

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

* * * * *

Bismarck, March 30, 1993

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

The prayer was offered by Fr. Wilfrid Lamberts, St. Anne Catholic Church, Belcourt.

The roll was called and all members were present.

A quorum was declared by the President.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled resolutions: HCR 3003, HCR 3013, HCR 3015, HCR 3031, HCR 3034, HCR 3044, HCR 3045, HCR 3046, HCR 3052, HCR 3053, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3061, HCR 3066, HCR 3069.

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

MR. SPEAKER: The President has signed: HCR 3003, HCR 3013, HCR 3015, HCR 3031, HCR 3034, HCR 3044, HCR 3045, HCR 3046, HCR 3052, HCR 3053, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3061, HCR 3066, HCR 3069.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills and resolution: 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 HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: 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.

MOTION

SEN. MATHERN MOVED that Tweed Roosevelt, great-grandson of Theodore Roosevelt, is in the Senate Chambers and that a committee of two be appointed to escort him to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED Senators Kinnoin and Goetz.

REQUEST

SEN. MATHERN REQUESTED that the remarks of Tweed Roosevelt be printed in the Journal, which request was granted.

REMARKS OF TWEED ROOSEVELT

Thank you very much. I am glad the two senators were not in military uniform. I might have felt as if I were being taken to a firing squad, but there are a lot more friendly faces here. It is my honor and pleasure to be here today, and you perhaps made a mistake voting to allow me to talk, but I promise I will not go more than an hour and a half or two. I know you have nothing to do.

It really is a great honor for me to be here today and to report to you the gratitude that my family has for the state of North Dakota and what it has done for our family. Theodore Roosevelt was, of course, not only President, but also, I think, certainly our first conservation President and perhaps the only conservation-oriented President we have ever had. Perhaps these were the two pinnacle achievements of his life, being President and the various

things he was able to do for conservation. Now as you all know, Theodore Roosevelt lived in North Dakota for several years out in the Badlands, and it is perfectly clear to me that he would neither have been President nor have been nearly as conservation oriented if he had not had the training and the opportunity to live here and to meet North Dakotans. Our family would not probably be even remotely prominent had it not been for what you had all done, and your ancestors had done, for my great-grandfather.

I think he would be proud of what you all have done in the various conservation efforts that you have taken in this state. Some of you may know that Theodore Roosevelt was a man who, although he loved all kinds of naturalist things and was a hunter as well, perhaps chose birds as his favorite. He was clearly a world-class bird enthusiast with knowledge that might almost have been considered professional. I note that North Dakota is a very important state as far as birds are concerned for much of the rest of the country and that you have taken that responsibility seriously and done significant things that have helped bird populations, as an example, and helped many Americans to be able to enjoy birds by some of the sacrifices you have made. I think you deserve to be recognized for that and thanked by the rest of us for what you have done. I also understand that you are a showplace for showing the rest of us in this country how to deal with cleaning up after the messes we have made, in mining, for example. Your mine reclamation approach is clearly a model and something to be proud of and something for the rest of us to learn from.

The Theodore Roosevelt Medora Foundation and the efforts of Harold Schafer down in the Badlands is, of course, a great source of pleasure and pride for the Roosevelt family, but is an absolutely magnificent thing for North Dakota. In a way, it is one of several ways that Theodore Roosevelt's legacy can pay you back for what you gave to him and to the family. I am here because I am on the Foundation Board, and we have a lot of exciting projects and efforts that we are working on to continue to make it a major attraction for tourism in the state.

One of the things that occurs to me is that I am astonished at the number of lawyers among you, who were in Boston during the ABA convention in February, who came to me in the last couple of days to tell me that Boston is clearly colder than North Dakota. I cannot wait to go back to tell my boss Tony and friends who seem to think North Dakota is in an iron grip from sometime in September until sometime in June.

In any case, I do not want to be very specific about this but I want to alert you to something that the Theodore Roosevelt Medora Foundation and I are working on, probably in 1994. What we propose to do is a retracing of one of Theodore Roosevelt's longer hunting trips. It is not clear yet which one we will do, but this will be a major event. One of the main purposes for doing this, aside from the fact that I would love to take my eleven-year-old boy on a two-week riding trip, is to garner a significant amount of national media attention for the Medora Foundation, for North Dakota, and for some of the surrounding states. I think we will be able to do that, and I think we will be able to give a significant boost to tourism in this state. And so I would ask as we go forward that you as a group in the state consider helping out in this effort because I think it will be a really quite exciting one.

I thank you very much for allowing me to talk to you. You seem to be a fine group of ladies and gentlemen. I hear you meet for eighty days, so it is nice of you to put up with me for these few minutes. Good luck in your efforts. Thank you.

MOTION

SEN. MATHERN MOVED that a committee of two be appointed to escort Tweed Roosevelt from the Senate Chambers, which motion prevailed.

THE PRESIDENT APPOINTED Senators Kinnoin and Goetz.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Yockim, Chairman) has carefully examined the Journal of the Fifty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1332, line 36, replace "SENATE" with "HOUSE"

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

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 Myrdal presiding.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2033, SB 2036, SB 2049, SB 2060, SB 2068, SB 2079, SB 2093, SB 2116, SB 2122, SB 2123, SB 2130, SB 2133, SB 2142, SB 2143, SB 2148, SB 2153, SB 2161, SB 2176, SB 2184, SB 2189, SB 2211, SB 2251, SB 2255, SB 2265, SB 2276, SB 2288, SB 2290, SB 2306, SB 2313, SB 2333, SB 2334, SB 2390.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2033, SB 2036, SB 2049, SB 2060, SB 2068, SB 2079, SB 2093, SB 2116, SB 2122, SB 2123, SB 2130, SB 2133, SB 2142, SB 2143, SB 2148, SB 2153, SB 2161, SB 2176, SB 2184, SB 2189, SB 2211, SB 2251, SB 2255, SB 2265, SB 2276, SB 2288, SB 2290, SB 2306, SB 2313, SB 2333, SB 2334, SB 2390.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: HB 1039, HB 1044, HB 1054, HB 1057, HB 1116, HB 1140, HB 1237, HB 1240, HB 1445.

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

MR. SPEAKER: The President has signed: HB 1039, HB 1044, HB 1054, HB 1057, HB 1116, HB 1140, HB 1237, HB 1240, HB 1445.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills and resolution: SB 2128, SB 2243, SCR 4019.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2128, SB 2243, SCR 4019.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills and resolutions: HB 1027, HB 1061, HB 1172, HB 1175, HB 1183, HB 1229, HB 1246, HB 1264, HB 1281, HB 1291, HB 1302, HB 1307, HCR 3008, HCR 3009, HCR 3022, HCR 3024, HCR 3028, HCR 3029, HCR 3042, HCR 3047, HCR 3049, HCR 3054, HCR 3055, HCR 3060, HCR 3063, HCR 3064, HCR 3065.

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

MR. SPEAKER: The President has signed: HB 1027, HB 1061, HB 1172, HB 1175, HB 1183, HB 1229, HB 1246, HB 1264, HB 1281, HB 1291, HB 1302, HB 1307, HCR 3008, HCR 3009, HCR 3022, HCR 3024, HCR 3028, HCR 3029, HCR 3042, HCR 3047, HCR 3049, HCR 3054, HCR 3055, HCR 3060, HCR 3063, HCR 3064, HCR 3065.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1032.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1009, HB 1180, HB 1391, HB 1416.

CONSIDERATION OF AMENDMENTS

HB 1399: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 1331-1332 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1399: A BILL for an Act to create and enact a new section to chapter 57-43.1, a new section to chapter 57-43.2, and a new subsection to section 57-43.2-23 of the North Dakota Century Code, relating to additional motor vehicle fuels taxes and special fuels taxes to be imposed if additional federal highway matching funds become available; to amend and reenact subsection 1 of section 57-43.2-14 and section 57-43.2-15 of the North Dakota Century Code, relating to special fuel users; to provide a penalty; to provide an appropriation; and to provide an expiration date.

ROLL CALL

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

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Nalewaja; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland

NAYS: Bowman; Freborg; Goetz; Krauter; Marks; Mutch; Naaden; Nelson; Nething; O'Connell; Solberg; Streibel; Urlacher; Yockim

HB 1399 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act to amend and reenact section 36-01-08 of the North Dakota Century Code, relating to user fees charged by the state board of animal health; and making an appropriation for defraying the expenses of the state board of animal health.

MOTION

SEN. TOMAC MOVED that Engrossed HB 1008 be amended as follows, which motion prevailed.

In lieu of the amendments adopted by the Senate as printed on pages 1325-1326 of the Senate Journal, Engrossed House Bill No. 1008 is amended as follows:

Page 1, line 7, remove "and from special funds derived from other income,"

Page 1, line 10, replace "348,378" with "376,529"

Page 1, remove lines 14 and 15

Page 1, line 16, replace "431,347" with "514,420"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 617 - BOARD OF ANIMAL HEALTH

SENATE - This amendment makes the following changes:

Due to the defeat of House Bill No. 1198, funding of \$54,922 of special funds which would have been collected by the Board of Animal Health from charging for health books and tags is removed and funding of \$54,922 is provided from the general fund.

The salaries and wages line item is increased by \$10,881 from the general fund to reflect Governor Sinner's salary increase recommendation for state employees.

Funding of \$17,270 from the general fund is added for pay equity increases for the two veterinarians (director and deputy) on staff. This change provides a total of \$46,577 from the general fund, for pay equity increases.

In total, this amendment increases funding for the Board of Animal Health by \$83,073 from the general fund and other funds of \$54,922 are removed.

This amendment does not include funding for the third veterinarian, but \$25,000 from the general fund remains in the bill for contract veterinarian services which was added by the House.

Compared to the 1991-93 legislative general fund appropriation of \$647,044, funding from the general fund for the Board of Animal Health provided under provisions of this amendment of \$514,420 is 80 percent of the 1991-93 funding level.

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the state board of animal health.

ROLL CALL

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

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

NAYS: DeMers; Krauter; Marks; Mushik; O'Connell; Yockim

HB 1008 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 2214 as printed on SJ page 1188, which motion prevailed.

SB 2214, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to provide for cleanup of leaking municipal waste landfills through the establishment of a municipal waste landfill release compensation fund; to provide a penalty; to provide an appropriation; and to provide a continuing appropriation.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; 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.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

SB 2214 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to Engrossed SB 2225 as printed on SJ page 1065, which motion prevailed.

Engrossed SB 2225, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2225: A BILL for an Act to create and enact two new sections to chapter 26.1-25 of the North Dakota Century Code, relating to accident surcharge; and to amend and reenact subsection 5 of section 26.1-40-11 of the North Dakota Century Code, relating to prohibited reasons for declinations of automobile insurance.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; 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.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

SB 2225 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to Engrossed SB 2231 as printed on SJ page 1065, which motion prevailed.

Engrossed SB 2231, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to create and enact sections 26.1-03-02.1, 26.1-03-19.1, 26.1-03-19.2, 26.1-03-19.3, 26.1-03-19.4, 26.1-03-19.5, 26.1-03-19.6, 26.1-03-19.7, chapter 26.1-06.2, a new section to chapter 26.1-10, a new subdivision to subsection 6 of section 26.1-10-05, chapter 26.1-18.1, a new subsection to section 26.1-26.3-06, chapter 26.1-26.5, a new subsection to section 26.1-31.1-02, section 26.1-35-01.1, a new subsection to section 26.1-46-01, two new subdivisions to subsection 7 of section 26.1-46-01, a new subdivision to subsection 3 of section 26.1-46-03, two new subsections to section 26.1-46-03, and section 26.1-46-08.1 of the North Dakota Century Code, relating to valuation of securities, examinations, administrative supervision, health maintenance organizations, managing general agents, business transacted with insurance broker controlled property and casualty insurer, reinsurance intermediaries, standard valuation law, and formation and operation of risk retention groups and purchasing groups; to amend and reenact section 26.1-05-04, subsection 5 of

section 26.1-10-03, subsections 1, 2, 3, and 4 of section 26.1-10-04, subsection 8 of section 26.1-10-05, sections 26.1-12-08, 26.1-12-10, subsection 3 of section 26.1-26.3-01, subsection 6 of section 26.1-26.3-03, section 26.1-26.3-06, subdivision c of subsection 8 of section 26.1-31.1-01, subsection 1 of section 26.1-31.1-06, subsection 6 of section 26.1-31.1-07, section 26.1-31.1-10, subdivision d of subsection 2 of section 26.1-31.2-01, subdivisions b and d of subsection 4 of section 26.1-31.2-01, subsection 2 of section 26.1-31.2-02, sections 26.1-35-07, 26.1-35-08, subdivisions a and e of subsection 7 of section 26.1-46-01, subsection 10 of section 26.1-46-01, section 26.1-46-02, subsection 1 of section 26.1-46-03, sections 26.1-46-04, 26.1-46-06, 26.1-46-07, 26.1-46-08, and 26.1-46-09 of the North Dakota Century Code, relating to domestic companies, insurance holding company systems, mutual life companies, managing general agents, reinsurance intermediaries, reinsurance credit, standard valuation law, and formation and operation of risk retention groups and purchasing groups; and to repeal sections 26.1-03-02, 26.1-03-19, 26.1-03-20, 26.1-03-21, 26.1-12-17, chapters 26.1-18, and 26.1-26.2 of the North Dakota Century Code, relating to valuation of securities held by a company, financial examinations, risk limitations of mutual insurance companies, mutual insurance companies, health maintenance organizations, and business transacted with insurance broker controlled property and casualty insurer.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; 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.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

SB 2231 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 Reengrossed SB 2473 as printed on SJ pages 1188-1189, which motion prevailed.

Reengrossed SB 2473, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2473: A BILL for an Act to provide services for persons with traumatic brain injury; and to provide a continuing appropriation subject to budget section approval.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: O'Connell

SB 2473 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 2511 as printed on SJ page 1160, which motion prevailed.

SB 2511, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2511: A BILL for an Act to amend and reenact section 53-02-08 of the North Dakota Century Code, relating to officers to be in attendance at public dances, music festivals, or concerts; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; 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.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

SB 2511 passed, the title was agreed to, and the emergency clause was declared carried.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1136, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1136: Sens. Keller, Schoenwald, Krebsbach.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KELSH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1374, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1374: Sens. Kelsh, Marks, Freborg.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1393, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1393: Sens. Graba, Lindgren, B. Stenehjem.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1467, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1467: Sens. Heinrich, Scherber, Evanson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2001 as printed on SJ pages 1219-1220 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2001: Sens. Mushik, Robinson, Nething.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2003 as printed on SJ pages 1228-1234 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2003: Sens. Robinson, Kelly, Holmberg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2005 as printed on SJ pages 1234-1238 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2005: Sens. Robinson, Tallackson, Naaden.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2006 as printed on SJ pages 1238-1243 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2006: Sens. Kelly, DeMers, Nething.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2013 as printed on SJ pages 1243-1244 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2013: Sens. Lindaas, DeMers, Goetz.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2014 as printed on SJ pages 1244-1246 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2014: Sens. Redlin, Lindaas, Goetz.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to Engrossed SB 2279 as printed on SJ page 1031 and that a conference committee

be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2279: Sens. Dotzenrod, Kinnoin, Urlacher.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2384 as printed on SJ page 894 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2384: Sens. Schoenwald, Keller, Krebsbach.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do not concur in the House amendments to SCR 4038 as printed on SJ page 1281 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SCR 4038: Sens. Graba, Maxson, Andrist.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on Engrossed SB 2285 be adopted, which motion prevailed.

Engrossed SB 2285, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2285: A BILL for an Act to provide for the medical testing of a sex offense defendant for sexually transmitted diseases and the human immunodeficiency virus; to create and enact a new subdivision to subsection 1 of section 23-07.5-05 of the North Dakota Century Code, relating to disclosure of test results; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; 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.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

SB 2285 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Representative Charles Lindermann.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1008 and HB 1399 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

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

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

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1007, HB 1011, HB 1013, HB 1026, HB 1028, HB 1120, and HB 1179 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1007: Reps. Gerntholz; Carlisle; Laughlin
HB 1011: Reps. Bateman; Gorman; Nichols
HB 1013: Reps. Wald; Gorman; Huether
HB 1026: Reps. Wardner; Klein; Goffe
HB 1028: Reps. Dalrymple; Byerly; Wilkie
HB 1120: Reps. Gates; Holm; Hanson
HB 1179: Reps. Henegar; Austin; Brodshaug

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 2002: Reps. Clayburgh; Gerntholz; Kroeber
SB 2004: Reps. Bateman; Gorman; Huether
SB 2007: Reps. Byerly; Wentz; Pyle
SB 2008: Reps. Howard; Carlisle; Kroeber
SB 2009: Reps. Byerly; DeWitz; Wilkie
SB 2010: Reps. Clayburgh; Howard; Laughlin
SB 2011: Reps. Howard; Carlisle; Laughlin

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 2012: Reps. Howard; Carlisle; Laughlin
SB 2015: Reps. Wald; Gorman; Nichols
SB 2016: Reps. St. Aubyn; Wentz; Pyle
SB 2017: Reps. Gorman; Wald; Nichols
SB 2018: Reps. DeWitz; Payne; Pyle
SB 2019: Reps. Carlisle; Clayburgh; Kroeber
SB 2020: Reps. Clayburgh; Carlisle; Kroeber

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1062, HB 1193, HB 1437.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2201, SB 2523.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2201

That the following amendments adopted by the House as printed on pages 1080-1081 of the House Journal be removed from Engrossed House Bill No. 2201.

Page 1, line 1, replace "section" with "sections 48-02-02 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 48-02-02 of the 1991 Supplement to the North Dakota Century Code is amended as follows:

48-02-02. Prerequisite to building construction and repair by contract - Exceptions. ~~If in~~ Before altering, repairing, or constructing any building public work belonging or appertaining to any of the public institutions of the state, or to any state agency, county, city, park district, school district, or other political subdivision of the state, or in making any improvements connected with the building public work, estimates of the project must be made by the governing body. ~~If the total estimated cost of all work involved amounts to more than~~ exceeds fifty thousand dollars for the completed project, the governing body of the public institution, municipality state agency, county, city, park district, school district, or political subdivision shall procure plans, drawings, and specifications for the work, upon advertise for competitive bids or otherwise as the board may deem necessary. In all cases where the estimated cost of the work any public building exceeds fifty thousand dollars, the plans, drawings, and specifications must be procured from a licensed architect; ~~provided, that in the case of.~~ However, for public buildings in use by or to be used by the North Dakota agricultural experiment station in connection with farm or agricultural research operations, the plans, drawings, and specifications may, with the approval of the board of higher education, be procured from a registered professional engineer, providing the engineer is in the regular employment of the agricultural experiment station.

Page 1, line 7, overstrike "The" and insert immediately thereafter "Before awarding any contract for public work or a public building as provided in section 48-02-02, the"

Page 1, line 8, overstrike "board" and insert immediately thereafter "body of any public institution, state agency, county, city, park district, school district, or political subdivision", after "for" insert "competitive", and overstrike "for the doing of the work for which"

Page 1, line 9, overstrike "plans, drawings, and specifications are required" and insert immediately thereafter "as provided"

Page 1, line 12, overstrike "the"

Page 1, line 13, overstrike "official" and insert immediately thereafter "a" and overstrike "such municipality or political subdivision," and insert immediately thereafter "general circulation in the county where the public work or public building is located or will be located"

Page 2, line 1, overstrike "board" and insert immediately thereafter "body"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2523

Page 1, line 4, after "control" insert "and pest control by county weed boards"

Page 1, line 7, after "Code" insert "and sections 2, 3, 4, 6, 7, 9, and 10 of House Bill No. 1054, as approved by the fifty-third legislative assembly"

Page 1, line 8, remove "and to"

Page 1, line 9, after "control" insert ", and pest control by county weed boards"

Page 1, line 20, after "part" insert "or, if authorized, to suppress, eradicate, or prevent or retard the spread of a pest"

Page 2, line 2, after "and" insert an underscored comma

Page 2, line 3, after "authorization" insert an underscored comma

Page 2, line 11, after "plant" insert "or, if authorized, a pest"

Page 3, line 3, after the period insert ""Pest" means any pest as defined in section 4-33-01.

13."

Page 4, line 2, overstrike the period

Page 4, line 3, after "official" insert "or, if authorized, pest control program."

Page 4, line 15, after "weeds" insert "or, if authorized, pests"

Page 4, line 29, after "state" insert "and, if authorized, pest control progress and activity in the state"

Page 5, line 6, after "practices" insert "or, if authorized, pest control practices"

Page 7, line 28, after "weeds" insert "and, if authorized, pests"

Page 8, line 9, after "county" insert "and, if authorized, the progress of pest control activities within the county"

Page 8, line 27, after "weeds" insert "and, if authorized, pests"

Page 9, line 2, after "weed" insert "and, if authorized, pest"

Page 13, line 25, after "weeds" insert "or, if authorized, pests"

Page 14, line 1, after "weeds" insert "or, if authorized, pests"

Page 15, line 16, after "weeds" insert "or, if authorized, pests"

Page 15, line 19, after "weeds" insert "or, if authorized, pests"

Page 15, line 26, after "weeds" insert "or, if authorized, pests"

Page 15, line 27, after "weeds" insert "or, if authorized, pests"

Page 15, line 29, after "weeds" insert "or, if authorized, pests"

Page 16, line 1, after "weeds" insert "or, if authorized, pests"

Page 16, line 6, after "weeds" insert "or, if authorized, pests"

Page 16, line 8, after "weeds" insert "or, if authorized, pests"

Page 16, line 9, after "weeds" insert "or, if authorized, pests"

Page 16, line 10, after "weeds" insert "or, if authorized, pests"

Page 18, line 12, after "Weed" insert "and pest"

Page 18, line 14, after "weed" insert "and pest"

Page 18, line 18, after "weed" insert "or, if authorized, pest"

Page 18, line 23, after "weeds" insert "and pests"

Page 18, line 26, after "weeds" insert "or, if authorized, pests"

Page 18, line 29, after "weeds" insert "and, if authorized, pests"

Page 19, line 2, after "weeds" insert "or, if authorized, pests"

Page 19, line 5, after "weeds" insert "or, if authorized, pests"

Page 19, line 12, after "weeds" insert "or, if authorized, pests"

Page 19, line 16, after "weeds" insert "or, if authorized, pests"

Page 20, line 13, after the underscored period insert "Penalties collected pursuant to this section for failure or refusal to perform remedial requirements for the control of pests on an infested area must be credited to the weed control fund in the political subdivision in which the penalty originated but dedicated for use by the county weed board to control pests."

Page 20, line 19, remove the first "and"

Page 20, line 20, after "Code" insert ", and sections 2, 3, 4, 6, 7, 9, and 10 of House Bill No. 1054, as approved by the fifty-third legislative assembly,"

Renumber accordingly

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 1089, HB 1267.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2048, SB 2097.

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

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

HB 1136: Sens. Keller; Schoenwald; Krebsbach
HB 1374: Sens. Kelsh; Marks; Freborg
HB 1393: Sens. Graba; Lindgren; B. Stenehjem
HB 1467: Sens. Heinrich; Scherber; Evanson

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2001, SB 2003, SB 2005, SB 2006, SB 2013, SB 2014, and SB 2279 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2001: Sens. Mushik; Robinson; Nothing
SB 2003: Sens. Robinson; Kelly; Holmberg
SB 2005: Sens. Robinson; Tallackson; Naaden
SB 2006: Sens. Kelly; DeMers; Nothing
SB 2013: Sens. Lindaas; DeMers; Goetz
SB 2014: Sens. Redlin; Lindaas; Goetz
SB 2279: Sens. Dotzenrod; Kinnoin; Urlacher

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2384 and SCR 4038 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2384: Sens. Schoenwald; Keller; Krebsbach
SCR 4038: Sens. Graba; Maxson; Andrist

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

MADAM PRESIDENT: The Speaker has signed: SB 2033, SB 2036, SB 2049, SB 2060, SB 2068, SB 2079, SB 2093, SB 2116, SB 2122, SB 2123, SB 2128, SB 2130, SB 2133, SB 2142, SB 2143, SB 2148, SB 2153, SB 2161, SB 2176, SB 2184, SB 2189, SB 2211, SB 2243, SB 2251, SB 2255, SB 2265, SB 2276, SB 2288, SB 2290, SB 2306, SB 2313, SB 2333, SB 2334, SB 2390.

MOTION

SEN. MATHERN MOVED that SB 2446 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto, which motion prevailed.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 23, 1993

I am returning SB 2446, which I hereby veto.

The bill seeks to amend Chapter 2-06, the Airport Authorities Act, which has been in place for over three decades, and which establishes the compensation of the Airport Authority Commissioners, who during that period, have graciously served the State of North Dakota and their local authority without compensation, except for necessary expenses, including travel expenses. The bill authorizes a per diem expenditure not to exceed \$50 per day, and not to exceed \$1,000 annually. Given the number of boards and commissions, I believe the bill is a step in the wrong direction for right-sizing government.

I have therefore vetoed the bill and respectfully return the same to the Senate Chambers.

RECONSIDERATION OF A VETOED MEASURE

SB 2446: A BILL for an Act to amend and reenact section 2-06-06 of the North Dakota Century Code, relating to compensation paid to commissioners of an airport authority.

ROLL CALL

The question being on the passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Streibel; Tennefos; Traynor; Urlacher

The Senate sustained the Governor's veto on SB 2446.

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Engrossed SB 2293 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on HB 1096 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. KRAUTER MOVED that the conference committee report on Engrossed HB 1168 be adopted, which motion prevailed.

Engrossed HB 1168, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act to amend and reenact section 26.1-02-02 and subsections 3 and 5 of section 26.1-03-17 of the North Dakota Century Code, relating to the penalty for failure of an insurance company to pay the renewal fee for a certificate of authority and to insurance premium tax credits, penalties, and refunds; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; 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.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1168 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. JEROME MOVED that the conference committee report on Engrossed HB 1181 be adopted, which motion prevailed.

Engrossed HB 1181, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1181: A BILL for an Act to create and enact a new section to chapter 14-09, a new subsection to section 14-09-08.6, and a new section to chapter 50-09 of the North Dakota Century Code, relating to provisions for child support; to amend and reenact sections 14-09-08.1, 14-09-08.2, 14-09-08.3, subsection 3 of section 14-09-08.4, sections 14-09-08.5, 14-09-08.8, 14-09-08.11, 14-09-08.12, if House Bill No. 1021 of the fifty-third legislative assembly does not become effective, subsection 3 of section 14-09-09.7, sections 14-09-09.13, 14-09-09.16, 14-09-09.17, subsection 2 of section 14-12.1-19, section 14-12.1-24, subsection 1 of section 14-12.1-40, sections 14-17-09, 14-17-18, and 50-09-02.1 of the North Dakota Century Code and subsection 3 of section 16 of chapter 148 of the 1989 Session Laws of North Dakota, as amended by section 1 of chapter 152 of the 1991 Session Laws of North Dakota, relating to provisions for child support; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; 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.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1181 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on Engrossed HB 1225 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on Engrossed HB 1344 be adopted, which motion prevailed.

Engrossed HB 1344, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1344: A BILL for an Act to amend and reenact section 43-15-31.3 of the North Dakota Century Code, relating to the oral transmission of prescriptions to a pharmacist.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; 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; Stenehjsem, B.; Stenehjsem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1344 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MARKS MOVED that the conference committee report on SB 2453 be adopted, which motion prevailed.

SB 2453, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2453: A BILL for an Act to amend and reenact section 12.1-28-02 of the North Dakota Century Code, relating to gambling offenses and dissemination of information about a lottery.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Solberg; Stenehjsem, B.; Stenehjsem, W.; Thane; Tomac; Traynor; Urlacher

NAYS: Evanson; Freborg; Mutch; Naaden; Nelson; Nething; Sand; Streibel; Tennefos; Yockim

ABSENT AND NOT VOTING: Tallackson; Wogsland

SB 2453 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. O'CONNELL MOVED that the conference committee report on SB 2131 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on SB 2074 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MARKS MOVED that the conference committee report on Engrossed SB 2088 be adopted, which motion prevailed.

Engrossed SB 2088, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2088: A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to captive wildlife license fees; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; 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.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Wogsland

SB 2088 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. KRAUTER MOVED that the conference committee report on Engrossed SB 2082 be adopted, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Wednesday, March 31, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4072: Natural Resources Committee (Sen. Keller, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4072 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4073: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4073 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1004, as engrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "1,852,362" with "2,001,623"

Page 1, line 12, replace "36,464" with "38,769"

Page 1, line 13, replace "489,456" with "418,036"

Page 1, line 14, replace "15,493" with "22,549"

Page 1, line 15, replace "2,393,775" with "2,480,977"

Page 1, line 16, replace "1,100,115" with "1,059,823"

Page 1, line 17, replace "1,293,660" with "1,421,154"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

SENATE - This amendment makes the following changes:

Salaries and wages are adjusted as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Restore salary increase to Governor Sinner's level	\$ 41,395		\$ 41,395
Add .5 FTE developmental disabilities secretary		\$ 22,060	22,060
Restore 1 FTE mental health advocate and .5 FTE administrative secretary	<u> </u>	<u>85,806</u>	<u>85,806</u>
Total	<u>\$ 41,395</u>	<u>\$ 107,866</u>	<u>\$ 149,261</u>
Information services is increased to restore a portion of the House reduction (The House cut a total of \$4,052, of which \$1,864 is from the general fund.)	<u>\$ 1,060</u>	<u>\$ 1,245</u>	<u>\$ 2,305</u>
Operating expenses are adjusted as follows:			
Remove costs for indirect cost allocation	\$ (6,824)	\$ (5,812)	\$ (12,636)
Adjust Merit System fees (Allows \$1,237 of other funds to be paid for this purpose. House had included a total of \$3,792, of which \$2,048 was from the general fund.)	(2,048)	(507)	(2,555)
Other operating expense changes	<u>(76,229)</u>	<u>20,000</u>	<u>(56,229)</u>
Total	<u>\$ (85,101)</u>	<u>\$ (13,681)</u>	<u>\$ (71,420)</u>
Equipment is increased related to positions restored	<u>\$ </u>	<u>\$ 7,056</u>	<u>\$ 7,056</u>
Funding source change - adjust to maximum available federal funds	<u>\$ 170,140</u>	<u>\$ (170,140)</u>	<u>\$ 0</u>

Total changes to Engrossed House Bill No. 1004	\$ 127,494	\$ (40,292)	\$ 87,202
Senate version House Bill No. 1004	\$1,421,154	\$1,059,823	\$2,480,977

REPORT OF STANDING COMMITTEE

HB 1012, as engrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed HB 1012 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert "; to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits; and to amend and reenact section 4 of Senate Bill No. 2398, as approved by the fifty-third legislative assembly, relating to the effective date of the transfer of funds from the highway tax distribution fund to the motorboat programs and safety fund"

Page 1, line 11, replace "9,291,659" with "9,496,312"

Page 1, line 12, replace "361,654" with "352,941"

Page 1, line 13, replace "5,179,429" with "5,452,225"

Page 2, line 4, replace "21,067,476" with "20,936,212"

Page 2, line 26, after the third comma insert "up to \$1,000,000 of" and after the second "the" insert "amount that the state game and fish operating fund balance exceeds \$6,000,000 on July 1, 1993, plus the amount that the game and fish operating fund balance exceeds \$5,500,000 on July 1, 1994, plus any"

Page 2, line 27, after "revenues" insert "are projected to"

Page 2, line 28, remove "but not to exceed \$600,000,"

Page 3, line 1, remove "The 1993-95 estimated revenues are"

Page 3, replace line 2 with:

"SECTION 6. A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For an annual nonresident license to sell minnows or other live bait at wholesale, two hundred dollars.

SECTION 7. AMENDMENT. If Senate Bill No. 2398 as approved by the fifty-third legislative assembly becomes effective, section 4 of Senate Bill No. 2398 is amended and reenacted as follows:

SECTION 4. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 1993, section 2 of this Act becomes effective on ~~June 30~~ August 1, 1995, and section 3 of this Act becomes effective on January 1, 1996."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 720 - GAME AND FISH

SENATE - The salaries and wages line item is increased by \$204,653 to provide salary increases of three percent per year as recommended by Governor Sinner.

The information services line item is decreased by \$8,713 relating to information services rate reductions.

The operating expenses line item is increased by \$272,796 for indirect cost allocation payments to the Office of Management and Budget.

This amendment increases the maximum of the contingent appropriation by \$400,000, from \$600,000 to \$1,000,000. The amendments provide that the contingent appropriation is based on the amount the game and fish operating fund balance exceeds \$6 million on July 1, 1993, or \$5.5 million on July 1, 1994. The contingent appropriation, as provided by the House is also based on revenues exceeding estimates by \$150,000.

The amendment removes the provision that estimated revenues are to include revenue increases provided by the 1993 Legislative Assembly.

Also, the authority for the three FTEs deleted by the House is reinstated without funding. The three FTEs can be filled if additional funding becomes available.

A section is added that creates a new subsection to North Dakota Century Code Section 20.1-03-12 providing for an annual \$200 nonresident license to sell minnows or other live bait.

REPORT OF STANDING COMMITTEE

HB 1014, as engrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "a statement" with "statements"

Page 1, line 13, replace "4,156,459" with "4,583,875"

Page 1, line 14, replace "91,800" with "100,955"

Page 1, line 15, replace "5,524,497" with "5,549,841"

Page 1, line 16, replace "186,060" with "236,060"

Page 1, line 17, replace "1,259,454" with "1,359,454"

Page 1, remove line 19

Page 1, line 20, replace "1,710,000" with "1,494,182"

Page 2, line 1, replace "14,344,103" with "14,700,200"

Page 2, line 2, replace "4,155,353" with "4,227,605"

Page 2, line 3, replace "10,188,750" with "10,472,595"

Page 2, line 19, replace "the governor organize an interagency working group" with "a parks and historic sites improvements committee, consisting of the lieutenant governor as chairperson, one member of the senate appropriations committee and one member of the house of representatives appropriations committee each appointed by the legislative council, the director of the parks and outdoor recreation division, the director of the tourism division, and the president of the state historical board or the president's designee, determine the parks and historic sites improvement projects to be conducted for the biennium beginning July 1, 1993, and ending June 30, 1995."

Page 2, remove lines 20 through 23

Page 2, line 26, replace "\$1,510,000" with "\$1,194,182" and replace "\$200,000" with "\$300,000"

Page 2, line 28, replace "interagency" with "parks and historic sites improvements committee"

Page 2, line 29, remove "working group"

Page 3, after line 4, insert:

"SECTION 7. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the parks and tourism department, based on numbers of visitors and other factors, may close one of its visitor information centers after the 1994 tourism season."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - PARKS AND TOURISM DEPARTMENT

SENATE - This amendment makes the following changes:

- The salaries and wages line item is increased by \$71,882 from the general fund to reflect Governor Sinner's salary increase recommendation for state employees.
- The salaries and wages line item is also increased by \$70,000 from the general fund and the Williston and Bowman visitors' center line item of \$40,000 from the general fund is removed. The \$70,000 is provided for operating the Williston, Bowman, and Oriska visitor information centers during the 1993-95 biennium. A section is added providing that the department, after the 1994 tourism season, based on numbers of visitors and other factors, may close one of the visitor information centers.
- The information services line item is increased by \$9,155 from the general fund to restore a portion of the funding reduced by the House. The funding level provided reflects a reduction of \$1,045 from the executive recommendation relating to information services rate reductions.
- The operating expenses line item is reduced by \$89,672, \$61,924 of which is from the general fund, to remove funding for indirect cost allocation payments to the Office of Management and Budget.
- The parks and historic sites improvements line item of \$1,710,000, \$1,510,000 of which is from the general fund, is reduced by the items listed below which are transferred to other line items as follows:

Salaries and wages (parks temporary salaries)	\$285,534
Operating expenses (rent)	115,016
Equipment	50,000
Capitol improvements (extraordinary repairs)	<u>100,000</u>
Total general fund	\$550,550

The remaining \$1,159,450 in the parks and historic sites improvements line item is increased by \$334,732, \$234,732 of which is from the general fund and \$100,000 of federal funds. This line item total of \$1,494,182, \$1,194,182 of which is from the general fund, is provided for the following:

Historical Society enhancements of:

Salaries and wages (historic sites temporary salaries)	\$ 180,500
Operating expenses	50,000
Equipment	<u>65,000</u>
Total general fund	\$ 295,500
Other parks and historic sites improvements	<u>\$1,198,682¹</u>
Total parks and historic sites improvements line item	\$1,494,182

¹ It is the intent of the Legislative Assembly that projects consistent with completed historic sites, master plans at Fort Buford, Fort Totten, Pembina State Museum, the Chateau de Mores, and acquisition of the Boy Scout camp near Lake Metigoshe State Park be given high priority for expenditure of funds relating to this funding provided.

Rather than an interagency working group, a committee consisting of the Lieutenant Governor, one Senate Appropriations Committee member, one House Appropriations Committee member, the director of state parks, the director of state tourism, and a representative of the State Historical Board, is established to determine which parks and historic sites improvement projects the funds appropriated in the parks and historic sites improvements line item should be used for.

In total, this amendment increases funding for the Parks and Tourism Department by \$356,097, \$283,845 of which is from the general fund and \$72,252 of special funds.

REPORT OF STANDING COMMITTEE

HB 1016, as engrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1016 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to amend and reenact section 4-14.1-02 of the North Dakota"

Page 1, line 4, remove "Century Code, relating to uses of the agricultural fuel tax fund;"

Page 1, line 8, after "appropriated" insert "out of any moneys in the general fund in the state treasury, not otherwise appropriated, and"

Page 1, line 13, replace "82,486" with "94,706"

Page 1, line 14, replace "2,000" with "3,946"

Page 1, line 15, replace "76,164" with "116,625"

Page 1, replace line 17 with:

"Grants	2,125,634
Grants to state agencies	300,000
Value-added impact study	100,000
North American marketing program	200,000"

Page 1, line 19, replace "special" with "all", remove "appropriation", and replace "5,505,395" with "6,594,261"

Page 1, after line 19, insert:

"Less estimated income	<u>5,505,203</u>
Total general fund appropriation	\$1,089,058"

Page 2, line 6, replace "\$1,348,395" with "\$1,348,203"

Page 3, remove lines 17 through 29

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 3

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 612 - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

SENATE - This amendment makes the following changes:

The salaries and wages line item is increased by \$12,220. General fund support is increased by \$46,551 and special funds are reduced by \$34,331. The increase is provided for:

Temporary salaries	\$11,000
Governor Sinner's salary increase recommendation	<u>1,220</u>
Total	\$12,220

The information services line item is increased by \$1,946 from the general fund. The funding level provided reflects a reduction of \$54 from the executive recommendation relating to information services rate reductions.

The operating expenses line item is increased by \$40,461. General fund support is increased by \$54,927 and special funds are reduced by \$14,466. The increase is to provide administrative costs relating to general fund grant programs.

The research, utilization, and marketing grants line item of \$1,691,395 of special funds is removed and funding for the following grant programs is added:

GRANT PROGRAM	GENERAL FUND	SPECIAL FUNDS	TOTAL
Basic and applied research		\$ 400,000	\$ 400,000
Utilization and marketing		540,000	540,000
Cooperative marketing	\$469,039		469,039
Farm diversification	216,595		216,595
North American marketing	200,000		200,000
Value-added impact study	100,000		100,000
Continuation of grants approved during the 1991-93 biennium		300,000	300,000
Federal funds which may be available for grants	<u> </u>	<u>500,000</u>	<u>500,000</u>
Total	\$985,634	\$1,740,000	\$2,725,634

The section allowing funds appropriated for grants to be spent for both the 1993-95 and 1995-97 biennium is removed. It is the intent of the Legislative Assembly that the commission request appropriation authority from the 1995 Legislative Assembly for expenditures during the 1995-97 biennium relating to grants approved during the 1993-95 biennium.

The statutory changes relating to the agricultural fuel tax fund are removed which would have limited administrative costs of the commission and which would have removed the specific allocation of moneys in the fund for the various grant programs.

In total, this amendment increases funding for the Agricultural Products Utilization Commission by \$1,088,866. General fund support is increased by \$1,089,058 and special funds are reduced by \$192.

REPORT OF STANDING COMMITTEE

HB 1064, as reengrossed: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1064 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new section to chapter 43-17, a new section to chapter 43-28, and"

Page 1, line 2, after "tax" insert "and fees"

Page 1, line 3, replace "and" with "to provide an appropriation;" and after "date" insert "; and to provide an expiration date"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 43-17 of the North Dakota Century Code is created and enacted as follows:

Annual fee - Paid to state treasurer.

1. Each licensed and registered physician who practices medicine in this state shall pay an annual fee of seven hundred dollars in addition to any fee otherwise charged under this chapter. The fee must be paid to the board on or before the date set by the board for payment of the registration fee. No person may engage in the practice of medicine, after the date set by the board for payment of the registration fee, without first paying the fee established under this section.
2. On or before the tenth day of each month, the board shall pay into the general fund of the state treasury the total amount collected in the immediately preceding month pursuant to subsection 1.

SECTION 2. A new section to chapter 43-28 of the North Dakota Century Code is created and enacted as follows:

Annual fee - Paid to state treasurer.

1. Each dentist, licensed and issued a certificate of registration under this chapter who practices dentistry in this state, shall pay an annual fee of three hundred dollars in addition to any fee otherwise charged under this chapter. The fee must be paid to the board before January first of each year. No person may engage in the practice of dentistry, after December 31, 1993, without first paying the fee established under this section.
2. On or before the tenth day of each month, the board shall pay into the general fund of the state treasury the total amount collected in the immediately preceding month pursuant to subsection 1."

Page 1, line 9, after "means" insert "nursing facility, hospital, or"

Page 1, after line 10, insert:

- "3. "Hospital" means any medical hospital required to be licensed under chapter 23-16."

Page 1, line 11, replace "3." with "4."

Page 1, line 12, replace "and also means a" with a period

Page 1, remove lines 13 through 15

Page 1, line 16, replace "4." with "5."

Page 2, after line 19, insert:

"6. "Nursing facility" has the same meaning given that term in 42 U.S.C. 1396r(a)."

Page 2, line 20, remove "- Basis of tax" and after "every" insert "intermediate care"

Page 2, line 21, after the first "facility" insert "for the mentally retarded, nursing facility, and hospital" and remove "Each facility shall pay a tax computed"

Page 2, replace lines 22 and 23 with:

"**Basis of tax.** The tax imposed by this chapter must be computed as follows:

1. The tax on each intermediate care facility for the mentally retarded is computed at the rate of six percent of the net operating revenue generated by the intermediate care facility for the mentally retarded during each calendar month.
2. The tax on each nursing facility is computed at the rate of six percent of the net operating revenue generated by the nursing facility during each calendar month.
3. The tax on each hospital is computed at the rate of one percent of the net operating revenue generated by the hospital during each calendar month."

Page 6, after line 28, insert:

"SECTION 4. LEGISLATIVE INTENT - IMPLEMENTATION EXPENDITURES. The appropriation for medical assistance in House Bill No. 1002 includes, in the estimated income line item, \$113,251,798 of special funds derived from federal funds and other income, and \$39,038,335 in the total general fund appropriation line item derived from taxes and fees paid under this Act, for the purpose of defraying the expenses of the medical assistance program provided under chapter 50-24.1, for the biennium beginning July 1, 1993, and ending June 30, 1995.

It is the intent of the legislative assembly that \$21,128,486 of the total funds appropriated to the department of human services, including the sum of \$5,592,115 derived from moneys in the general fund, be expended for the purpose of increasing the payments made to nursing facilities and intermediate care facilities for the mentally retarded in amounts sufficient to meet the rates set for services furnished in such facilities, for the purpose of providing an aggregate increase of five percent in the rates paid for physicians' services and dentists' services, and for the purpose of providing an aggregate increase of seven percent in the rates paid to hospitals, all with respect to services furnished to recipients of medical assistance benefits provided under chapter 50-24.1, for the biennium beginning July 1, 1993, and ending June 30, 1995. It is the intent of the legislative assembly that these increases not cause any payment amounts to exceed upper limits based on customary charges, as set forth in 42

CFR 447.271 or upper limits based upon reasonable estimations of what would have been paid for services under medicare payment principles, as set forth in 42 CFR 447.272. If there is any conflict between the intent that there be an increase of seven percent in the rates paid to hospitals and the intent that federal regulations governing upper limits be conformed to, the latter shall prevail.

SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of \$68,000, or so much of the sum as may be necessary, to the state tax commissioner for the purpose of administering the new chapter to title 57 created by this Act."

Page 7, line 1, after "all" insert "annual license fees under chapters 43-17 and 43-28 and for all"

Page 7, after line 2, insert:

"SECTION 7. EXPIRATION DATE. This Act is effective through June 30, 1995, and after that date is ineffective except insofar as is necessary to collect any tax due with respect to any period before July 1, 1995, or to impose or enforce any penalty for any act or failure to act which occurred before July 1, 1995."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1065, as engrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1065 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "71,391" with "72,994"

Page 1, line 20, replace "2,003,641" with "2,005,244"

Page 2, line 18, replace "716,475" with "731,479"

Page 2, line 23, replace "3,672,315" with "3,687,319"

Page 2, line 26, replace "361,509" with "369,788"

Page 3, line 1, replace "503,441" with "511,720"

Page 3, line 2, replace "8,664,397" with "8,689,283"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 607 - MILK STABILIZATION BOARD

SENATE - This amendment increases the salaries and wages line item by \$8,279 of special funds to reflect Governor Sinner's salary increase recommendation for state employees.

DEPARTMENT 608 - OILSEED COUNCIL

SENATE - This amendment increases the salaries and wages line item by \$1,603 of special funds to reflect Governor Sinner's salary increase recommendation for state employees.

DEPARTMENT 625 - WHEAT COMMISSION

SENATE - This amendment increases the salaries and wages line item by \$15,004 of special funds to reflect Governor Sinner's salary increase recommendation for state employees.

REPORT OF STANDING COMMITTEE

HB 1389, as reengrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1389 was placed on the Sixth order on the calendar.

Page 1, line 4, remove the third "and"

Page 1, line 5, after "penalty" insert "; and to declare an emergency"

Page 2, line 17, after "who" insert "has filed a resident North Dakota income tax return for the year prior to a period of service and the year prior to the effective date of this Act and"

Page 3, line 2, replace the period with "; or"

Page 3, line 3, replace "'Resident" also means a veteran who was" with "was"

Page 3, line 6, remove "A person is not a resident of North Dakota for"

Page 3, remove lines 7 through 11

Page 4, line 2, replace "December 31, 1993" with "July 1, 1994"

Page 6, after line 17, insert:

"SECTION 10. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment adds language requiring the filing of a resident North Dakota income tax return to the residency requirements contained in the bill.

This amendment also adds an emergency clause.

REPORT OF CONFERENCE COMMITTEE

SB 2155: Your conference committee (Sens. Marks, Andrist, W. Stenehjem and Reps. Kelsch, Kretschmar, Allmaras) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1072-1074 and place SB 2155 on the Seventh order.

SB 2155 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2289: Your conference committee (Sens. Keller, Krauter, Nalewaja and Reps. Poolman, Hagle, Grumbo) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 911-912 and place SB 2289 on the Seventh order.

SB 2289 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2328: Your conference committee (Sens. Schoenwald, Krauter, Krebsbach and Reps. Tollefson, C. Carlson, Mahoney) recommends that the **HOUSE RECEDE**

from the House amendments on SJ page 989, adopt amendments as follows, and place SB 2328 on the Seventh order:

That the House recede from its amendments as printed on page 989 of the Senate Journal and page 1063 of the House Journal and that Senate Bill No. 2328 be amended as follows:

Page 1, after line 15, insert:

"As used in this subsection, the term "reasonable interest" means the same rate of interest as paid on death proceeds left on deposit with the insurer."

Renumber accordingly

SB 2328 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1089, as engrossed: Your conference committee (Sens. O'Connell, Kelsh, Freborg and Reps. Belter, Monson, Allmaras) recommends that the SENATE RECEDE from the Senate amendments on SJ page 822, adopt amendments as follows, and place HB 1089 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1015-1016 of the House Journal and page 822 of the Senate Journal and that Engrossed House Bill No. 1089 be amended as follows:

Page 1, line 11, after "professionals" insert "as defined by department of transportation standards."

Page 1, line 18, after the period insert "The school board may, at its discretion, require drug or alcohol testing."

Renumber accordingly

Engrossed HB 1089 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1267: Your conference committee (Sens. Tomac, Kinnoin, Urlacher and Reps. Stenehjem, Henegar, Boucher) recommends that the HOUSE ACCEDE to the Senate amendments on SJ page 883 and place HB 1267 on the Seventh order.

HB 1267 was placed on the Seventh order of business on the calendar.

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

CAROL SIEGERT, Secretary