

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, April 1, 1993

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

The prayer was offered by Rev. Ray Martin, First United Methodist Church, Mandan.

The roll was called and all members were present except Senators Kelly, O'Connell, Sand, and Wogslund.

A quorum was declared by the President.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1011, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1011: Sens. Tallackson, Lindaas, Naaden.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1013, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1013: Sens. Kelly, Yockim, Goetz.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1026, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1026: Sens. Scherber, Tomac, Evanson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1120, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1120: Sens. Scherber, DeMers, Evanson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1179, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1179: Sens. Graba, Mathern, Holmberg.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1416, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1416: Sens. Marks, W. Stenehjem, Andrist.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2367 as printed on SJ pages 1280-1281 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 SB 2367: Sens. Maxson, W. Stenehjem, Traynor.

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.

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 1011: Sens. Tallackson; Lindaas; Naaden
HB 1013: Sens. Kelly; Yockim; Goetz
HB 1026: Sens. Scherber; Tomac; Evanson
HB 1120: Sens. Scherber; DeMers; Evanson
HB 1179: Sens. Graba; Mathern; Holmberg
HB 1416: Sens. Marks; W. Stenehjem; Andrist

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2367 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2367: Sens. Maxson; W. Stenehjem; Traynor

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1062, HB 1193, HB 1437.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4074.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1012, HB 1014, HB 1016, HB 1064, HB 1065.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2074, SB 2082, SB 2131, SB 2293.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2539.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2285, SB 2453.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1023, HB 1032, HB 1091, HB 1097, HB 1103, HB 1134, HB 1138, HB 1139, HB 1142, HB 1163, HB 1165, HB 1184, HB 1203, HB 1211, HB 1234,

HB 1247, HB 1286, HB 1306, HB 1313, HB 1335, HB 1337, HB 1347, HB 1357, HB 1376, HB 1394.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1024, HB 1085, HB 1113, HB 1114, HB 1161, HB 1162, HB 1164, HB 1166, HB 1167, HB 1169, HB 1170, HB 1218, HB 1270, HB 1278, HB 1283, HB 1296, HB 1310, HB 1353, HB 1362, HB 1367, HB 1379, HB 1407, HB 1409, HB 1412, HB 1415, HB 1427, HB 1455, HB 1456, HB 1457, HB 1483, HB 1492, HB 1501.

MOTION

SEN. MARKS MOVED that the Senate reconsider its action whereby SB 2088 passed, which motion prevailed.

MOTION

SEN. MARKS MOVED that the Senate reconsider its action whereby the Senate concurred on the conference committee report on SB 2088 and reject the conference committee report, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1018: SEN. GOETZ (Appropriations Committee) MOVED that the amendments on SJ pages 1378-1384 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 1018: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies; 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogslund; Yockim

ABSENT AND NOT VOTING: Sand; Tallackson

HB 1018 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1511: SEN. SCHOENWALD (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 1384 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1511: A BILL for an Act to amend and reenact subsection 8 of section 26.1-38.1-02 of the North Dakota Century Code, relating to including nonprofit health service corporations in the definition of member insurer under the life and health guaranty association.

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, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Sand; Tallackson

HB 1511 passed and the title was agreed to.

MOTION

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

MOTION

SEN. MATHERN MOVED that HB 1389 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1389 was rereferred.

SECOND READING OF HOUSE BILL

HB 1364: A BILL for an Act to amend and reenact sections 23-16-01 and 23-16-04 of the North Dakota Century Code, relating to licensure of medical hospitals.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 24 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Lindgren; Marks; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Sand; Tallackson

HB 1364 lost.

SECOND READING OF HOUSE BILL

HB 1469: A BILL for an Act to provide for a state employees compensation commission.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 26 YEAS, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Marks; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Lindaas; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tomac; Yockim

ABSENT AND NOT VOTING: Sand; Tallackson; Wogsland

HB 1469 passed and the title was agreed to.

MOTION

SEN. STREIBEL MOVED that Engrossed HB 1004 be amended as follows:

In lieu of the amendments adopted by the Senate as printed on pages 1352-1354 of the Senate Journal, Engrossed House Bill No. 1004 is amended as follows:

Page 1, line 11, replace "1,852,362" with "1,731,333"

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

Page 1, line 13, replace "489,456" with "441,065"

Page 1, line 15, replace "2,393,775" with "2,226,660"

Page 1, line 16, replace "1,100,115" with "1,075,453"

Page 1, line 17, replace "1,293,660" with "1,151,207"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

SENATE - This amendment makes the following changes to provide for the Schafer budget as adjusted reflecting reducing two additional FTEs:

Salaries and wages are adjusted as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Delete 2 FTEs human service program administrator IVs (provide a total of 28 FTEs)	<u>\$ (121,029)</u>		<u>\$ (121,029)</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 reductions	<u>(13,612)</u>	<u>(19,588)</u>	<u>(33,200)</u>

Total	\$ (22,484)	\$ (25,907)	\$ (48,391)
Total changes to Engrossed House Bill No. 1004	\$ (142,453)	\$ (24,662)	\$ (167,115)
Senate version House Bill No. 1004	\$1,151,207	\$1,075,453	\$2,226,660

REQUEST

SEN. STREIBEL REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1004, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1004, the roll was called and there were 20 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Sand; Tallackson

The proposed amendments to Engrossed HB 1004 failed.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

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 36 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Freborg; 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; Stenehjem, W.; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Andrist; Bowman; Mutch; Naaden; Nelson; Nething; Solberg; Stenehjem, B.; Streibel; Tennefos; Urlacher

ABSENT AND NOT VOTING: Sand; Tallackson

HB 1004 passed and the title was agreed to.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1075, HB 1397, HB 1406, HB 1408, HB 1410, HB 1444, HB 1453, HB 1472, HB 1489, HB 1506, HB 1507, HB 1508, HB 1509, HB 1510, HCR 3014, HCR 3018, HCR 3019, HCR 3025, HCR 3026, HCR 3035, HCR 3039, HCR 3041, HCR 3043, HCR 3050.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1008 and HB 1399 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1008: Reps. Gerntholz; Clayburgh; Kroeber

HB 1399: Reps. Belter; Dorso; Dobrinski

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 2367: Reps. Dorso; Tollefson; Thorpe

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1064 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1064: Reps. Rydell; Christopherson; Kerzman

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1515.

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 1079, HB 1238, HB 1239, HB 1438, HB 1490.

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

MADAM PRESIDENT: The House has adopted the conference committee report on HB 1188.

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 Speaker has signed and your signature is respectfully requested on: HB 1400, HB 1405, HB 1417, HB 1426, HB 1429, HB 1436, HB 1474, HB 1475, HB 1484, HB 1485, HB 1488, HB 1491, HB 1495, HB 1497.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1514.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 1, 1993

This is to inform you that on April 1, 1993, I signed the following: SB 2528.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 1, 1993

This is to inform you that on March 30, 1993, I signed the following: SB 2086, SB 2092, SB 2110, SB 2396, SB 2475, SB 2482, SB 2492, SB 2536, SB 2537, and SB 2538.

Also, on March 31, 1993, I signed the following: SB 2199, SB 2226, SB 2351, SB 2498, and SB 2529.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4072: 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.

SCR 4073: 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.

ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Nething; Sand; Tallackson

SCR 4072 and SCR 4073 were declared adopted and the titles were agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to SB 2505 as printed on SJ page 1282, which motion prevailed.

SB 2505, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2505: A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to allocation of coal severance tax revenues between a coal-producing county and a non-coal-producing county; 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 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wogsland; Yockim

NAYS: DeMers; Heinrich; Kelly; Krauter; Mathern; Mushik; Scherber; Tomac

ABSENT AND NOT VOTING: Sand; Tallackson

SB 2505 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 Engrossed SB 2245 as printed on SJ page 1085, which motion prevailed.

Engrossed SB 2245, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2245: A BILL for an Act to amend and reenact sections 36-09-01, 36-09-02, 36-09-02.1, 36-09-04, 36-09-06, 36-09-08, 36-09-10, 36-09-11, 36-09-12, 36-09-13, 36-09-14, 36-09-15, and 36-09-18 of the North Dakota Century Code, relating to livestock brands and marks; 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 28 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Robinson; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher

NAYS: DeMers; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Scherber; Schoenwald; Wogsland; Yockim

ABSENT AND NOT VOTING: Sand; Tallackson

SB 2245 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Engrossed SB 2216 as printed on SJ pages 1279-1280, which motion prevailed.

Engrossed SB 2216, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2216: A BILL for an Act to create and enact a new section to chapter 15-34.1 of the North Dakota Century Code, relating to definitions; to amend and reenact section 1 of chapter 181 of the 1991 Session Laws of North Dakota, section 10 of chapter 2 and sections 4 and 7 of chapter 198 of the 1989 Session Laws of North Dakota, relating to home-based instruction of students; and to repeal section 9 of chapter 198 of the 1989 Session Laws of North Dakota, relating to the expiration date for statutes on home-based instruction of students; 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 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: DeMers; Graba; Heinrich; Maxson; Mushik; Redlin; Wogsland

ABSENT AND NOT VOTING: Sand; Tallackson

SB 2216 passed, the title was agreed to, and the emergency clause was declared carried.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1007, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1007: Sens. Robinson, Redlin, Lips.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1028, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1028: Sens. Robinson, Yockim, Thane.

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 1064, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1064: Sens. Mathern, Graba, Bowman.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1391, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1391: Sens. Graba, Dotzenrod, Lindgren.

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on SB 2328 be adopted, which motion prevailed.

SB 2328, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2328: A BILL for an Act to create and enact a new subsection to section 26.1-34-01 of the North Dakota Century Code, relating to required annuity contract provisions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Uriacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Sand; Tallackson

SB 2328 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. O'CONNELL MOVED that the conference committee report on Engrossed HB 1089 be adopted, which motion prevailed.

Engrossed HB 1089, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to amend and reenact section 15-34.2-14 of the North Dakota Century Code, relating to the qualifications of a schoolbus driver.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Naaden; Sand; Tallackson; Wogsland

HB 1089 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TOMAC MOVED that the conference committee report on HB 1267 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on SB 2287 be adopted, which motion failed.

REPORT OF CONFERENCE COMMITTEE

SEN. MARKS MOVED that the conference committee report on Engrossed SB 2320 be adopted, which motion prevailed.

Engrossed SB 2320, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to create and enact two new sections to chapter 4-12.2 of the North Dakota Century Code, relating to Africanized honeybees; to amend and reenact section 4-12.2-01, subsection 2 of section 4-12.2-04, sections 4-12.2-06, 4-12.2-07, 4-12.2-16, 4-12.2-18, 4-12.2-20, 4-12.2-21, and 4-12.2-23 of the North Dakota Century Code, relating to beekeeping; to repeal sections 4-12.2-03, 4-12.2-17, and 4-12.2-19 of the North Dakota Century Code, relating to the issuance of emergency orders and rules regarding beekeeping, the maintenance of bees in movable frames, and the sale or exposure of infected bees and equipment; 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 42 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; Scherber; Schoenwald

ABSENT AND NOT VOTING: Naaden; Sand; Tallackson

SB 2320 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed SB 2362 be adopted, which motion prevailed.

Engrossed SB 2362, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2362: A BILL for an Act relating to consumer credit counseling services; and providing 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 42 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Mutch; Streibel; Tennefos

ABSENT AND NOT VOTING: Naaden; Sand; Tallackson

SB 2362 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on SB 2289 be adopted, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1004, HB 1018, HB 1469, and HB 1511 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1364 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the absent members be excused, 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., Friday, April 2, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1015: 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). HB 1015 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with a comma

Page 1, line 3, replace "; and to amend and reenact sections 1 and 4 of chapter 573 of the" with ", and the centennial trees commission."

Page 1, remove lines 4 and 5

Page 1, line 11, replace "and" with a comma

Page 1, line 12, after "committee" insert ", and the centennial trees commission"

Page 1, line 17, replace "7,012,249" with "7,173,154"

Page 1, line 18, replace "87,192" with "94,716"

Page 1, line 19, replace "7,631,320" with "7,478,650"

Page 2, line 3, replace "53,904,620" with "53,920,379"

Page 2, line 4, replace "48,394,524" with "48,258,894"

Page 2, line 5, replace "5,510,096" with "5,661,485"

Page 2, line 8, replace "472,157" with "423,161"

Page 2, line 9, replace "8,665" with "7,327"

Page 2, line 10, replace "180,386" with "60,558"

Page 2, line 12, replace "785,386" with "745,386"

Page 2, remove line 13

Page 2, line 14, replace "all funds" with "general fund appropriation" and replace "1,507,594" with "1,237,432"

Page 2, replace lines 15 and 16 with:

"Subdivision 3.

CENTENNIAL TREES COMMISSION

Salaries and wages	\$105,368
Information services	2,145
Operating expenses	<u>47,758</u>
Total special funds appropriation	\$155,271"

Page 2, line 17, replace "6,751,073" with "6,898,917"

Page 2, line 18, replace "48,661,141" with "48,414,165"

Page 2, line 19, replace "55,412,214" with "55,313,082"

Page 2, line 29, after "in" insert "subdivision 1 of"

Page 3, line 23, replace "estimated income" with "total special funds appropriation" and replace "2" with "3"

Page 3, line 24, replace "\$214,131" with "\$155,271"

Page 3, line 26, remove "and the soil conservation committee"

Page 3, line 27, remove "The amounts appropriated"

Page 3, remove lines 28 and 29

Page 4, replace lines 1 through 3 with:

"SECTION 10. CENTENNIAL TREES COMMISSION - PRIVATIZATION. The centennial trees commission, during the biennium beginning July 1, 1993, and ending June 30, 1995, shall study the feasibility of creating a private, nonprofit organization to conduct the programs and activities of the centennial trees commission and methods of funding these programs and activities. The commission shall present a report of the commission's recommendations together with any legislation required to implement the commission's recommendations to the fifty-fourth legislative assembly."

Page 4, remove lines 8 through 28

Page 5, remove lines 1 through 24

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

SENATE - This amendment removes funding added by the House for the Centennial Trees Commission operations as follows (Centennial Trees Commission is provided a separate appropriation):

Salaries and wages (1 FTE)	\$ (59,165)
Information services	(1,962)
Operating expenses	(105,490)
Grants	(40,000)
Grants to state agencies	<u>(60,000)</u>
Total special funds	\$(266,617)

The salaries and wages line item is increased by \$10,169 from the general fund to reflect Governor Sinner's salary increase recommendation for state employees.

The information services line item is increased by \$624 from the general fund to restore a portion of the funding reduced by the House. The funding level provided reflects information services rate reductions.

Funding from the general fund of \$57,840 added in the House for indirect cost allocation payments to the Office of Management and Budget is removed from the operating expenses line item because the agency will not be charged indirect costs during the 1993-95 biennium because it receives funding only from the general fund.

The operating expenses line item is increased by \$43,502 from the general fund for operating costs of the Soil Conservation Committee which would have been paid for from special funds relating to the Centennial Trees Commission.

In total, this amendment reduces funding for the Soil Conservation Committee by \$270,162, \$3,545 of which is from the general fund and \$266,617 from special funds.

DEPARTMENT 712 - CENTENNIAL TREES COMMISSION

SENATE - This amendment provides that the Centennial Trees Commission not be under the supervision of the Soil Conservation Committee and continue in existence until June 30, 2001. The amendment provides a separate appropriation for the Centennial Trees Commission as follows:

Salaries and wages (1 FTE)	\$105,368
Information services	2,145
Operating expenses	<u>47,758</u>

Total funding from centennial trees program trust fund	\$155,271
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In comparison to the House funding for the Centennial Trees Commission, this amendment makes the following changes:

Federal funding of \$50,000 which is not expected to be received is removed including one FTE volunteer coordinator position relating to the America the Beautiful tree program.

Funding for salaries, wages, and benefits of \$105,368 is provided for one FTE director position of \$90,912 and for temporary salaries of \$14,456.

Funding for information services is increased by \$183 from special funds to restore a portion of the funding reduced by the House. The funding level provided reflects information services rate reductions.

The indirect cost allocation payments of \$12,430 are removed from the operating expenses line item.

Funding for grants of \$100,000 is removed.

DEPARTMENT 770 - STATE WATER COMMISSION

SENATE - This amendment makes the following changes:

	GENERAL FUNDS	OTHER FUNDS	TOTAL
Salaries and wages are adjusted to restore salary increase to Governor Sinner's level	\$ 152,093		\$ 152,093
Restore House reduction made to reduce the number of Water Commission meetings from 3 to 2 days per month, will allow funds for reclassification of a clerk position to an accountant	8,812		8,812
Total	<u>\$ 160,905</u>	<u>\$ 0</u>	<u>\$ 160,905</u>
Information services is increased to restore a portion of the House reduction (The House cut a total of \$9,688.)	<u>\$ 7,524</u>	<u>\$ 0</u>	<u>\$ 7,524</u>
Operating expenses are reduced to adjust costs for indirect cost allocation (allows a total of \$23,806 from other funds for indirect costs, including \$10,278 in the original executive budget. The House had added a total of \$166,198, including \$17,040 from the general fund.)	<u>\$ (17,040)</u>	<u>\$ (135,630)</u>	<u>\$ (152,670)</u>
Total changes to Engrossed House Bill No. 1015	<u>\$ 151,389</u>	<u>\$ (135,630)</u>	<u>\$ 15,759</u>

Senate version House Bill No. \$5,661,485 \$48,258,894 \$53,920,379
 1015 - State Water Commission

REPORT OF CONFERENCE COMMITTEE

SB 2279, as engrossed: Your conference committee (Sens. Dotzenrod, Kinnoin, Urlacher and Reps. Wardner, Timm, Hokana) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1031 and place SB 2279 on the Seventh order.

Engrossed SB 2279 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1019, as engrossed: Your conference committee (Sens. Yockim, Tallackson, Goetz and Reps. St. Aubyn, Byerly, Nichols) recommends that the **HOUSE ACCEDE** to the Senate amendments on SJ pages 954-956 and place HB 1019 on the Seventh order.

Engrossed HB 1019 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1079, as engrossed: Your conference committee (Sens. Tomac, W. Stenehjem, Krebsbach and Reps. Maragos, Wanzek, Ring) recommends that the **HOUSE ACCEDE** to the Senate amendments on SJ pages 958-959 and place HB 1079 on the Seventh order.

Engrossed HB 1079 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1111, as engrossed: Your conference committee (Sens. Maxson, W. Stenehjem, Traynor and Reps. Kelsch, Kretschmar, Mutzenberger) recommends that the **HOUSE ACCEDE** to the Senate amendments on SJ pages 900-901 and place HB 1111 on the Seventh order.

Engrossed HB 1111 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1187, as engrossed: Your conference committee (Sens. Maxson, Dotzenrod, Traynor and Reps. Bernstein, Price, J. Berg) recommends that the **SENATE RECEDE** from both Senate amendments on SJ pages 964 and 1043, adopt amendments as follows, and place HB 1187 on the Seventh order:

That the Senate recede from its amendments as printed on page 1269 of the House Journal and pages 964 and 1043 of the Senate Journal and that Engrossed House Bill No. 1187 be amended as follows:

Page 1, line 1, replace "two" with "a" and replace "sections" with "section"

Page 1, line 5, replace "Two" with "A" and replace "sections" with "section"

Page 1, line 6, replace "are" with "is"

Page 1, line 7, replace "liability" with "or emergency instructions - Liability" and after the period insert:

"1."

Page 1, line 8, after "company" insert "that provides access to an emergency system at or below cost"

Page 1, line 14, replace "Emergency instructions liability." with

"2."

Page 1, line 16, replace "persons" with "person"

Page 1, after line 20, insert:

"3. This section does not waive, limit, or modify any existing immunity or other defense of the state or any political subdivision, or any of its agencies, departments, commissions, boards, officers, or employees, nor does it create any claim for relief against any of these entities."

Renumber accordingly

Engrossed HB 1187 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1188, as engrossed: Your conference committee (Sens. Dotzenrod, Lindgren, Traynor and Reps. Freier, Skarphol, Dobrinski) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 774 and place HB 1188 on the Seventh order.

Engrossed HB 1188 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1238, as engrossed: Your conference committee (Sens. Maxson, W. Stenehjem, Solberg and Reps. Kelsch, Skarphol, Sitz) recommends that the **HOUSE ACCEDE** to the Senate amendments on SJ pages 902-903 and place HB 1238 on the Seventh order.

Engrossed HB 1238 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1239: Your conference committee (Sens. Maxson, W. Stenehjem, Solberg and Reps. Kelsch, Skarphol, Sitz) recommends that the **HOUSE ACCEDE** to the Senate amendments on SJ page 903 and place HB 1239 on the Seventh order.

HB 1239 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1304, as engrossed: Your conference committee (Sens. Jerome, Lindgren, Nalewaja and Reps. Rydell, Christopherson, Nelson) recommends that the **SENATE RECEDE** from the Senate amendments on SJ pages 932-933, adopt amendments as follows, and place HB 1304 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1187-1188 of the House Journal and pages 932-933 of the Senate Journal and that Engrossed House Bill No. 1304 be amended as follows:

Page 1, remove lines 11 and 12

Page 1, line 13, replace "4." with "3."

Page 1, line 18, after "physician" insert "or registered nurse"

Page 1, line 19, after "physician" insert "or registered nurse"

Page 3, remove lines 8 through 10

Page 3, line 11, remove "2."

Page 3, line 12, remove ", or operate an electrology establishment,"

Page 3, line 19, replace "a reasonable" with "an"

Page 3, line 20, after "electrology" insert "approved by the board"

Page 3, line 21, after the period insert "The board may approve a national board certification examination developed by a national testing service."

Page 3, line 23, replace ". Examinations must be held in the state. The board" with "and"

Page 4, remove lines 25 through 27

Page 4, line 28, replace "6." with "5."

Page 5, line 10, replace "does not meet" with "meets"

Page 5, line 17, after the period insert "Any rules adopted by a state agency prior to January 1, 1993, which relate to functions covered by this Act, remain in effect until the rules are specifically amended or repealed by the board."

ReNUMBER accordingly

Engrossed HB 1304 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1374, as engrossed: Your conference committee (Sens. Kelsh, Marks, Freborg and Reps. Nicholas, C. Carlson, Boucher) recommends that the **HOUSE ACCEDE** to the Senate amendments on SJ pages 1021-1022 and place HB 1374 on the Seventh order.

Engrossed HB 1374 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1438, as engrossed: Your conference committee (Sens. Scherber, Kelsh, Freborg and Reps. Gates, Poolman, Ness) recommends that the **SENATE RECEDE** from the Senate amendments on SJ pages 934-935, adopt amendments as follows, and place HB 1438 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1190-1191 of the House Journal and pages 934-935 of the Senate Journal and that Engrossed House Bill No. 1438 be amended as follows:

Page 1, line 6, after "a" insert "North Dakota"

Page 1, line 19, after the period insert "Notice of intent to enroll in the admitting district obligates the student to attend the admitting district during the following school year, unless the school boards of the resident and the admitting districts agree in writing to allow the student to transfer back to the resident district, or the student's parents or guardians change residence to another district."

Page 2, line 2, after the period insert "A child placed at a group or residential care facility or a residential treatment center in accordance with section 15-40.2-08 is not eligible for open enrollment under this section."

Page 2, line 7, replace "ten" with "twenty"

Page 2, line 29, after "is" insert "approved"

Page 3, line 1, remove "grant the"

Page 3, remove lines 2 and 3

Page 3, line 4, remove "the district of residence shall"

Page 3, line 7, replace "per-pupil" with "per student"

Page 3, replace lines 10 through 16 with:

"SECTION 5. Open enrollment - Transportation. The district of residence of a student participating in open enrollment under this Act has no obligation to provide transportation. However, the district of residence may enter into a transportation arrangement with the admitting district as provided in section 15-34.2-02."

Page 3, line 17, replace "Guidelines" with "Standards"

Page 3, line 18, replace "guidelines" with "standards"

Page 3, line 19, replace "guidelines" with "standards"

Page 3, line 21, replace "guidelines" with "standards"

Page 3, line 23, after the period insert "The school board of the admitting district may determine that the district may not accept applications for open enrollment under this Act. A school district participating in an open enrollment program may not give or offer to give a student remuneration, or directly or indirectly exert influence upon the student or the student's family, in order to encourage participation in the open enrollment program for the purpose of having the student participate in varsity athletic activities. However, any student who participated in varsity athletic activities during the 1992-93 school year, at a school in a district other than the student's district of residence or at a school outside the boundary within which the student would normally attend school may continue to participate in varsity athletics at that school for the duration of the student's high school career."

Re-number accordingly

Engrossed HB 1438 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1462, as engrossed: Your conference committee (Sens. Marks, Traynor, Andrist and Reps. Drovdal, Wanzek, Allmaras) recommends that the SENATE RECEDE from the Senate amendments on SJ page 906, adopt amendments as follows, and place HB 1462 on the Seventh order:

That the Senate recede from its amendments as printed on page 1191 of the House Journal and page 906 of the Senate Journal and that Engrossed House Bill No. 1462 be amended as follows:

Page 1, line 8, overstrike "and great grandparents"

Page 1, line 9, after "rights" insert "and the great grandparents may be granted reasonable visitation rights"

Page 1, line 13, remove "and"

Page 1, line 14, remove "great grandparents"

Page 1, line 18, overstrike "if" and insert immediately thereafter "to agency adoptions or when"

Renumber accordingly

Engrossed HB 1462 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1479: Your conference committee (Sens. Maxson, Marks, W. Stenehjem and Reps. Maragos, Hagle, Ring) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 906-907, adopt amendments as follows, and place HB 1479 on the Seventh order:

That the Senate recede from its amendments as printed on pages 906-907 of the Senate Journal and page 1191 of the House Journal and that House Bill No. 1479 be amended as follows:

Page 1, line 17, after "by" insert "a licensed attorney, attorney's agent, or any other person obtaining evidence for a criminal investigation or pending civil action, or by"

Page 1, line 18, replace "the medical professional's or" with "that person's"

Page 1, line 19, remove "peace officer's"

Renumber accordingly

HB 1479 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1490: Your conference committee (Sens. Graba, Mathern, Nalewaja and Reps. Gorder, D. Olsen, Boucher) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 1022-1023, adopt amendments as follows, and place HB 1490 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1397-1398 of the House Journal and pages 1022-1023 of the Senate Journal and that House Bill No. 1490 be amended as follows:

Page 1, line 17, replace "or deliver such" with "onsite and offsite"

Page 1, line 18, remove "such of" and replace "as in its judgment will" with "to"

Page 1, line 20, remove "so"

Page 1, line 21, remove "or delivered" and remove "so"

Page 2, line 24, after "from" insert "onsite and offsite"

Page 3, line 5, remove "or delivered"

Page 3, line 8, remove "or delivered"

Renumber accordingly

HB 1490 was placed on the Seventh order of business on the calendar.

FIRST READING OF HOUSE BILLS

HB 1514: A BILL for an Act to create and enact two new sections to chapter 20.1-02 of the North Dakota Century Code, relating to the creation of the motorboat programs and safety account; to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to motorboat license fees; and to provide an effective date.

Was read the first time and referred to the **Natural Resources Committee.**

HB 1515: A BILL for an Act to repeal section 15 of chapter 404 of the 1987 Session Laws of North Dakota, relating to the expiration date of legislation concerning tort liability; and to declare an emergency.

Was read the first time and referred to the **Industry, Business and Labor Committee.**

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

CAROL SIEGERT, Secretary