

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 31, 1993

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

The prayer was offered by Rev. Andrea DeGroot-Nesdahl, Assistant to the Bishop, ELCA, Bismarck.

The roll was called and all members were present.

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 Myrdal presiding.

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 1333, after line 11, insert:

"REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Schoenwald, Chairman) has examined and has cast a unanimous ballot in favor of a bill for an Act to amend and reenact subsection 1 of section 57-36-25, subsection 1 of section 57-36-26, subdivisions a and b of subsection 1 of section 57-36-27, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to the taxation of cigarettes and tobacco products.

The bill will be SB 2539.

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Schoenwald, Chairman) has examined and has cast a unanimous ballot in favor of a concurrent resolution urging the Garrison Diversion Conservancy District, with the cooperation of the State Water Commission, the Governor, the Garrison Diversion Overview Committee, and each member of the North Dakota Congressional Delegation, to attempt to negotiate promptly, with the appropriate federal officials, a greater role for the state in the development, construction, operation, and maintenance of the Garrison Diversion Project.

The resolution will be SCR 4072.

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Schoenwald,

Chairman) has examined and has cast a unanimous ballot in favor of a concurrent resolution directing the Legislative Council to study the cost effectiveness and economic impact of permitting Roughrider Industries to manufacture and sell products that may be produced and sold by the private sector.

The resolution will be SCR 4073.

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

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

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 2042: Reps. Klein; Wanzek; Ring

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2403.

HOUSE AMENDMENTS TO SENATE BILL NO. 2403

Page 1, line 16, remove "to an"

Page 1, line 17, remove "insurer"

ReNUMBER accordingly

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2214, SB 2473, SB 2511.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1008, HB 1399.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1096, HB 1168, HB 1181, HB 1225, HB 1344.

MOTION

SEN. MATHERN MOVED that SB 2378 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 25, 1993

I am returning SB 2378 and hereby veto the same.

Community correction programs currently exist in Williston, Minot, Jamestown, and Richland County, and provide an excellent tool for local authorities as a sentencing option other than jail and also provide a method for repaying court costs, restitution, etc.

SB 2378, however, establishes regional boards, establishes a special fund up to \$508,000, and creates a cumbersome financing mechanism. A local surcharge is collected by misdemeanor at the local level, transferred to the state treasurer, and then returns 85% of the amounts collected to the regional boards and 15% to the Department of Corrections.

I believe that community correction programs are useful vehicles, but that SB 2378 creates an additional layer of government and is a cumbersome system for maintaining these programs at the local level.

I therefore am respectfully returning SB 2378, having vetoed the same.

RECONSIDERATION OF A VETOED MEASURE

SB 2378: A BILL for an Act to create and enact a new section to chapter 12.1-32 and two new subsections to section 54-23.3-04 of the North Dakota Century Code, relating to the imposition, collection, allocation, and disbursement of funds generated from a sentencing surcharge and the powers and duties of the director of the department of corrections and rehabilitation; and to provide an appropriation.

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 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Graba; Jerome; Keller; Kelly; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Mushik; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Tallackson; Thane; Wogsland; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kelsh; Krebsbach; Lindgren; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Sand; Solberg; Stenehjem, W.; Streibel; Tennefos; Tomac; Traynor; Urlacher

The Senate sustained the Governor's veto on SB 2378.

MOTION

SEN. MATHERN MOVED that the rules be suspended and that SB 2539 be placed on the Fifth order and after action taken on the Fifth order, that SB 2539 be placed on the Sixth order and after action taken on the Sixth order, that SB 2539 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2539: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2539 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subdivisions a and b of subsection 1 of"

Page 1, line 3, remove "section 57-36-27,"

Page 3, remove lines 3 through 11

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2539: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2539: A BILL for an Act to amend and reenact subsection 1 of section 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to the taxation of cigarettes and tobacco products.

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 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Kelly; Kelsh; Krauter; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; Heinrich; Keller; Kinnoin; Krebsbach; Langley; Lindgren; Mutch; Naaden; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher

SB 2539 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MARKS MOVED that the conference committee report on SB 2155 be adopted, which motion prevailed on a verification vote.

SB 2155, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2155: A BILL for an Act to create and enact a new subsection to section 53-06.2-05 and a new subsection to section 53-06.2-08 of the North Dakota Century Code, relating to receipt of moneys from the North Dakota horse racing foundation and establishing the period for which licenses are valid; to amend and reenact subsections 1 and 11 of section 53-06.2-01, subsection 2 of section 53-06.2-02, subsections 1 and 4 of section 53-06.2-08, sections 53-06.2-09, 53-06.2-10, and subsections 3 and 6 of section 53-06.2-11 of the North Dakota Century Code, relating to definition of "breeders' fund" and "racing", racing commission membership, license authorization and fees, allotment of racing days, definition of parimutuel racing, powers of the racing commission, and deposits of moneys in purse, breeders', and racing funds; 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 30 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Maxson; Mushik; Nelson; O'Connell; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland

NAYS: Andrist; Evanson; Freborg; Goetz; Graba; Lindaas; Marks; Mathern; Mutch; Naaden; Nalewaja; Nething; Redlin; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Yockim

SB 2155 passed, the title was agreed to, but the emergency clause lost.

POINT OF PERSONAL PRIVILEGE

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

Yesterday the State Spelling Bee was held in Bismarck. For the second year in a row, Brian Lee of Minot won the state spelling championship. Twenty-six young folks from around the state took part in Tuesday's final round of the State Spelling Bee.

A recognition in our Journal for Brian Lee on his scholastic achievement is fitting and proper. We congratulate Brian on his spelling achievements and wish him well in the national spelling bee in Washington, D.C., in May.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 2:25 p.m., which motion prevailed.

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

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senators Jay Schultz, Dean Meyer, John Olson, Emil Kautzman, Frank Wenstrom, Bill Parker, Bill Hansen, and S.F. Hoffner.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your **Delayed Bills Committee** (Sen. Schoenwald, Chairman) has examined and has cast a unanimous ballot in favor of a concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1993 NCAA Division II national championship.

The resolution will be SCR 4074.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nalewaja, Grindberg, Kelly, Lindgren, Mathern, Nelson, Scherber, Tennefos and Reps. Nelson, Gorman, Austin, Belter, J. Berg, R. Berg, Bernstein, Brodshaug, A. Carlson, Christopherson, Dalrymple, Dorso, Holm, Payne, Pyle, Soukup introduced:

(Approved by the Delayed Bills Committee)

SCR 4074: A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1993 NCAA Division II national championship.

Was read the first time.

MOTION

SEN. MATHERN MOVED that the rules be suspended, that SCR 4074 not be printed, but be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Nalewaja, Grindberg, Kelly, Lindgren, Mathern, Nelson, Scherber, Tennefos and Reps. Nelson, Gorman, Austin, Belter, J. Berg, R. Berg, Bernstein, Brodshaug, A. Carlson, Christopherson, Dalrymple, Dorso, Holm, Payne, Pyle, Soukup introduced:

(Approved by the Delayed Bills Committee)

SENATE CONCURRENT RESOLUTION NO. 4074

A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1993 NCAA Division II national championship.

WHEREAS, the North Dakota State University Bison women's basketball team captured the NCAA Division II championship by scoring a record 95 points while racking up a decisive victory in the championship game; and

WHEREAS, members of the North Dakota State University Bison women's basketball team were honored with numerous individual awards including the Division II women's basketball coach of the year award for Bison coach Amy Ruley, most valuable player of the national championship tournament for the second time in her career and all-American honors for Nadine Schmidt, all-American honors for Jody Buck, and an all-American nomination for Jackie Parsley, and the seniors on this year's team have compiled an amazing 115-13

record while winning two national championships in their four seasons to establish a tradition of excellence for the North Dakota State University Bison women's basketball program; and

WHEREAS, this team, distinguished by individual awards and talented individual athletes, displayed exemplary teamwork and sharing in pursuit of its goal that was realized by winning the 1993 NCAA Division II women's basketball championship and compiling a season record of 30 wins and two losses, a performance of which North Dakotans are extremely proud;

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

That the Fifty-third Legislative Assembly takes pride in extending to all members and coaches of the North Dakota State University Bison women's basketball team its heartiest congratulations for winning the 1993 NCAA Division II women's national basketball championship; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to each member of the North Dakota State University Bison women's basketball team, to each of their coaches, and to the president of North Dakota State University, home of the Bison.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4074: A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1993 NCAA Division II national championship.

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

SCR 4074 was declared adopted on a voice vote.

MOTION

SEN. MATHERN MOVED that the vote by which SCR 4074 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the rules be suspended and that SCR 4074 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4074.

CONSIDERATION OF AMENDMENTS

HB 1004: SEN. DEMERS (Appropriations Committee) MOVED that the amendments on SJ pages 1352-1354 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1004 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1012: SEN. NAADEN (Appropriations Committee) MOVED that the amendments on SJ pages 1354-1355 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act making an appropriation for defraying the expenses of the state game and fish department; 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.

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

HB 1012 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1014: SEN. YOCKIM (Appropriations Committee) MOVED that the amendments on SJ pages 1355-1357 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1014: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and tourism department; to provide for an appropriation from the snowmobile fund and the trail tax transfer fund; and to provide statements of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Nelson

HB 1014 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1016: SEN. YOCKIM (Appropriations Committee) MOVED that the amendments on SJ pages 1357-1359 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 1016: A BILL for an Act to provide an appropriation for defraying the expenses of the agricultural products utilization commission and for ethanol production incentives; and to provide a statement of legislative intent.

ROLL CALL

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

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

NAYS: Andrist; Freborg; Grindberg; Lindgren; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Stenehjem, B.; Streibel; Tennefos

HB 1016 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1065 and HB 1389 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1065: SEN. LINDAAS (Appropriations Committee) MOVED that the amendments on SJ pages 1361-1362 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act making an appropriation for defraying the expenses of various agricultural boards, councils, and commissions.

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 1065 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1389: SEN. LIPS (Appropriations Committee) MOVED that the amendments on SJ page 1362 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1389 be laid over one legislative day, which motion prevailed.

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 2001: Reps. Gerntholz; Clayburgh; Laughlin

SB 2005: Reps. Wald; Bateman; Nichols

SB 2006: Reps. St. Aubyn; Payne; Pyle

SB 2013: Reps. Carlisle; Howard; Kroeber

SB 2014: Reprs. Gerntholz; Howard; Laughlin
SB 2279: Reprs. Wardner; Timm; Hokana
SB 2384: Reprs. Dorso; Shide; Stenson

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

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

HB 1006: Reprs. Howard; Clayburgh; 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:

SCR 4038: Reprs. Tollefson; Bernstein; Kilichowski

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1391 and HB 1416 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1391: Reprs. Dalrymple; Bateman; Wilkie
HB 1416: Reprs. Kelsch; Kretschmar; Allmaras

CONSIDERATION OF AMENDMENTS

HB 1064: SEN. MATHERN (Human Services Committee) MOVED that the amendments on SJ pages 1359-1361 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 1064: A BILL for an Act to create and enact a new section to chapter 43-17, a new section to chapter 43-28, and a new chapter to title 57 of the North Dakota Century Code, relating to a tax and fees to fund medical assistance; to provide a penalty; to provide an appropriation; to provide an effective date; and to provide an expiration date.

MOTION

SEN. NALEWAJA MOVED that Reengrossed HB 1064 be amended as follows:

In lieu of the amendments to Reengrossed House Bill No. 1064 as printed on page 1016 and pages 1359-1361 of the Senate Journal, Reengrossed House Bill No. 1064 is amended as follows:

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 or"

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

Page 1, remove lines 13 through 15

Page 2, after line 19, insert:

- "5. "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 and nursing facility" 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.

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, \$79,638,404 of special

funds derived from federal funds and other income, and \$27,451,668 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 \$17,869,581 of the total funds appropriated to the department of human services, including the sum of \$4,761,094 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, and for the purpose of providing an aggregate increase of five percent in the rates paid for physicians' services and dentists' services, 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.

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."

Renumber accordingly

REQUEST

SEN. NALEWAJA REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1064, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed HB 1064, the roll was called and there were 20 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Grindberg; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nething; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennesfos; Thane; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

The proposed amendments to Reengrossed HB 1064 failed.

MOTION

SEN. LIPS MOVED that Reengrossed HB 1064 be amended as follows:

In lieu of the amendments to Reengrossed House Bill No. 1064 as printed on page 1016 and pages 1359-1361 of the Senate Journal, Reengrossed House Bill No. 1064 is amended as follows:

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

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 2. LEGISLATIVE INTENT - IMPLEMENTATION EXPENDITURES.
The appropriation for medical assistance in House Bill No. 1002 includes, in the estimated income line item, \$108,337,397 of special funds derived from federal funds and other income, and \$37,344,322 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 \$18,675,712 of the total funds appropriated to the department of human services,

including the sum of \$4,966,657 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, 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 3. 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, after line 2, insert:

"SECTION 5. 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."

Renumber accordingly

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1064, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed HB 1064, the roll was called and there were 20 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Grindberg; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nething; O'Connell; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tennefos; Thane; Traynor

NAYS: DeMers; Dotzenrod; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; Nelson; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Tomac; Urlacher; Wogsland; Yockim

The proposed amendments to Reengrossed HB 1064 failed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Goetz; Graba; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Mathern; Maxson; Mushik; Nelson; Robinson; Sand; Scherber; Schoenwald; Tallackson; Tomac; Wogsland

NAYS: Andrist; Bowman; Freborg; Grindberg; Heinrich; Krebsbach; Lindgren; Lips; Marks; Mutch; Naaden; Nalewaja; Nething; O'Connell; Redlin; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Yockim

HB 1064 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the vote by which SB 2539, HB 1012, HB 1014, HB 1016, HB 1064, and HB 1065 passed be reconsidered and the motion to reconsider be laid on the table, 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., Thursday, April 1, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1018, as engrossed: 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). Engrossed HB 1018 was placed on the Sixth order on the calendar.

Page 1, line 2, after "agencies" insert "; to provide an appropriation for additional compensation to state employees; to provide a contingent appropriation for additional compensation to state employees; and to provide an effective date"

Page 1, line 13, replace "298,680" with "291,026"

Page 1, line 14, replace "594,723" with "624,641"

Page 1, line 18, replace "2,616,659" with "2,638,923"

Page 2, line 1, replace "396,300" with "385,156"

Page 2, line 2, replace "579,550" with "623,256"

Page 2, line 5, replace "2,335,268" with "2,367,830"

Page 2, after line 5, insert:

"Grand total general fund appropriation H.B. 1018	\$10,304,728"
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Page 2, line 6, replace "4,951,927" with "11,622,921"

Page 2, after line 6, insert:

"Grand total all funds appropriation H.B. 1018	\$21,927,649
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SECTION 2. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the agencies and institutions of state government named for the purpose of providing additional compensation to employees for the various agencies and institutions for the period beginning July 1, 1993, and ending June 30, 1995:

AGENCY OR INSTITUTION	GENERAL FUND	SPECIAL FUNDS	TOTAL
Governor	\$ 14,374		\$ 14,374

Lieutenant governor	2,092		2,092
Secretary of state	27,508		27,508
Office of management and budget			
Facility management	77,075		77,075
Central operations	39,812	\$4,921	44,733
Information services division		107,297	107,297
State auditor	26,457	14,246	40,703
Central duplicating services		31,982	31,982
State treasurer	6,182		6,182
Attorney general	91,801	18,680	110,481
Tax department	150,875		150,875
Office of administrative hearings	3,420		3,420
Legislative council	24,200		24,200
Supreme court	22,697		22,697
Judicial qualifications commission	2,598		2,598
District court	74,781		74,781
Retirement and investment office		15,203	15,203
Public employees retirement board		19,853	19,853
Public instruction	69,454	46,302	115,756
Board of higher education	2,967		2,967
Land department		16,449	16,449
Bismarck state college	80,760		80,760
UND-Lake Region	33,986		33,986
UND-Williston	31,427		31,427
University of North Dakota	723,267		723,267
Medical center rehabilitation hospital		200,544	200,544
University of North Dakota medical center	105,077	70,344	175,421
State toxicologist	6,391		6,391
North Dakota state university	444,457		444,457
North Dakota state college of science	206,548		206,548
Dickinson state university	99,893		99,893
Mayville state university	74,554		74,554
Minot state university	190,284		190,284
Valley City state university	98,792		98,792
NDSU-Bottineau branch	41,129		41,129
North Dakota forest service	22,131		22,131
State library	28,853		28,853
School for the deaf	47,526		47,526
School for the blind	34,219		34,219
Vocational education	11,726	11,725	23,451
State department of health and consolidated laboratories	122,305	149,485	271,790
Veterans' home	48,787	48,787	97,574
Indian affairs commission	2,449		2,449
Veterans' affairs	6,575		6,575
Children's services coordinating committee	2,051		2,051
Department of human services			
Executive office	2,007	223	2,230
Managerial support	50,323	27,097	77,420
Economic assistance	32,410	10,803	43,213
Medical assistance	14,957	27,777	42,734
Vocational rehabilitation	16,507	24,762	41,269
Office of field services	44,791	4,977	49,768
Regional human service centers	581,478	145,369	726,847
State hospital	498,740	166,246	664,986
Developmental center	196,436	458,349	654,785

Development disabilities council and Governor's council on human resources		4,011	4,011
Protection and advocacy project	31,690		31,690
Insurance commissioner		30,187	30,187
Industrial commission	30,163	3,351	33,514
Labor commissioner	6,714		6,714
Public service commission	20,123	9,470	29,593
Aeronautics commission	460	4,136	4,596
Department of banking and financial institutions	13,865		13,865
Securities commissioner		5,425	5,425
Bank of North Dakota		169,362	169,362
Housing finance agency		42,878	42,878
Job service		415,477	415,477
Workers compensation bureau		155,042	155,042
Highway patrol		166,560	166,560
Radio communications	30,597		30,597
Emergency management	3,854	15,417	19,271
Department of corrections			
Central office	2,266	400	2,666
Juvenile services	24,629	2,736	27,365
Industrial school	74,184	13,091	87,275
State penitentiary	186,497	32,911	219,408
Penitentiary industries		19,672	19,672
Parole and probation	45,568		45,568
Adjutant general	27,664	64,549	92,213
Economic development and finance department	15,117		15,117
Department of agriculture	31,343	7,836	39,179
Milk stabilization board		5,287	5,287
Oilseed council		846	846
Agriculture products utilization commission	573	574	1,147
Seed department		36,275	36,275
Board of animal health	1,980		1,980
State wheat commission		3,910	3,910
Transportation institute	1,407	4,004	5,411
Extension service	146,208	18,071	164,279
Northern crops institute	3,256	1,330	4,586
Main research center	151,108	64,761	215,869
Dickinson research center	11,201		11,201
Central grassland research center	4,725		4,725
Hettinger research center	7,501		7,501
Langdon research center	5,864		5,864
North central research center	5,634		5,634
Williston research center	7,119		7,119
Carrington research center	9,101	3,198	12,299
Agronomy seed farm		2,369	2,369
Land reclamation research center		13,764	13,764
Historical society	51,066		51,066
Council on the arts	5,418		5,418
Soil conservation committee	8,563		8,563
Centennial trees commission		502	502
Game and fish department		105,607	105,607
Department of parks and tourism	44,589		44,589
Water commission	59,345		59,345
Department of transportation			
Transportation operation		1,008,755	1,008,755
Fleet services		29,084	29,084
Motor vehicle		60,597	60,597
Total	\$5,606,521	\$4,142,866	\$9,749,387

SECTION 3. STATE EMPLOYEE SALARY INCREASES - EFFECTIVE DATE.

The amounts appropriated in section 2 of this Act are to be available to state agencies and institutions beginning on July 1, 1993, to be paid beginning on August 1, 1993, or later, to provide moneys in addition to amounts included in agency appropriations for employee compensation increases of seventy-five dollars per month. All state employees including temporary employees, not on a probation status are entitled to receive increases. Temporary and part-time employees must be provided a pro rata increase in accordance with the number of hours worked. Pay grade maximums may not be used to limit the amount of this increase.

SECTION 4. CONTINGENT APPROPRIATION.

The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated, subject to the availability of state general fund revenues as provided for in section 5 of this Act, out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the agencies and institutions of state government named for the purpose of providing additional compensation to employees for the various agencies and institutions for the period beginning August 1, 1994, and ending June 30, 1995:

AGENCY OR INSTITUTION	GENERAL FUND	SPECIAL FUNDS	TOTAL
Governor	\$ 11,062		\$ 11,062
Lieutenant governor	1,012		1,012
Secretary of state	11,035		11,035
Office of management and budget			
Facility management	22,377		22,377
Central operations	36,151	\$4,468	40,619
Information services division		85,880	85,880
State auditor	24,412	13,145	37,557
Central duplicating services		9,961	9,961
State treasurer	3,079		3,079
Attorney general	78,538	16,340	94,878
Tax department	83,584		83,584
Office of administrative hearings	4,352		4,352
Legislative council	25,067		25,067
Supreme court	31,442		31,442
Judicial qualifications commission	2,755		2,755
District court	110,154		110,154
Retirement and investment office		11,710	11,710
Public employees retirement board		10,611	10,611
Public instruction	41,537	27,692	69,229
Board of higher education	16,399		16,399
Land department		12,180	12,180
Bismarck state college	108,919		108,919
UND-Lake Region	29,936		29,936
UND-Williston	35,316		35,316
University of North Dakota	769,906		769,906
Medical center rehabilitation hospital		117,067	117,067
University of North Dakota medical center	189,162	126,635	315,797
State toxicologist	4,642		4,642
North Dakota state university	616,276		616,276
North Dakota state college of science	163,628		163,628
Dickinson state university	92,131		92,131
Mayville state university	57,143		57,143

Minot state university	211,151		211,151
Valley City state university	75,740		75,740
NDSU-Bottineau branch	27,029		27,029
North Dakota forest service	10,801		10,801
State library	12,891		12,891
School for the deaf	27,685		27,685
School for the blind	18,859		18,859
Vocational education	10,237	10,237	20,474
State department of health and consolidated laboratories	83,160	101,640	184,800
Veterans' home	15,720	15,720	31,440
Indian affairs commission	1,341		1,341
Veterans' affairs	3,392		3,392
Children's services	1,030		1,030
coordinating committee			
Department of human services			
Executive office	3,500	389	3,889
Managerial support	31,179	16,788	47,967
Economic assistance	23,798	7,932	31,730
Medical assistance	7,285	13,529	20,814
Vocational rehabilitation	9,190	13,783	22,973
Office of field services	35,934	3,993	39,927
Regional human service centers	330,237	82,559	412,796
State hospital	257,638	85,880	343,518
Developmental center	71,954	167,893	239,847
Development disabilities council and Governor's council on human resources		2,598	2,598
Protection and advocacy project	15,530		15,530
Insurance commissioner		27,076	27,076
Industrial commission	35,873	3,986	39,859
Labor commissioner	3,822		3,822
Public service commission	23,661	11,135	34,796
Aeronautics commission	381	3,429	3,810
Department of banking and financial institutions	17,322		17,322
Securities commissioner		4,417	4,417
Bank of North Dakota	94,683		94,683
Housing finance agency		22,232	22,232
Job service		264,387	264,387
Workers compensation bureau		68,817	68,817
Highway patrol		124,242	124,242
Radio communications	15,539		15,539
Emergency management	2,373	9,494	11,867
Department of corrections			
Central office	3,550	626	4,176
Juvenile services	13,105	1,456	14,561
Industrial school	38,172	6,736	44,908
State penitentiary	87,556	15,451	103,007
Penitentiary industries		15,634	15,634
Parole and probation	25,930		25,930
Adjutant general	13,639	31,823	45,462
Economic development and finance department	35,357		35,357
Department of agriculture	19,548	4,887	24,435
Milk stabilization board		3,097	3,097
Oilseed council		599	599
Agriculture products utilization commission	229	230	459
Seed department		18,360	18,360
Board of animal health	4,031		4,031
State wheat commission		5,555	5,555
Transportation institute	2,354	6,701	9,055

Extension service	158,246	19,559	177,805
Northern crops institute	3,892	1,590	5,482
Main research center	187,156	80,210	267,366
Dickinson research center	7,817		7,817
Central grassland research center	2,764		2,764
Hettinger research center	3,949		3,949
Langdon research center	4,213		4,213
North central research center	3,325		3,325
Williston research center	4,717		4,717
Carrington research center	6,826	2,399	9,225
Agronomy seed farm		1,867	1,867
Land reclamation research center		11,391	11,391
Historical society	27,842		27,842
Council on the arts	2,937		2,937
Soil conservation committee	3,370		3,370
Centennial trees commission		757	757
Game and fish department		76,319	76,319
Department of parks and tourism	26,875		26,875
Water commission	56,540		56,540
Department of transportation			
Transportation operation		544,466	544,466
Fleet services		11,889	11,889
Motor vehicle		19,172	19,172
Total	\$4,698,207	\$2,473,302	\$7,171,509

SECTION 5. CONTINGENT APPROPRIATION. The amounts appropriated in section 4 of this Act are only to be available on August 1, 1994, after determination by the director of the office of management and budget that estimated general fund revenues for the fiscal year ended June 30, 1994, exceed the amount estimated at the close of the fifty-third legislative assembly by \$4,700,000. If general fund revenues exceed estimates, but are less than \$4,700,000 more than estimates, salary increases must be provided proportionately.

SECTION 6. STATE EMPLOYEE SALARY INCREASES - EFFECTIVE DATE. If the provisions of section 5 of this Act are met, the amounts appropriated in section 4 of this Act are to be available beginning on August 1, 1994, to be paid beginning on September 1, 1994, or later, for employee compensation increases of two percent. All state employees, including temporary employees, not on a probation status are entitled to receive increases. Temporary and part-time employees must be provided a pro rata increase in accordance with the number of hours worked. Pay grade maximums may not be used to limit the amount of this increase."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 190 - RETIREMENT AND INVESTMENT OFFICE

SENATE - The information services line item is decreased by \$7,654 relating to information services rate reductions.

The operating expenses line item is increased by \$29,918 for indirect cost allocation payments to the Office of Management and Budget.

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

SENATE - The operating expenses line item is increased by \$43,706 for indirect cost allocation payments to the Office of Management and Budget.

The information services line item is decreased by \$11,144 relating to information services rate reductions.

This amendment adds a section appropriating the funding necessary in addition to the salary increase moneys contained in the various appropriations bills to provide state employees a \$75 per month salary increase in lieu of the proposed two percent increase contained in each bill.

This amendment also adds a section with a contingent appropriation to provide the funding necessary to provide state employees a two percent salary increase. The contingent appropriation requires general fund revenues as of June 30, 1994, to exceed the legislative forecast by an amount sufficient to pay for the general fund portion of the two percent salary increase.

REPORT OF STANDING COMMITTEE

HB 1364: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO NOT PASS (7 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING). HB 1364 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1469: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO NOT PASS (6 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1469 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1511: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1511 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "A nonprofit health service corporation that is participating in"

Page 1, remove line 21

Page 2, remove lines 1 and 2

Page 2, line 3, remove "f."

Page 2, line 4, remove the overstrike over "~~f.~~" and remove "g."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2287: Your conference committee (Sens. Graba, Dotzenrod, Andrist (refused to sign) and Reps. Soukup, Hagle (refused to sign), Grumbo) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1031-1032, adopt amendments as follows, and place SB 2287 on the Seventh order:

That the House recede from its amendments as printed on pages 1031-1032 of the Senate Journal and pages 1085-1086 of the House Journal and that Senate Bill No. 2287 be amended as follows:

Page 1, line 15, after the underscored period insert "The average annual cost of this publication for cities having a prior history of publication may be printed on the ballot. For cities not having a prior history of publication, the estimated average annual cost of publication, as mutually determined by the city and its official newspaper, may be printed on the ballot."

Page 1, line 16, after "record" insert "or an analysis"

Page 1, line 17, replace the first "its" with "the" and after "proceedings" insert "showing the substantive actions of the city council"

Page 1, line 21, after the underscored period insert "Individual itemized vouchers, roll call votes, and employee salaries need not be published under this section but must be available for review upon request."

Page 2, line 7, after the underscored period insert "The average annual cost of this publication for cities having a prior history of publication may be printed on the ballot. For cities not having a prior history of publication, the estimated average annual cost of publication, as mutually determined by the city and its official newspaper, may be printed on the ballot."

Page 2, line 9, after "record" insert "or an analysis"

Page 2, line 10, replace the first "its" with "the" and after "proceedings" insert "showing the substantive actions of the governing body"

Page 2, line 14, after the underscored period insert "Individual itemized vouchers, roll call votes, and employee salaries need not be published under this section but must be available for review upon request."

Page 2, line 24, after the underscored period insert "The average annual cost of this publication for cities having a prior history of publication may be printed on the ballot. For cities not having a prior history of publication, the estimated average annual cost of publication, as mutually determined by the city and its official newspaper, may be printed on the ballot."

Page 2, line 26, after "record" insert "or an analysis", replace the first "its" with "the", and after "proceedings" insert "showing the substantive actions of the city council"

Page 3, line 2, after the underscored period insert "Individual itemized vouchers, roll call votes, and employee salaries need not be published under this section but must be available for review upon request."

Page 3, line 10, after the underscored period insert "The average annual cost of this publication for cities having a prior history of publication may be printed on the ballot. For cities not having a prior history of publication, the estimated average annual cost of publication, as mutually determined by the city and its official newspaper, may be printed on the ballot."

Page 3, line 12, after "record" insert "or an analysis", replace the first "its" with "the", and after "proceedings" insert "showing the substantive actions of the city commission"

Page 3, line 16, after the underscored period insert "Individual itemized vouchers, roll call votes, and employee salaries need not be published under this section but must be available for review upon request."

ReNUMBER accordingly

SB 2287 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2362, as engrossed: Your conference committee (Sens. Keller, Schoenwald, Krebsbach and Reps. A. Carlson, Wardner, Glassheim) recommends that the HOUSE RECEDE from the House amendments on SJ page 989, adopt amendments as follows, and place SB 2362 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 Engrossed Senate Bill No. 2362 be amended as follows:

Page 1, line 6, replace "organized for the purpose of counseling consumers with respect to" with "engaged in the business of debt adjusting as defined in section 13-06-01"

Page 1, remove line 7

Page 1, line 8, remove "creditors"

Page 2, line 23, replace "daily" with "weekly"

Page 3, line 2, replace "seventy-five" with "fifty"

Page 3, line 7, replace "remaining eighty-five percent" with "remainder"

Renumber accordingly

Engrossed SB 2362 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2320, as engrossed: Your conference committee (Sens. Marks, Kelsh, Bowman and Reps. Nicholas, Shide, Aarsvold) recommends that the HOUSE RECEDE from the House amendments on SJ pages 995-996, adopt amendments as follows, and place SB 2320 on the Seventh order:

That the House recede from its amendments as printed on pages 995-996 of the Senate Journal and pages 1114-1115 of the House Journal and that Engrossed Senate Bill No. 2320 be amended as follows:

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

Page 1, line 2, replace "honeybee areas, mating" with "honeybees"

Page 1, line 3, remove "yards, and semen certification"

Page 1, line 4, remove "4-12.2-15,"

Page 1, line 5, after the fourth comma insert "and" and remove ", and 4-12.2-25"

Page 1, line 6, remove "and"

Page 1, line 10, after "equipment" insert "; and to declare an emergency"

Page 2, after line 6, insert:

"4. "Certificate of health" means a certificate issued upon the request of a beekeeper to verify normal standards of health set by the destination state."

Page 2, line 7, replace "4." with "5."

Page 2, line 12, replace "5." with "6."

Page 2, line 15, replace "6." with "7."

Page 2, line 17, replace "7." with "8."

Page 2, line 19, replace "8." with "9."

Page 2, line 21, replace "9." with "10."

Page 2, line 25, replace "10." with "11."

Page 2, after line 27, insert:

"12. "Normal standards of health" include the percentages of American foulbrood and varroasis incidents."

Page 2, line 28, replace "11." with "13."

Page 4, line 8, remove the overstrike over "~~where the registrant is not the property owner, a copy~~"

Page 4, remove the overstrike over lines 9 through 13

Page 4, line 16, overstrike the period

Page 4, line 19, overstrike "3."

Page 4, line 21, remove "Before establishing and maintaining an apiary on"

Page 4, remove lines 22 through 29

Page 5, remove lines 1 through 4

Page 6, line 4, replace "The" with "Upon request, the"

Page 6, line 8, after the underscored period insert "If the bee inspector or a deputy inspector receives a complaint from a beekeeper, aerial sprayer, or farmer, the inspector may enter private property during reasonable hours to make an external inspection for the purpose of identifying a colony."

Page 7, replace lines 9 through 29 with "Africanized honeybees. The department in cooperation with the North Dakota beekeeper's association shall develop a voluntary certification plan consistent with the model state Africanized honeybee management plan developed at the United States department of agriculture and national association of state departments of agriculture meeting in St. Louis, Missouri, in October 1991."

Page 9, remove lines 22 through 26

Page 9, after line 29, insert:

"SECTION 13. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2320 was placed on the Seventh order of business on the calendar.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: SB 2095.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1126.

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 1009, HB 1180.

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 1111, HB 1187, HB 1304, HB 1374, HB 1462, HB 1479.

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

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried on HB 1019.

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

MADAM PRESIDENT: The House has adopted the conference committee report on SB 2027, SB 2051, SB 2327, SB 2359, SB 2468.

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 2120, SCR 4070.

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

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried on SB 2144.

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 2003: Reps. Wald; Hausauer; Kaldor

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

CAROL SIEGERT, Secretary