bank of North Dakota for loans to family farmers.

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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Stenehjem, W.; Tennefos

SB 2153 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Engrossed SB 2161 as printed on SJ page 787, which motion prevailed.

Engrossed SB 2161, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to create and enact six new subsections to section 23-01-05 and a new section to chapter 23-13 of the North Dakota Century Code, relating to the duties of the state health officer and storage of petroleum products in aboveground storage tanks; to amend and reenact section 19-01-13, subsection 1 of section 19-03.1-01.1, subsections 4 and 5 of section 19-03.1-37, subsection 1 of section 19-13.1-12, subsection 2 of section 19-20.1-17, section 23-01-01, and subsection 1 of section 43-43-01 of the North Dakota Century Code, relating to the powers and duties of the state department of health and consolidated laboratories; and to repeal sections 19-01-02, 19-10-22.1, 23-01-07, and 23-01-09 of the North Dakota Century Code, relating to the organizational structure and duties of the state department of health and consolidated laboratories.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 2 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Heinrich; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Traynor; Urlacher; Wogsland; Yockim

NAYS: O'Connell; Tomac

ABSENT AND NOT VOTING: Dotzenrod; Grindberg; Holmberg; Kelsh; Naaden; Stenehjem, W.; Tennefos

SB 2161 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to SB 2176 as printed on SJ pages 766-767, which motion prevailed.

SB 2176, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2176: A BILL for an Act to amend and reenact subsection 1 of section 57-15-17 of the North Dakota Century Code, relating to school district use of building funds for certain insurance premiums.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley;

Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Evanson

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Stenehjem, W.; Tennefos

SB 2176 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to SB 2184 as printed on SJ page 874, which motion prevailed.

SB 2184, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to amend and reenact section 15-27.3-08, subsection 3 of section 15-27.3-11, and subsections 2 and 3 of section 15-27.6-10 of the North Dakota Century Code, relating to the manner of voting to approve a proposal for the reorganization of school districts and school district boundary restructuring; and to repeal section 15-27.3-09 of the North Dakota Century Code, relating to the voting of reorganized school districts as separate voting units when voting on a proposal for the reorganization of school districts.

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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Naaden; Stenehjem, W.; Tennefos

SB 2184 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to SB 2189 as printed on SJ page 767, which motion prevailed.

SB 2189, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to create and enact two new sections to chapter 57-36, two new sections to chapter 57-43.1, and two new sections to chapter 57-43.2 of the North Dakota Century Code, relating to corporate officer liability and tax liens.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane

SB 2189 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to SB 2211 as printed on SJ page 816, which motion prevailed.

SB 2211, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to create and enact two new sections to chapter 57-40.6 of the North Dakota Century Code, relating to enhanced 911 data bases.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 0 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Redlin; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane

SB 2211 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2222, SB 2223, SB 2228, and SB 2244 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Engrossed SB 2251 as printed on SJ page 816, which motion prevailed.

Engrossed SB 2251, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to amend and reenact section 54-52.1-03.4 of the North Dakota Century Code, relating to participation by employees of political subdivisions in the uniform group insurance program; 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 36 YEAS, 0 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas;

Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Redlin; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Tennefos; Thane

SB 2251 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to SB 2252 as printed on SJ page 816, which motion prevailed.

SB 2252, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2252: A BILL for an Act to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to personalized motor vehicle license plates.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 0 NAYS, 0 EXCUSED, 14 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Maxson; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Tennefos; Thane; Wogsland

SB 2252 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to SB 2255 as printed on SJ pages 1029-1030, which motion prevailed.

SB 2255, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act to amend and reenact sections 39-04-14 and 39-04-14.1 of the North Dakota Century Code, relating to renewal of motor vehicle registrations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 0 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Tennefos; Thane; Wogsland

SB 2255 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Engrossed SB 2265 as printed on SJ pages 1030-1031, which motion prevailed.

Engrossed SB 2265, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to amend and reenact sections 5-02-01.1, 5-02-03, 5-02-05, and 12.1-30-03 of the North Dakota Century Code, relating to permits and fees for dispensing and consuming alcoholic beverages; and to repeal sections 5-02-05.1 and 5-02-05.2 of the North Dakota Century Code, relating to Sunday alcoholic beverage permits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 26 YEAS, 11 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

YEAS: Andrist; Freborg; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Sand; Tallackson; Tomac; Traynor; Urlacher; Yockim

NAYS: Evanson; Goetz; Grindberg; Lindaas; Marks; Mutch; Nelson; Nothing; Solberg; Stenehjem, B.; Streibel

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane; Wogsland

SB 2265 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2276 as printed on SJ pages 874-875, which motion prevailed.

SB 2276, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to amend and reenact sections 40-22-22 and 40-22-30 of the North Dakota Century Code, relating to sureties of bidder's and contractor's bonds for improvements by special assessment.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 0 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nothing; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Heinrich; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane; Wogsland

SB 2276 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to Engrossed SB 2288 as printed on SJ pages 787-788, which motion prevailed.

Engrossed SB 2288, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2288: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for the value of pollution abatement improvements to certain buildings or facilities; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 0 NAYS, 0 EXCUSED, 14 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Heinrich; Holmberg; Kinnoin; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane; Wogsland

SB 2288 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to SB 2290 as printed on SJ pages 938-939, which motion prevailed.

SB 2290, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2290: A BILL for an Act to amend and reenact sections 5-01-08 and 39-20-14 of the North Dakota Century Code, relating to the use of screening tests as evidence of the consumption of alcoholic beverages by a person under twenty-one years of age.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane

SB 2290 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2305 and SB 2308 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2306 as printed on SJ page 1032, which motion prevailed.

Engrossed SB 2306, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to amend and reenact section 14-05-23 of the North Dakota Century Code, relating to interim orders in domestic relations cases.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane

SB 2306 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2313 as printed on SJ pages 939-940, which motion prevailed.

Engrossed SB 2313, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to amend and reenact sections 40-21-07 and 61-24.5-07 of the North Dakota Century Code, relating to petitions for nomination to elective office in cities and of city directors of the southwest water authority.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane

SB 2313 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2333 as printed on SJ pages 892-893, which motion prevailed.

Engrossed SB 2333, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2333: A BILL for an Act to amend and reenact section 16.1-12-02.2 of the North Dakota Century Code, relating to certificates of candidacy by write-in candidates.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 1 NAY, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: O'Connell

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane

SB 2333 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to Engrossed SB 2334 as printed on SJ pages 996-997, which motion prevailed.

Engrossed SB 2334, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2334: A BILL for an Act to amend and reenact subsection 6 of section 60-02-01 and subsection 6 of section 60-03-01 of the North Dakota Century Code, relating to the definition of public warehouseman and roving grain and hay buyer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane

SB 2334 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2339, SB 2360, SB 2370, SB 2384, and SB 2400 be placed at the bottom of the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Reengrossed SB 2375 as printed on SJ page 815, which motion prevailed.

Reengrossed SB 2375, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2375: A BILL for an Act to provide for transfer of computer equipment to the county register of deeds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 1 NAY, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nothing; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: O'Connell

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane

SB 2375 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to SB 2397 as printed on SJ page 1034, which motion prevailed.

SB 2397, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2397: A BILL for an Act to amend and reenact sections 49-18-08, 49-18-12, 49-18-14, 49-18-32, 49-18-40, and 49-18-41 of the North Dakota Century Code, relating to the regulation of common motor carriers by the public service commission; 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 38 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nothing; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane

SB 2397 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to SB 2415 as printed on SJ page 912, which motion prevailed.

SB 2415, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2415: A BILL for an Act to amend and reenact subsection 4 of section 43-01-10 of the North Dakota Century Code, relating to continuing education requirements for abstracters.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 0 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Kinnoin; Langley; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane

SB 2415 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to Engrossed SB 2425 as printed on SJ page 875, which motion prevailed.

Engrossed SB 2425, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2425: A BILL for an Act to create and enact a new subsection to section 41-09-42 of the North Dakota Century Code, relating to including the social security number or the internal revenue service taxpayer identification number of the debtor in a continuation of a financial statement under the Uniform Commercial Code central filing system.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 0 NAYS, 0 EXCUSED, 14 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Kinnoin; Langley; Naaden; Nalewaja; Scherber; Schoenwald; Solberg; Stenehjem, W.; Tennefos; Thane

SB 2425 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to SB 2470 as printed on SJ pages 852-853, which motion prevailed.

SB 2470, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2470: A BILL for an Act to amend and reenact subsection 4 of section 16.1-08-02, sections 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, and 16.1-08.1-04 of the North Dakota Century Code, relating to campaign contribution statements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 4 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; Redlin; Robinson; Sand; Solberg; Stenehjerm, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Yockim

NAYS: Heinrich; Lindaas; O'Connell; Wogsland

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Kinnoin; Langley; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjerm, W.; Tennefos; Thane

SB 2470 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Engrossed SB 2472 as printed on SJ page 912, which motion prevailed.

Engrossed SB 2472, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2472: A BILL for an Act to amend and reenact section 40-40-21 of the North Dakota Century Code, relating to unencumbered cash balances in city funds at the end of a fiscal year.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 0 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjerm, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Kinnoin; Langley; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjerm, W.; Tennefos; Thane

SB 2472 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to SB 2476 as printed on SJ page 912, which motion prevailed.

SB 2476, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2476: A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-11 and section 20.1-03-11.2 of the North Dakota Century Code, relating to nonresident deer licenses and white-tailed deer licenses provided to guides and outfitters.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 0 NAYS, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Holmberg; Kinnoin; Langley; Mathern; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane; Wogsland

SB 2476 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Engrossed SB 2479 as printed on SJ page 894, which motion prevailed.

Engrossed SB 2479, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2479: A BILL for an Act to amend and reenact subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to group health policy and service contract mental disorder coverage.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 0 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

YEAS: Andrist; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Dotzenrod; Kinnoin; Langley; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Thane; Wogsland

SB 2479 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Engrossed SB 2487 as printed on SJ page 1074, which motion prevailed.

Engrossed SB 2487, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2487: A BILL for an Act to amend and reenact subsection 1 of section 54-35.2-02.1 of the North Dakota Century Code, relating to local government efficiency planning grants; 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 29 YEAS, 9 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nething; O'Connell; Redlin; Robinson; Sand; Tallackson; Tomac; Traynor; Yockim

NAYS: Freborg; Goetz; Mutch; Nelson; Solberg; Stenehjem, B.; Streibel; Tennefos; Urlacher

ABSENT AND NOT VOTING: Bowman; DeMers; Kinnoin; Langley; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Thane; Wogsland

SB 2487 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2488 as printed on SJ page 940, which motion prevailed.

Engrossed SB 2488, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2488: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 14-09-06.2 and a new section to chapter 14-09 of the North Dakota Century Code, relating to effect of allegations of child abuse or sexual abuse in child custody determinations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Kinnoin; Langley; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Thane; Wogsland

SB 2488 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Engrossed SB 2519 as printed on SJ page 991, which motion prevailed.

Engrossed SB 2519, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2519: A BILL for an Act to create and enact two new sections to chapter 15-27.6 of the 1991 Supplement to the North Dakota Century Code, relating to employment recall rights of teachers whose contracts have not been renewed because of reorganizations.

ROLL CALL

The question being on the final passage of the amended bill, which has been

read, the roll was called and there were 26 YEAS, 12 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Dotzenrod; Evanson; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; O'Connell; Redlin; Robinson; Tallackson; Tomac; Traynor; Yockim

NAYS: Freborg; Grindberg; Maxson; Mutch; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Urlacher

ABSENT AND NOT VOTING: Bowman; DeMers; Kinnoin; Langley; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Thane; Wogsland

SB 2519 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2527 as printed on SJ pages 997-998, which motion prevailed.

SB 2527, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2527: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 26.1-08-05, subsection 2 of section 26.1-08-05, subdivision a of subsection 1 of section 26.1-08-06, and subsection 2 of section 26.1-08-06 of the North Dakota Century Code, relating to minimum benefits of a qualified health coverage plan.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Kinnoin; Langley; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Thane; Wogsland

SB 2527 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to Engrossed SB 2534 as printed on SJ page 998, which motion prevailed.

Engrossed SB 2534, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2534: A BILL for an Act to amend and reenact section 39-21-44.2 of the North Dakota Century Code, relating to safety chain connections between vehicles.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Andrist; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Kinnoin; Langley; Naaden; Nalewaja; Scherber; Schoenwald; Stenehjem, W.; Thane; Wogsland

SB 2534 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1397, HB 1406, HB 1408, HB 1410, HB 1444, HB 1453, HB 1472, HB 1489, HB 1506, HB 1507, HB 1508, HB 1509, HB 1510, HCR 3018, and HCR 3025 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1390, HB 1449, HB 1460, and HCR 3021 failed 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)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1039, HB 1044, HB 1054, HB 1057, HB 1116, HB 1140, HB 1237, HB 1240, HB 1445, HCR 3030.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2128, SB 2243.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2001.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2001

Page 1, line 16, replace "3,944,635" with "3,896,143"

Page 1, line 17, replace "1,892,558" with "1,755,836"

Page 1, line 20, replace "5,996,231" with "5,811,017"

Page 2, line 2, replace "3,158,349" with "3,092,793"

Page 2, line 3, replace "1,327,542" with "1,219,274"

Page 2, line 5, replace "4,497,716" with "4,323,892"

Page 2, line 6, replace "10,493,947" with "10,134,909"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 150 - LEGISLATIVE ASSEMBLY

HOUSE - The amendments reduce the appropriation for the Legislative Assembly by \$100,000 from the general fund to provide two fewer days for the 1995 Legislative Assembly, 72 days rather than 74 days. Of the \$100,000, \$48,492 is from salaries and wages and \$51,508 is from operating expenses.

The amendments also reduce operating expenses by \$85,214 from the general fund for a 10 percent reduction in data processing and telephone services.

DEPARTMENT 160 - LEGISLATIVE COUNCIL

HOUSE - The salaries and wages line item is decreased by \$65,556 from the general fund to remove the one percent the first year and the three percent the second year in the salary recommendation.

The operating expenses line item is decreased by \$28,268 from the general fund for a 10 percent reduction in data processing and telephone services. The operating expenses line item is further reduced by \$80,000 from the general fund to reduce funding for committee travel.

In total, the amendments reduce the bill's general fund appropriation by \$359,038.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2021

DIVISION A

Page 1, line 3, after the semicolon insert "to amend and reenact section 6-09.10-02, subsections 2, 3, and 6 of section 10-30.3-01, sections 10-30.3-03, 10-30.3-10, 10-30.3-11, subsection 2 of section 10-30.4-01, section 10-30.4-02, subdivision c of subsection 1 of section 10-30.4-03, sections 15-12-25, 54-34.3-03, 54-34.3-05, 54-34.3-06, 54-34.3-07, and 54-34.3-08 of the North Dakota Century Code, relating to the credit review board, North Dakota future fund, incorporated, technology transfer, incorporated, and the department of economic development and finance;"

Page 1, line 8, remove "federal funds and"

Page 1, line 10, replace "of its various divisions" with "thereof"

Page 1, line 12, replace "2,579,816" with "2,306,292"

Page 1, line 13, replace "96,510" with "85,959"

Page 1, line 14, replace "1,522,752" with "1,447,932"

Page 1, line 21, replace "996,000" with "800,000"

Page 2, after line 1, insert:

"Agricultural products utilization commission grant 375,000"

Page 2, line 3, replace "17,546,629" with "17,366,734"

Page 2, line 4, replace "116,058" with "18,000"

Page 2, line 5, replace "17,430,571" with "17,348,734"

Page 2, replace lines 6 through 25 with:

"SECTION 2. TRANSFERS - ECONOMIC DEVELOPMENT FUNDS. The following amounts appropriated in section 1 of this Act must be transferred to the following funds or programs for expenditure purposes for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Future fund	\$ 5,005,000
Technology transfer, incorporated	2,125,000
Partnership in assisting community expansion fund	2,700,000
Agriculture partnership in assisting community expansion fund	800,000
Agricultural products utilization commission	375,000
Beginning farmer revolving loan fund	<u>1,000,000</u>
Total	\$12,005,000

SECTION 3. AMENDMENT. Section 6-09.10-02 of the North Dakota Century Code is amended and reenacted as follows:

6-09.10-02. Credit review board. ~~The board consists of six members. The governor shall appoint one member of the credit review board, the commissioner of agriculture shall appoint one member of the credit review board, and the attorney general shall appoint one member of the credit review board. One member of the board must have experience serving as a director or officer of a financial institution. Two members of the board must have experience in the operation of a farm, the attorney general, and the commissioner of agriculture shall each appoint two members to the board. The governor and attorney general shall each appoint one member with experience as a director or officer of a financial institution and one member actively engaged in farming in the state. The commissioner of agriculture shall appoint two members who are actively engaged in farming in the state. No member of the board may hold state office or serve in state office or serve in state government in any capacity at any time of appointment or during service on the board. The credit review board members shall serve terms of two years.~~

SECTION 4. AMENDMENT. Subsections 2, 3, and 6 of section 10-30.3-01 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. "Corporation" means the North Dakota ~~economic development finance corporation~~ future fund, incorporated established under this chapter.
3. "North Dakota American Indian" means an enrolled member of a federally recognized North Dakota tribe ~~with at least one-fourth degree blood quantum.~~
6. "Primary sector business" means an individual, corporation, partnership, or association which through the employment of knowledge or labor, adds value to a product, process, or service that results in the creation of new wealth. The term includes tourism, but does not include production agriculture.

SECTION 5. AMENDMENT. Section 10-30.3-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.3-03. Organization. The corporation must be managed by a board of directors. The board of directors shall adopt and amend articles of incorporation and bylaws consistent with the purposes detailed in section 10-30.3-02. The board of directors consists of ~~seven~~ eight members who shall serve three-year terms. The terms must be staggered so that no more than three positions require reappointment in any one year. ~~Members must be appointed by the~~ The governor who shall appoint the members and shall only consider representatives who serve in executive capacities from the following areas in making the selections: private sector manufacturing, finance, exported services, including tourism, and industrial technology and research. There must

be at least one member who is enrolled in a federally recognized North Dakota tribe with ~~at least one fourth degree American Indian blood quantum~~ who need not serve in an executive capacity, the director of economic development and finance, and one member from a rural area, on the board of directors. Members may be reappointed for additional terms.

SECTION 6. AMENDMENT. Section 10-30.3-10 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

~~10-30.3-10. Primary sector development fund~~ North Dakota future fund - Continuing appropriation. ~~A primary sector development fund~~ The North Dakota future fund is established from moneys appropriated from the general fund. This is a revolving fund, and all moneys transferred into the fund, interest upon fund moneys, and payments to the fund are hereby appropriated for the purposes of this chapter. This fund is not subject to section 54-44.1-11.

SECTION 7. AMENDMENT. Section 10-30.3-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

~~10-30.3-11. Primary sector development fund~~ North Dakota future fund uses - Distribution - Limitations.

1. The fund moneys may be used for the purposes of this chapter as provided in section 10-30.3-02. Moneys may be used to provide working capital or for financing the purchase of fixed assets, but not to refinance existing debt. Moneys may also be used to make matching grants to county-authorized ~~or~~ city-authorized, or tribal-authorized development corporations for the acquisition, leasing, or remodeling of real estate facilities for locating a prospective new primary sector business. A grant must be made as part of a package of financing in which the state is a participant.

SECTION 8. AMENDMENT. Subsection 2 of section 10-30.4-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. "Corporation" means ~~the science and technology corporation~~ transfer, incorporated established under this chapter.

SECTION 9. AMENDMENT. Section 10-30.4-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

~~10-30.4-02. Purpose.~~ It is the purpose of this chapter to create a ~~science and technology~~ corporation that will provide a program and budgetary interface between the department of economic development and finance and the North Dakota university system. The primary objective of the interface is to focus the intellectual and technical resources of the university system on the discovery, development, and application of scientific and technological principles and concepts on North Dakota's primary sector business.

SECTION 10. AMENDMENT. Subdivision c of subsection 1 of section 10-30.4-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. A representative from the board of directors of the North Dakota ~~economic development finance corporation~~ future fund, incorporated appointed under section 10-30.3-03.

SECTION 11. AMENDMENT. Section 15-12-25 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-12-25. Grants and contributions - Continuing appropriation. The economic feasibility institute may contract for, accept, and receive grants, gifts, and contributions of money, property, services, or other things of value from individuals, the federal government, private and public corporations, political subdivisions of the state, and other sources. All revenue received from gifts, grants, and contributions is hereby appropriated for use by the economic feasibility institute in carrying out the provisions of sections 15-12-22 through 15-12-26. Any state funding for the institute may be provided through legislative appropriation to ~~the science and technology corporation~~ transfer, incorporated for that purpose.

SECTION 12. AMENDMENT. Section 54-34.3-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-03. Department structure. The department consists of:

1. A division of finance;
2. ~~A division of marketing and technical assistance;~~
- 3- A division of science and technology; and
- 4- 3. Other divisions that the director ~~upon the approval of the budget section of the legislative council determines~~ organizes and establishes as necessary to carry out most efficiently and effectively the mission and duties of the department.

SECTION 13. AMENDMENT. Section 54-34.3-05 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-05. Division of finance - Deputy director. The director shall appoint a deputy director who shall administer the division of finance. The deputy director shall serve at the will of the director and receive a salary set by the director within the limits of legislative appropriations. The purpose of the division of finance is to identify and coordinate sources of capital and financial assistance, including lending programs of the Bank of North Dakota, and administer programs of financial assistance placed under the administration of the division, to business and industry, local governments, and other entities and individuals in the state consistent with the mission of the department. The division of finance shall:

1. ~~Implement the review and decisionmaking functions of the economic development component of the state's community development block grant program established pursuant to the Housing and Community Development Act of 1974 [Pub. L. 93-383, 88 Stat. 633, 42 U.S.C. 5301 et seq.].~~
- 2- Administer other programs of financial assistance assigned to it by law or otherwise.
- 3- 2. Perform such other duties as assigned to it by the director.

SECTION 14. AMENDMENT. Section 54-34.3-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-06. ~~Division of marketing and technical assistance - Deputy director - Duties.~~ ~~The director shall appoint a deputy director who shall administer the division of marketing and technical assistance. The deputy director shall serve at the will of the~~

~~director and receive a salary set by the director within the limits of legislative appropriations. The duties of the division of marketing and technical assistance are, as consistent with the mission of the department, to~~ Divisions. ~~The director shall organize and establish other divisions as necessary to carry out most efficiently and effectively the mission and duties of the department, except that the department must contain:~~

- ~~1. Coordinate, develop, and make available technical services on the state, regional, and local levels in order to aid business and industry in their startup or expansion in the state.~~
- ~~2. Foster and promote international trade.~~
- ~~3. Collaborate in partnership with local communities in the state to provide technical assistance and to coordinate state, regional, and local programs that stimulate and support economic development activity.~~
- ~~4. Promote and encourage the growth and diversification of the economy, innovation, and retention of business and industry in the state.~~
- ~~5. Attract new business and industry from outside the state, in a manner that creates quality jobs, attracts new capital investment, and expands and diversifies the state's economic tax base.~~
- ~~6. Maintain and keep current available information regarding the industrial opportunities and possibilities of the state, including raw materials and byproducts, power and water resources, transportation facilities, available markets and the marketing limitations of the state, labor supply, banking and financing facilities, available industrial sites, and the advantages the state and its particular regions have as industrial locations. This information must be used for the encouragement of new industries in the state and the expansion of existing industries within the state, as well as made available to local development corporations, cities, and the various political subdivisions of the state in their efforts to encourage the location of business and industry within the state.~~
- ~~7. Establish an An office of North Dakota American Indian business development to assist North Dakota tribal and individual economic development representatives and North Dakota American Indian entrepreneurs with access to state and federal programs designed to assist them.~~
- ~~8. Provide appropriate resources to ensure increased business opportunities for women.~~
- ~~9. Provide administrative services to the department.~~
- ~~10. Utilize existing marketing entities from private and other sources such as the microbusiness marketing alliance.~~
- ~~11. Perform such other duties as assigned to the division by the director.~~
2. An office of North Dakota women's business development to develop and administer the North Dakota women's business program, to establish and fund the women's business leadership council, certify women-owned businesses for

federal or state contracting and to recruit, train, and assist women entrepreneurs to develop and diversify their businesses. The office must have an administrator and staff sufficient to implement its programs.

SECTION 15. AMENDMENT. Section 54-34.3-07 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-07. Division of science and technology - Deputy director - Duties. A deputy director, hired, or contracted for, by the board of directors of the ~~science and technology corporation transfer, incorporated~~ and reporting administratively to the director, shall administer the division of science and technology. The deputy director shall serve at the will of the board of directors and receive a salary set by the board within the limits of legislative appropriations. The purpose of the division of science and technology is to support the development and implementation of policies and programs that respond to the scientific and technological needs and opportunities of business and industry in the state through basic and applied research and technology transfer, product commercialization, agricultural and industrial extension, and private sector research and development. The division shall perform such duties as assigned to it by the director.

SECTION 16. AMENDMENT. Section 54-34.3-08 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-08. Patents. The department of economic development and finance, the ~~science and technology corporation transfer, incorporated~~, the North Dakota economic development finance ~~corporation future fund, incorporated~~, and the North Dakota agricultural products utilization commission may hold or assign for remuneration all or a portion of their interest in patents or royalty rights acquired in the course of their operation and performance of duties as provided by law."

DIVISION B

- "2. The director of the department of economic development and finance shall adopt rules, subject to the approval of the board of directors, necessary to implement the administration of the fund. The rules to implement the grant program must be developed to encourage local fundraising initiatives for developing locations for businesses financed by the corporation. ~~The rules must include a requirement that every full time employee of a business receiving moneys or other assistance from the primary sector development fund must be paid an income at least equal to one hundred percent of the federal poverty level for a family of four for the life of the loan, equity position, or other financial relationship and must establish procedures for determining compliance with this requirement and sanctions for failure to comply with it.~~ The rules must include requirements for and methods of distribution of the funds generally targeted for a distribution of forty percent businesses in rural areas, twenty percent businesses in urban areas, twenty percent North Dakota American Indian businesses, and twenty percent to be undesignated. Any unused funds in any category may be transferred to the undesignated portion during the second year of the biennium under rules adopted by the director of the department of economic development and finance. Moneys in the undesignated portion of the funds may be utilized in any of the three targeted areas."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT AND FINANCE

HOUSE - This amendment makes the following changes:

<u>Salaries and Wages</u>	<u>Total Change</u>
Reduced to reflect Governor Schafer's salary increase recommendation - general fund	\$ (95,769)
Reduced to delete 1 FTE economic development specialist related to the community development loan fund, to be funded in the Office of Intergovernmental Assistance - federal funds	(77,755)
Reduced to reflect savings from vacant positions - general fund	<u>(100,000)</u>
Subtotal	<u>\$(273,524)</u>
<u>Information Services Division</u>	
Reduced for a 10 percent reduction - general fund	\$ (9,551)
Reduced for FTE removed above - all federal funds	<u>(1,000)</u>
Subtotal	<u>\$(10,551)</u>
<u>Operating Expenses</u>	
Reduced for FTE removed - \$1,517 from the general fund and \$19,303 of federal funds	\$ (20,820)
Reduced for other operating expense reductions - general fund	<u>(54,000)</u>
Subtotal	<u>\$(74,820)</u>
<u>Grants and Transfers</u>	
Reduced Ag PACE funding - general fund	\$(196,000)
Adds funds for agricultural products utilization commission grants - general fund	375,000
Of the \$2,125,000 appropriation, Technology Transfer, Inc., shall dedicate \$600,000 to an agreement with the North Dakota University System to provide technology transfer services to North Dakota firms and entrepreneurs in developing new products and/or incorporating new technologies into commercial ventures. The North Dakota University System and Technology Transfer, Inc., will contract with the University of North Dakota for \$300,000 and North Dakota State University for \$300,000 respectively for the provision of statewide technology transfer services. These services shall be provided by University System entities.	<u>0</u>
Subtotal	<u>\$ 179,000</u>
Total change	<u>\$(179,895)</u>

In total, the general fund appropriation is reduced by \$81,837 and other funds are reduced by \$98,058 for a total reduction of \$179,895.

In addition, these amendments make statutory changes regarding the Department of Economic Development and Finance and the Future Fund and Technology Transfer, Inc., programs.

The following is a summary of the proposed general fund appropriations for the Department of Economic Development and Finance:

GENERAL FUND CHANGES TO SENATE BILL NO. 2021

	1993-95 SINNER EXECUTIVE BUDGET	INCREASES (DECREASES)	SENATE RECOMMENDATION	HOUSE INCREASES (DECREASES)	HOUSE RECOMMENDATION	1993-95 SCHAFFER EXECUTIVE BUDGET
Department operations	\$ 5,210,213	\$(1,098,365)	\$ 4,111,848	\$(260,837)	\$ 3,851,011	\$ 4,016,079
Grants	\$ 746,723	\$ 746,000	\$ 1,492,723	\$ 0	\$ 1,492,723	\$ 1,492,723
Future Fund Technology Transfer, Inc.	\$ 6,630,000 2,500,000	\$(1,625,000) (375,000)	\$ 5,005,000 ¹ 2,125,000 ¹	\$ 0	\$ 5,005,000 ¹ 2,125,000 ¹	\$ 6,630,000 2,500,000
PACE fund	5,000,000	(2,300,000)	2,700,000	0	2,700,000	2,700,000
Ag PACE fund	650,000	346,000	996,000	(196,000)	800,000	996,000
Agricultural Products Utilization Commission	0	0	0	375,000	375,000	0
Beginning farmer revolving loan fund	<u>1,000,000</u>	<u> </u>	<u>1,000,000</u>	<u>0</u>	<u>1,000,000</u>	<u>1,000,000</u>
Subtotal	<u>\$15,780,000</u>	<u>\$(3,954,000)</u>	<u>\$11,826,000</u>	<u>\$ 179,000</u>	<u>\$12,005,000</u>	<u>\$13,826,000</u>
Total Senate Bill No. 2021	\$21,736,936	\$(4,306,365)	\$17,430,571 ¹	\$ (81,837)	\$17,348,734 ¹	\$19,334,802

¹ In addition, \$2,000,000 is recommended in Senate Bill No. 2053, \$1,625,000 for the Future Fund and \$375,000 for Technology Transfer, Inc. and when added to the total provided in Senate Bill No. 2021 a total of \$19,430,571 is recommended by the Senate and \$19,348,734 by the House.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2003, SB 2005, SB 2006, SB 2013, SB 2014.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 3, remove "; to"

Page 1, remove line 4

Page 1, line 5, remove "repair projects and special assessment costs;"

Page 1, line 18, replace "1,786,518" with "1,695,518"

Page 1, line 20, replace "454,900" with "429,900"

Page 2, line 2, replace "176,168" with "92,168"

Page 2, line 13, replace "14,287,687" with "14,087,687"

Page 2, line 15, replace "9,338,267" with "9,138,267"

Page 2, line 18, replace "13,231,438" with "12,923,179"

Page 2, line 19, replace "3,292,443" with "3,274,959"

Page 2, line 20, replace "469,777" with "433,271"

Page 2, line 21, replace "147,354" with "317,354"

Page 2, line 22, replace "17,141,012" with "16,948,763"

Page 2, line 24, replace "8,807,882" with "8,615,633"

Page 2, line 27, replace "3,703,995" with "3,654,602"

Page 2, line 28, replace "1,165,284" with "1,158,763"

Page 2, line 29, replace "134,660" with "122,631"

Page 3, line 1, replace "35,832" with "41,333"

Page 3, line 2, replace "5,039,771" with "4,977,329"

Page 3, line 4, replace "3,000,115" with "2,937,673"

Page 3, line 7, replace "4,278,319" with "4,228,011"

Page 3, line 8, replace "1,191,215" with "1,173,587"

Page 3, line 10, replace "140,380" with "150,880"

Page 3, line 11, replace "5,848,680" with "5,791,244"

Page 3, line 13, replace "2,858,927" with "2,801,491"

Page 3, line 16, replace "93,351,348" with "91,362,028"

Page 3, line 17, replace "27,032,230" with "26,023,217"

Page 3, line 19, replace "1,781,290" with "2,000,000"

Page 3, line 21, replace "126,150,060" with "123,370,437"

Page 3, line 23, replace "77,035,997" with "74,256,374"

Page 3, line 26, replace "74,689,924" with "72,554,833"

Page 3, line 27, replace "21,930,657" with "21,691,055"

Page 3, remove line 29

Page 4, line 1, replace "1,190,940" with "1,370,940"

Page 4, line 2, replace "99,969,763" with "97,655,070"

Page 4, line 4, replace "60,727,724" with "58,413,031"

Page 4, line 7, replace "19,225,213" with "19,030,687"

Page 4, line 8, replace "5,382,175" with "5,355,464"

Page 4, line 9, replace "1,268,544" with "1,068,285"

Page 4, remove line 10

Page 4, line 11, replace "211,782" with "386,782"

Page 4, line 12, replace "26,187,714" with "25,841,218"

Page 4, line 14, replace "19,172,076" with "18,825,580"

Page 4, line 17, replace "11,598,211" with "11,444,765"

Page 4, line 18, replace "3,230,481" with "3,171,605"

Page 4, remove line 20

Page 4, line 21, replace "218,133" with "245,899"

Page 4, line 22, replace "15,374,612" with "15,140,056"

Page 4, line 24, replace "9,775,499" with "9,540,943"

Page 4, line 27, replace "7,111,659" with "6,972,445"

Page 4, line 28, replace "1,879,836" with "1,865,809"

Page 4, line 29, replace "100,000" with "83,344"

Page 5, remove line 1

Page 5, line 2, replace "75,000" with "80,000"

Page 5, line 3, replace "9,316,495" with "9,001,598"

Page 5, line 5, replace "6,694,036" with "6,379,139"

Page 5, line 8, replace "25,869,160" with "25,243,944"

Page 5, line 9, replace "4,892,095" with "4,805,237"

Page 5, line 11, replace "645,668" with "670,668"

Page 5, line 12, replace "32,076,305" with "31,389,231"

Page 5, line 14, replace "18,299,738" with "17,612,664"

Page 5, line 17, replace "9,308,738" with "9,112,660"

Page 5, line 18, replace "2,244,152" with "2,227,364"

Page 5, line 19, replace "212,308" with "197,502"

Page 5, line 20, replace "200,000" with "230,000"

Page 5, line 21, replace "400,000" with "250,000"

Page 5, line 22, replace "12,365,198" with "12,017,526"

Page 5, line 24, replace "8,898,658" with "8,550,986"

Page 5, line 27, replace "3,360,307" with "3,324,146"

Page 5, line 28, replace "904,357" with "898,374"

Page 6, remove line 1

Page 6, line 3, replace "4,532,994" with "4,390,850"

Page 6, line 5, replace "3,152,678" with "3,010,534"

Page 6, line 8, replace "1,542,316" with "1,505,020"

Page 6, line 9, replace "368,733" with "367,148"

Page 6, line 10, replace "40,900" with "36,976"

Page 6, line 12, replace "1,983,010" with "1,940,205"

Page 6, line 14, replace "1,319,970" with "1,277,165"

Page 6, line 17, replace "43,509,497" with "42,968,976"

Page 6, line 18, replace "16,459,089" with "15,866,050"

Page 6, line 19, replace "1,847,887" with "1,747,887"

Page 6, line 20, replace "61,816,473" with "60,582,913"

Page 6, line 22, replace "26,131,380" with "24,897,820"

Page 6, line 29, replace "255,212,947" with "246,257,300"

Page 7, line 1, replace "208,795,402" with "202,427,377"

Page 7, line 2, replace "464,008,349" with "448,684,677"

Page 9, line 9, replace "\$1,034,376" with "amounts"

Page 9, remove lines 13 through 28

Page 10, remove lines 1 through 18

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

HOUSE - These amendments make the changes shown on the attached schedule:

PROPOSED HOUSE GENERAL FUND CHANGES TO SENATE BILL NO. 2003

Reverse Senate Changes Not in Schafer Budget

	1	2	3	4	5
	SENATE RECOMMENDATION IN ENGROSSED SENATE BILL 2003	SALARY ADJUSTMENTS	OTHER ADJUSTMENTS	SPECIAL ASSESSMENTS	ADJUSTED LEVEL ¹
North Dakota	\$ 9,338,267				\$ 9,338,267
University System					
Bismarck State College	8,807,882	\$ (351,259)		\$170,000	8,626,623
UND-Lake Region	3,000,115	(164,393)		5,501	2,841,223
UND-Williston	2,858,927	(115,308)		10,500	2,754,119
University of North Dakota	77,035,997	(1,780,497)	\$ (775,000)	218,710	74,699,210
North Dakota State University	60,727,724	(2,023,105)		100,000	58,804,619
State College of Science	19,172,076	(412,526)	(221,487)	175,000	18,713,063
Dickinson State University	9,775,499	(300,446)		27,766	9,502,819
Mayville State University	6,694,036	(270,214)		5,000	6,428,822
Minot State University	18,299,738	(607,497)		25,000	17,637,241
Valley City State University	8,890,658	(308,570)		50,000	8,560,000
NDSU-Bottineau	3,152,678	(139,069)			3,013,609
Forest Service	1,319,970	(37,296)			1,282,674
UND Medical Center	26,131,300	(540,521)	(585,117)		25,005,742
Total general fund	\$255,212,947	\$(7,210,709) ²	\$(1,581,604)	\$867,477	\$247,288,111

¹ The adjusted level includes Governor Schafer's recommendations for salaries and wages (2/0) and health insurance adjustments which were adopted by the Senate.

² Includes \$4,517,060 added by the Senate to fully fund faculty authorized in the executive budget but not fully funded and the remainder is other salary adjustments made by the Senate.

	Adjust for Schafer Changes								
	5	6 REDUCE PHYSICAL PLANT/ SUPPORT SALARIES	7	8	9	10	11	12	13
	ADJUSTED LEVEL ¹		REDUCE OPERATING	REDUCE EQUIPMENT	REDUCE IMPROVEMENTS	OTHER CHANGES ²	HOUSE PROPOSED LEVEL	1993-95 SCHAFFER BUDGET	HOUSE INCREASE (DECREASE) TO SCHAFFER BUDGET
North Dakota University System	\$ 9,338,267	0				\$(200,000)	\$9,138,267	\$10,138,267	\$(1,000,000)
Bismarck State College	8,626,623	0	\$(17,484)	\$(36,586)		43,000	8,615,633	8,572,633	43,000
UND-Lake Region	2,841,223		(6,521)	(12,829)		115,000	2,937,673	2,822,673	115,000
UND-Williston	2,754,119		(17,628)			65,000	2,801,491	2,736,491	65,000
University of North Dakota	74,699,218	(208,823)	(234,813)			0	74,256,374	74,256,374	0
North Dakota State University	58,884,619	(111,986)	(239,682)			(120,000)	58,413,031	58,413,031	0
State College of Science	18,713,063		(26,711)	(78,772)		218,000	18,825,580	18,587,580	318,000
Dickinson State University	9,502,819		(58,876)			97,000	9,540,943	9,393,943	147,000
Mayville State University	6,428,822		(14,027)	(16,656)	(10,000)	(9,000)	6,379,139	6,238,139	141,000
Hinot State University	17,637,241	(25,719)	(86,858)			88,000	17,612,664	17,524,664	88,000
Valley City State University	8,560,880		(16,788)	(14,806)	(20,000)	42,500	8,558,986	8,358,486	192,500
NDSU-Bottineau	3,013,609	(12,092)	(5,983)			15,000	3,010,534	2,895,534	115,000
Forest Service	1,282,674		(1,585)	(3,924)		0	1,277,165	1,277,165	0
UND Medical Center	25,805,742		(107,922)			0	24,897,820	24,897,820	0
Total general fund	\$247,288,111	\$(358,620)	\$(833,998)	\$(162,693)	\$(30,000)	\$354,500	\$246,257,300	\$246,032,800	\$ 224,500

¹ The adjusted level includes Governor Schafer's recommendations for salaries and wages (2/0) and health insurance adjustments which were adopted by the Senate.

² The other changes consist of:

	DESCRIPTION	AMOUNT
North Dakota	-Remove executive secretary	\$ (91,000)
University System	position funding	
	-Reduce operating	(25,000)
	-Reduce contingency	(94,000)
		<u>\$(280,000)</u>
Bismarck State College	Salaries adjustment	\$ 43,000
UND-Lake Region	Salaries adjustment	115,000
UND-Williston	Salaries adjustment	65,000
North Dakota State University	Special initiative	(120,000)
State College of Science	Salaries adjustment	218,000
	Equipment	100,000
	Special initiative	(100,000)
Dickinson State University	Salaries adjustment	147,000
	Special initiative	(50,000)
Mayville State University	Salaries adjustment	131,000
	Special initiative	(150,000)
	Capital improvements	10,000
Minot State University	Salaries adjustment	88,000
Valley City State University	Salaries adjustment	192,500
	Special initiative	(150,000)
NDSU-Bottineau	Salaries adjustment	115,000
	Special initiative	<u>(100,000)</u>
Total general fund		<u>\$354,500</u>

In addition, these amendments delete the bonding provisions in Section 10 for capital repair \$(4,500,000) and special assessments \$(1,868,025).

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2005

Page 1, line 16, replace "18,160,246" with "18,049,200"

Page 1, line 17, replace "3,433,000" with "3,333,000"

Page 1, line 18, replace "429,000" with "400,000"

Page 1, line 19, replace "22,022,246" with "21,782,200"

Page 1, line 21, replace "10,138,877" with "9,898,831"

Page 2, line 10, replace "31,611,129" with "30,330,282"

Page 2, line 11, replace "5,136,557" with "4,676,978"

Page 2, line 12, replace "1,437,996" with "1,397,746"

Page 2, line 15, replace "39,139,482" with "37,358,806"

Page 2, line 16, replace "16,699,399" with "16,475,951"

Page 2, line 17, replace "22,440,083" with "20,882,855"

Page 2, line 20, replace "976,028" with "1,013,428"

Page 2, line 21, replace "457,971" with "450,103"

Page 2, line 22, replace "41,076" with "39,076"

Page 2, line 23, replace "1,475,075" with "1,502,607"

Page 2, line 25, replace "1,043,399" with "1,070,931"

Page 2, line 28, replace "435,023" with "417,923"

Page 2, line 29, replace "351,500" with "333,593"

Page 3, line 1, replace "101,293" with "100,193"

Page 3, line 2, replace "887,816" with "851,709"

Page 3, line 4, replace "539,916" with "503,809"

Page 3, line 7, replace "480,302" with "463,602"

Page 3, line 8, replace "206,512" with "187,567"

Page 3, line 9, replace "73,600" with "72,600"

Page 3, line 10, replace "760,414" with "723,769"

Page 3, line 12, replace "526,928" with "490,283"

Page 3, line 15, replace "545,386" with "526,386"

Page 3, line 16, replace "185,433" with "163,862"

Page 3, line 17, replace "44,000" with "42,800"

Page 3, line 18, replace "774,819" with "733,048"

Page 3, line 20, replace "602,189" with "560,418"

Page 3, line 23, replace "433,919" with "421,519"

Page 3, line 24, replace "248,475" with "232,563"

Page 3, line 25, replace "42,000" with "41,200"

Page 3, line 26, replace "724,394" with "695,282"

Page 3, line 28, replace "395,294" with "366,182"

Page 4, line 2, replace "646,398" with "630,098"

Page 4, line 3, replace "153,620" with "130,372"

Page 4, line 4, replace "64,900" with "63,900"

Page 4, line 5, replace "864,918" with "824,370"

Page 4, line 6, replace "315,870" with "312,775"

Page 4, line 7, replace "549,048" with "511,595"

Page 4, line 10, replace "1,186,338" with "1,144,738"

Page 4, line 11, replace "598,822" with "554,792"

Page 4, line 12, replace "108,900" with "106,250"

Page 4, line 13, replace "1,894,060" with "1,805,780"

Page 4, line 14, replace "960,815" with "954,178"

Page 4, line 15, replace "933,245" with "851,602"

Page 4, line 27, replace "all" with "special" and after "funds" insert "appropriation"

Page 4, remove line 28

Page 5, remove line 1

Page 5, line 2, replace "38,105,341" with "35,712,051"

Page 5, line 3, replace "33,557,505" with "33,685,142"

Page 5, line 4, replace "71,662,846" with "69,397,193"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 630 - NDSU EXTENSION SERVICE

HOUSE - This amendment makes the following changes:

The salaries and wages line item is reduced by \$111,046 from the general fund, including a reduction of two FTEs in campus operations.

The operating expenses line item is reduced by \$100,000 from the general fund for operating expense reductions in campus operations.

The equipment line item is reduced by \$29,000 from the general fund to reduce equipment purchases for campus operations.

In total, this amendment reduces funding for the NDSU Extension Service by \$240,046 from the general fund. A comparison of the general fund appropriations in the various proposals for funding the NDSU Extension Service is as follows:

	SINNER BUDGET	SCHAFFER BUDGET	SENATE VERSION	HOUSE VERSION
General fund	\$10,313,877	\$9,269,831	\$10,138,877	\$9,898,831
Percentage of 1991-93 appropriated level ¹	89%	83%	91%	89%

¹ For comparison purposes, these percentages exclude 1993-95 funding for the employee salary increase package.

DEPARTMENT 640 - MAIN RESEARCH STATION

HOUSE - The following schedules detail the changes made in this amendment to reflect Governor Schafer's recommended funding level for the Agricultural Experiment Station, to add funding, including one FTE, for an agroforestry program at the Dickinson Research Center, and to remove general fund support for the Land Reclamation Research Center:

SUMMARY OF AGRICULTURAL EXPERIMENT STATION AUTHORIZED FTE CHANGES

	SENATE VERSION	HOUSE CHANGES	HOUSE RECOMMENDATION
Main Research Station	344.5	(14.33)	330.17
Dickinson Research Center	12.75	.6	13.35
Central Grasslands Research Center	5.0	(.2)	4.8
Hettinger Research Center	7.25	.75	8.0
Langdon Research Center	6.75	(.2)	6.55
North Central Research Center	6.0	(.2)	5.8
Williston Research Center	8.0	(.2)	7.8
Carrington Research Center	14.5	(.5)	14.0
Agronomy Seed Farm	3.0	0	3.0
Land Reclamation Research Center	<u>20.75</u>	<u>0</u>	<u>20.75</u>
Total Agricultural Experiment Station	428.5	(14.28)	414.22

SUMMARY OF GENERAL FUND CHANGES TO AGRICULTURAL EXPERIMENT
STATION FUNDING CONTAINED IN SENATE BILL NO. 2005

	SENATE RECOMMENDATION	GENERAL FUND SUPPORT OF LRRC ¹	REMOVE LRRC GENERAL FUND SUPPORT ²	AGROFORESTRY PROGRAM ³	REMOVE AG PRODUCTION RESEARCH ADDED IN SENATE ⁴	OTHER ADJUSTMENTS ⁵	TOTAL NET HOUSE CHANGES	HOUSE RECOMMENDATION
Main Research Station	\$22,440,083	\$(156,305)			\$(556,340)	\$(844,583)	\$(1,557,228)	\$20,882,855
Dickinson Research Center	1,043,399	(7,198)		\$100,000	(24,570)	(40,700)	27,532	1,070,931
Central Grasslands Research Center	539,916	(3,756)			(10,951)	(21,400)	(36,107)	503,809
Hettinger Research Center	526,928	(3,754)			(12,091)	(20,800)	(36,645)	490,283
Langdon Research Center	602,189	(4,241)			(13,730)	(23,800)	(41,771)	560,418
North Central Research Center	395,294	(2,689)			(10,923)	(15,500)	(29,112)	366,182
Williston Research Center	549,048	(3,876)			(13,177)	(20,400)	(37,453)	511,595
Carrington Research Center	933,245	(6,418)			(23,225)	(52,000)	(81,643)	851,602
Agronomy Seed Farm	0						0	0
Land Reclamation Research Center	<u>360,817</u>		<u>\$(360,817)</u>				<u>(360,817)</u>	<u>0</u>
Total Agricultural Experiment Station	\$27,390,919	\$(188,237)	\$(360,817)	\$100,000	\$(665,007)	\$(1,039,183)	\$(2,153,244)	\$25,237,675
FTEs	428.5			1.0	(6.23)	(9.05)	(14.28)	414.22

¹ Reduces funding from the general fund for operating expenses of the Main Research Station and branch research centers.

² General fund support of \$360,817 for the Land Reclamation Research Center is removed and other funds of \$360,817 are added to allow the center to apply for grants to support its recommended budget level.

³ Adds funding at the Dickinson Research Center for one FTE agroforester and related operating expenses as follows:

Salaries and wages (1 FTE)	\$ 70,000
Operating expenses	<u>30,000</u>
Total general fund	\$100,000

⁴ Removes funding added in the Senate for agriculture production research as follows:

Main Research Station	
Salaries and wages (6.23 FTEs)	\$(556,340)
Branch research centers	
Operating expenses	<u>(108,667)</u>
Total general fund	\$(665,007)

⁵ Reduces funding and 9.05 FTE positions, 8.1 of which are at the Main Research Station and .95 at the branch research centers for the following programs:

Natural resource management (2.5 FTEs)	\$ (250,000)
Crop and livestock production research (2.5 FTEs)	(250,000)
Agriculture production research (5 FTEs)	<u>(539,183)</u>
Total general fund	\$(1,039,183)

A .95 FTE position is added at the Hettinger Research Center; however, funding for the position is not provided.

A comparison of the general fund appropriations in the various proposals for funding the Agricultural Experiment Station is as follows:

	SINNER BUDGET	SCHAFFER BUDGET	SENATE VERSION	HOUSE VERSION
General fund	\$27,202,682	\$25,537,675	\$27,390,919	\$25,237,675
Percentage of 1991-93 appropriated level ¹	99%	94%	101%	93%

¹ For comparison purposes, these percentages exclude 1993-95 funding for the employee salary increase package.

In total, this amendment reduces funding in Senate Bill No. 2005 by \$2,265,653, general fund support is reduced by \$2,393,290, and other funds are increased by \$127,637.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2006

Page 1, line 6, after the semicolon insert "to create and enact nine new subsections to section 23-09-01 of the North Dakota Century Code, relating to food establishments, hotels, lodginghouses, restaurants, and boardinghouses;" after "reenact" insert "subsection 1 of section 19-02.1-24," and after the first comma insert "23-09-17,"

Page 1, line 7, remove "and", after "23-09-19" insert ", 23-09.1-03, and 23-10-05", and after "to" insert "license fees and"

Page 1, line 17, replace "22,197,754" with "22,156,340"

Page 1, line 18, replace "505,371" with "454,834"

Page 1, line 19, replace "25,467,503" with "25,787,229"

Page 1, line 20, replace "855,976" with "845,976"

Page 1, line 21, replace "11,956,168" with "11,858,668"

Page 2, remove line 2

Page 2, line 5, replace "62,587,172" with "62,403,047"

Page 2, line 6, replace "47,610,217" with "47,322,579"

Page 2, line 7, replace "14,976,955" with "15,080,468"

Page 2, line 26, replace "\$300,000" with "\$414,753"

Page 3, after line 6 insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 19-02.1-24 of the North Dakota Century Code is amended and reenacted as follows:

1. No establishment may sell any type of prepackaged food from a food vending machine without first obtaining a license from the department. A license may be issued upon payment of a fee of ~~ten~~ fifteen dollars annually. The license expires on June thirtieth of each year.

SECTION 8. Nine new subsections to section 23-09-01 of the North Dakota Century Code are created and enacted as follows:

"Bakery" means an establishment or any part of an establishment which manufactures or prepares bread or bread products, pies, cakes, cookies, crackers, doughnuts, or other similar products, or candy, whether plain; chocolate or chocolate coated; mixed with nuts, fruits, or other fillers; covered with chocolate or other coating; and shaped, molded, or formed in various shapes. The term does not include food service establishments nor home cake decorators.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored, including a service center or base of operations directly from which mobile food units are supplied or serviced. The term does not apply to an area or conveyance at a vending machine location used for the temporary storage of packaged food or beverages.

"Limited restaurant" means a food service establishment that is restricted to a specific menu as determined by the department or an establishment serving only prepackaged foods, such as frozen pizza and sandwiches, which receive no more than heat treatment and are served directly in the package or on single-serve articles.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous food or commissary-wrapped food maintained at proper temperatures.

"Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for offpremise consumption. The term includes a delicatessen that offers prepared food in bulk quantities only. The term does not include an establishment that handles only prepackaged nonpotentially hazardous foods, roadside market that offers only fresh fruits and vegetables for sale, food service establishment, or food and beverage vending machine.

"Retail meat market" means a commercial establishment and buildings or structures connected with it, used to process, store, or display meat or meat products for retail sale to the public for human consumption. The term does not include a meat establishment operating under the federal or state meat inspection program.

"Salvage processing facility" means an establishment engaged in the business of reconditioning or by other means salvaging distressed merchandise for human consumption or use.

"Temporary food service establishment" means any food service establishment that operates at a fixed location for not more than fourteen consecutive days. The term does not include a nonprofit public-spirited organization or person providing a limited type of food service as defined in chapter 23-09.2."

Page 3, line 10, remove the overstrike over "~~must be inspected~~" and remove "shall contract with an"

Page 3, remove line 11

Page 3, line 12, remove "inspection", overstrike "in each year" and insert immediately thereafter "every two years", remove the overstrike over "~~by the~~", and remove the overstrike over "~~department~~"

Page 3, line 13, remove the overstrike over "~~. The department and its inspectors~~"

Page 3, line 14, after the first "~~to~~" insert "may" and remove the overstrike over "~~enter any such establishment at reasonable hours to determine~~"

Page 3, line 15, after "~~of~~" insert "compliance with" and remove the overstrike over "~~this chapter~~"

Page 3, remove lines 21 through 24

Page 3, after line 24, insert:

"SECTION 10. AMENDMENT. Section 23-09-17 of the North Dakota Century Code is amended and reenacted as follows:

23-09-17. License fees. The following annual license fees must be paid to the state department of health and consolidated laboratories by proprietors of hotels, restaurants, boardinghouses, and lodginghouses, and other food and food service establishments:

1. For a restaurant, limited restaurant, or boardinghouse, ten dollars; hotel or lodginghouse containing not more than three sleeping rooms, twenty dollars.
2. For a hotel or lodginghouse containing at least four but not more than ten sleeping rooms, five thirty dollars.

3. For a hotel or lodginghouse containing more than ten sleeping rooms and not more than twenty sleeping rooms, ~~ten~~ forty-five dollars.
4. For a hotel or lodginghouse containing more than twenty sleeping rooms and not more than fifty sleeping rooms, ~~twenty~~ sixty dollars.
5. For a hotel or lodginghouse containing fifty-one sleeping rooms or more, ~~forty~~ eighty dollars.
6. For a restaurant or boardinghouse with a seating capacity of less than seventy-five, thirty-five dollars.
7. For a restaurant or boardinghouse with a seating capacity of seventy-five to not more than one hundred fifty, forty-five dollars.
8. For a restaurant or boardinghouse with a seating capacity of of more than one hundred fifty, fifty-five dollars.
9. For a limited restaurant, twenty-five dollars.
10. For a retail food store, retail meat market, or bakery with not more than five thousand square feet [464.52 square meters], twenty-five dollars.
11. For a retail food store, retail meat market, or bakery with more than five thousand square feet [464.52 square meters], forty dollars.
12. For a bar or tavern dispensing beer, liquor, or alcoholic beverages, twenty dollars.
13. For an establishment operating one or more mobile food units or pushcarts, twenty-five dollars.

If a business operates more than one type of establishment on the same premises and under the same management, a single license must be issued by the department stating the types of establishments the business is licensed for and the maximum license fee charged may not exceed seventy-five dollars. The department shall waive all or a portion of the license fee for any restaurant, limited restaurant, ~~or~~ boardinghouse, or other food or food service establishment that is subject to a license fee by a city or district health unit if the local unit's sanitation, safety, and inspection rules are approved by the department."

Page 4, line 3, remove the overstrike over "an ~~inspector~~" and remove "a representative"

Page 4, line 9, remove the overstrike over "an ~~inspector~~"

Page 4, line 10, remove "a representative"

Page 4, after line 12, insert:

"SECTION 13. AMENDMENT. Section 23-09.1-03 of the North Dakota Century Code is amended and reenacted as follows:

23-09.1-03. License fee. The annual license fee paid to the state department of health and consolidated laboratories by proprietors of bed and breakfast facilities is ~~five~~ fifteen dollars.

SECTION 14. AMENDMENT. Section 23-10-05 of the North Dakota Century Code is amended and reenacted as follows:

23-10-05. License fees. The following fees must be charged for licenses to operate mobile home parks, trailer parks, or campgrounds in this state:

1. For a mobile home park containing at least three but not more than ten lots, ~~thirty-five~~ fifty dollars.
2. For a mobile home park containing at least eleven but not more than twenty-five lots, ~~fifty~~ seventy-five dollars.
3. For a mobile home park containing at least twenty-six but not more than fifty lots, ~~sixty-five~~ one hundred dollars.
4. For a mobile home park containing more than fifty lots, ~~eighty~~ one hundred twenty dollars.
5. For a trailer park or campground containing at least three but not more than ten lots, ~~thirty~~ fifty dollars.
6. For a trailer park or campground containing at least eleven but not more than twenty-five lots, ~~forty-five~~ seventy-five dollars.
7. For a trailer park or campground containing at least twenty-six but not more than fifty lots, ~~sixty~~ one hundred dollars.
8. For a trailer park or campground containing more than fifty lots, ~~eighty~~ one hundred twenty dollars.

The license fee must be waived for any mobile home park, trailer park, or campground owned by the state, a municipality, or a nonprofit organization. The department shall waive all or a portion of the license fee for any mobile home park, trailer park, or campground ~~which that~~ is subject to local sanitation, safety, and inspection requirements accepted by the department under section 23-10-02.1."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

HOUSE - This amendment makes the following changes:

-- The salaries and wages line item is adjusted as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Reduction for Governor Schafer's salary increase recommendation	\$(222,852)	\$(272,375)	\$(495,227)
Add funds to restore the forensic pathologist position deleted by the Senate	291,762		291,762
Add funds for 4 FTEs for food and lodging inspections	244,051		244,051
Reduce funds for anticipated vacant positions	<u>(82,000)</u>	<u> </u>	<u>(82,000)</u>
Total	\$ 230,961	\$(272,375)	\$(41,414)

- The information services line item is reduced by 10 percent, a reduction of \$50,537, of which \$15,348 is from the general fund and \$35,189 is from other funds.
- The interagency legal fees line item of \$304,400 is removed, and related other funds of \$229,600 is transferred to operating expenses, for a net general fund reduction of \$74,800.

In addition, operating expenses is increased by \$70,200 from the general fund for the 4 FTEs added and by \$19,926 of other funds for payment of merit system fees to the office of management and budget.

- The equipment line item is reduced by \$10,000 from the general fund.
- The grants line item is reduced by \$97,500 from the general fund to reduce aid to local health districts, from \$975,000 to \$877,500.

In addition, a provision is added to increase the annual license fees for hotels, restaurants and other inspected facilities. These fees are expected to provide approximately \$228,000 of general fund revenue for the 1993-95 biennium.

In total, \$184,125 is reduced from the Department of Health and Consolidated Laboratories, including an increase of \$103,513 from the general fund and a decrease of \$287,638 from other funds.

The following is a comparison of the various recommended 1993-95 budgets:

	ORIGINAL EXECUTIVE BUDGET	SENATE VERSION	HOUSE VERSION	SCHAFFER EXECUTIVE BUDGET
Salaries and wages	\$22,606,256	\$22,197,754	\$22,156,340	\$21,663,025
Information services	505,371	505,371	454,834	496,371
Operating expenses	25,477,503	25,467,503	25,787,229	25,629,643
Equipment	865,976	855,976	845,976	848,798
Grants	11,576,168	11,956,168	11,858,668	11,126,168
Grants to state agencies	820,000	820,000	820,000	820,000
Interagency legal fees	304,400	304,400	0	0
Abandoned motor vehicle	400,000	400,000	400,000	400,000
Belfield/Bowman project	1,120,000	0	0	0
Physician loan program	<u>80,000</u>	<u>80,000</u>	<u>80,000</u>	<u>80,000</u>
Total all funds	\$63,755,674	\$62,587,172	\$62,403,047	\$61,064,005
Less estimated income	<u>47,084,424</u>	<u>47,610,217</u>	<u>47,322,579</u>	<u>46,597,842</u>
Total general fund	\$16,671,250	\$14,976,955	\$15,080,468	\$14,466,163
FTEs authorized	315	314	319	311

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2013

Page 1, line 10, replace "15,214,978" with "15,206,204"

Page 1, line 16, replace "19,126,746" with "19,117,972"

Page 1, line 18, replace "\$17,971,485" with "\$17,979,400"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

HOUSE - This amendment makes the following changes to the salaries and wages line item:

	HIGHWAY FUND	FEDERAL FUNDS	TOTAL
Decrease reflecting Governor Schafer's salary increase	\$(317,085)	\$(16,689)	\$(333,774)
Recommendation for state employees			
Increase relating to projecting fewer position vacancies during the 1993-95 biennium (The Senate reduced salaries and wages by \$725,000 from the highway fund for 1993-95 projected position vacancies)	<u>325,000</u>	<u>0</u>	<u>325,000</u>
Total	\$ 7,915	\$(16,689)	\$ (8,774)

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2014

Page 1, line 13, replace "73,794,462" with "71,840,858"

Page 1, line 14, replace "3,622,100" with "3,425,795"

Page 1, line 15, replace "56,564,582" with "56,080,839"

Page 1, line 16, replace "6,894,408" with "6,094,408"

Page 1, line 17, replace "330,561,200" with "265,561,200"

Page 1, line 21, replace "485,558,452" with "417,124,800"

Page 2, line 3, replace "2,399,384" with "2,348,814"

Page 2, line 4, replace "755,382" with "717,613"

Page 2, line 7, replace "5,778,262" with "5,689,923"

Page 2, line 10, replace "1,523,024" with "1,491,458"

Page 2, line 11, replace "210,000" with "199,500"

Page 2, line 12, replace "8,000,152" with "7,550,152"

Page 2, line 13, replace "10,535,600" with "10,135,600"

Page 2, line 14, replace "20,268,776" with "19,376,710"

Page 2, line 15, replace "511,605,490" with "442,191,433"

Page 2, after line 24, insert:

"SECTION 4. INDIRECT COST ALLOCATION PAYMENTS - CONTINGENCY. The office of management and budget may charge the department of transportation for indirect costs for the biennium beginning July 1, 1993, and ending June 30, 1995, pursuant to section 54-44.1-15 only if the fifty-third legislative assembly approves a motor vehicle fuel tax increase or a contingent motor vehicle fuel tax increase."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 802 - DOT-TRANSPORTATION OPERATION

HOUSE - This amendment makes the following changes also recommended by Governor Schafer:

The salaries and wages line item is decreased by \$1,453,604, \$304,910 of which is federal funds to reflect Governor Schafer's salary increase recommendation for state employees.

The capital improvements line item is decreased by \$2,000,000 from the highway fund for highway maintenance.

This amendment also makes the following changes:

The salaries and wages line item is reduced by \$500,000 from the highway fund relating to a reduction of five FTE undesignated positions and projected position vacancies during the 1993-95 biennium.

The information services line item is reduced by \$196,305 from the highway fund to reflect a five percent decrease in information services.

The operating expenses line item is increased by \$116,257 from the highway fund for indirect cost allocation payments to the Office of Management and Budget. This change provides a total of \$483,235 from the highway fund for indirect cost allocation payments. A section is added providing that the Office of Management and Budget may charge indirect costs to the Department of Transportation only if a motor vehicle fuel tax increase or a contingent motor vehicle fuel tax increase is approved by the 1993 Legislative Assembly.

The operating expenses line item is reduced by \$600,000, \$400,000 of which is federal funds. Of the reduction, \$100,000 relates to postage and \$500,000, \$400,000 of which is federal funds, relates to consulting engineers.

The equipment line item is reduced by \$800,000 from the highway fund to delay certain equipment purchases until the 1995-97 biennium.

The capital improvements line item is reduced by \$63,000,000, \$50,400,000 of which is federal funds, relating to highway construction projects. Funding for highway construction projects is provided at a level that is \$8,500,000 more than recommended by Governor Schafer, \$6,800,000 of this amount is federal funds. It is the intent of the Legislative Assembly that this reduction of federal and state funds relates to the additional motor vehicle fuel tax and federal fund collections which may become available pursuant to the provisions of House Bill No. 1399. It is not the intent of this amendment to limit the Emergency Commission's authority to accept and approve the expenditure of federal funds because of unanticipated state or local matching funds that may become available.

Funding provided for highway construction projects reflected in this amendment is based on estimated funding available pursuant to 1991-93 motor vehicle fuel tax rates. House Bill No. 1399, which includes an increase of motor vehicle fuel tax rates of up to three cents based on federal highway construction funds available to North Dakota for the 1993-95 biennium, also contains an appropriation of up to \$65,500,000 for additional highway construction projects. A one cent motor vehicle fuel tax increase is estimated to generate \$7.5 million to the highway tax distribution fund for the first biennium the increase is effective.

In total, this amendment reduces funding for DOT-Transportation Operation by \$68,433,652, \$51,104,910 of which is federal funds and \$17,328,742 of which is from the highway fund. Authorized FTE positions are reduced by five from Governor Schafer's recommendation and the Senate version, from 1,013.73 to 1,008.73 FTE positions. Governor Sinner recommended 1,021.73 FTE positions, 13 FTE positions more than the 1,008.73 authorized by the provisions of this amendment.

DEPARTMENT 803 - DOT-MOTOR VEHICLE

HOUSE - The salaries and wages line item is decreased by \$50,570 from special funds to reflect Governor Schafer's salary increase recommendation for state employees.

The information services line item is reduced by \$37,769 from special funds to reflect a five percent decrease in information services.

In total, this amendment reduces funding for DOT-Motor Vehicle by \$88,339 from special funds.

DEPARTMENT 804 - DOT-FLEET SERVICES

HOUSE - The salaries and wages line item is decreased by \$31,566 from special funds to reflect Governor Schafer's salary increase recommendation for state employees.

The information services line item is reduced by \$10,500 of special funds to reflect a five percent decrease in information services.

The operating expenses line item is decreased by \$450,000 from special funds to reflect a reduction in buildings and vehicle maintenance supplies provided for the 1993-95 biennium.

The equipment line item is decreased by \$400,000 from special funds to reflect a reduction of funding provided for vehicle purchases during the 1993-95 biennium.

In total, this amendment reduces funding for DOT-Fleet Services by \$892,066 from special funds.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1511.

REPORT OF CONFERENCE COMMITTEE

SB 2027, as engrossed: Your conference committee (Sens. Graba, Mathern, B. Stenehjem and Reps. Rydell, Stenehjem, Cleary) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 889 and place SB 2027 on the Seventh order.

Engrossed SB 2027 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2048: Your conference committee (Sens. Jerome, Graba, Bowman and Reps. Austin, Brodshaug, Gorder) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 815, adopt amendments as follows, and place SB 2048 on the Seventh order:

That the House recede from its amendments as printed on page 815 of the Senate Journal and page 878 of the House Journal, and that Senate Bill No. 2048 be amended as follows:

Page 1, line 11, after the underscored period insert "The course must be available on videotape or any equivalent medium as designed by the department."

Re-number accordingly

SB 2048 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2097, as engrossed: Your conference committee (Sens. Graba, Maxson, Andrist and Reps. Shide, Keiser, Kilichowski) recommends that the SENATE ACCEDE to the House amendments on SJ pages 991-992, adopt further amendments as follows, and place SB 2097 on the Seventh order:

That the Senate accede to the amendments as printed on pages 991-992 of the Senate Journal and page 1112 of the House Journal and that Engrossed Senate Bill No. 2097 be further amended as follows:

Page 1, line 20, remove "- Political subdivisions" and replace "A" with "The state or a"

Page 1, line 21, after the second "the" insert "state or"

Renumber accordingly

Engrossed SB 2097 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2144, as engrossed: Your conference committee (Sens. Maxson, W. Stenehjem, Andrist and Reps. DeWitz, Wentz, Wilkie) recommends that the HOUSE RECEDE from the House amendments on SJ pages 927-928, adopt amendments as follows, and place SB 2144 on the Seventh order:

That the House recede from its amendments as printed on pages 927-928 of the Senate Journal and page 1009 of the House Journal and that Engrossed Senate Bill No. 2144 be amended as follows:

Page 1, line 1, replace "a" with "two" and replace "subsection" with "subsections"

Page 1, line 3, after "rehabilitation" insert "to accept forfeited or seized property and"

Page 2, line 9, replace "A" with "Two" and replace "subsection" with "subsections"

Page 2, line 10, replace "is" with "are"

Page 2, after line 11, insert:

"To accept property forfeited or seized in accordance with law."

Renumber accordingly

Engrossed SB 2144 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2327, as engrossed: Your conference committee (Sens. Jerome, Lindgren, Andrist and Reps. Kretschmar, Maragos, Gulleon) recommends that the SENATE ACCEDE to the House amendments on SJ page 892 and place SB 2327 on the Seventh order.

Engrossed SB 2327 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2359, as engrossed: Your conference committee (Sens. Jerome, Graba, Nalewaja and Reps. Wardner, Klein, Goffe) recommends that the SENATE ACCEDE to the House amendments on SJ page 912 and place SB 2359 on the Seventh order.

Engrossed SB 2359 was placed on the Seventh order of business on the calendar.

REPORT OF STANDING COMMITTEE

HB 1062: Appropriations Committee (Sen. Tallackson, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1062 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1120: Appropriations Committee (Sen. Tallackson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1120 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1179: Appropriations Committee (Sen. Tallackson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1179 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1193: Appropriations Committee (Sen. Tallackson, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1193 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1313: Appropriations Committee (Sen. Tallackson, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1313 was placed on the Fourteenth order on the calendar.

MOTION

SEN. MATHERN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Thursday, March 25, 1993, which motion prevailed.

FIRST READING OF HOUSE BILL

HB 1511: A BILL for an Act to amend and reenact subsection 8 of section 26.1-38.1-02 of the North Dakota Century Code, relating to including nonprofit health service corporations in the definition of member insurer under the life and health guaranty association.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

CAROL SIEGERT, Secretary