

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, April 2, 1993

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

The prayer was offered by Fr. Hugo Blotsky, St. Joseph Catholic Church, Mandan.

The roll was called and all members were present except Senators Maxson, B. Stenehjem, and Tallackson.

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

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

REMARKS OF SENATOR ANDRIST

On April 29, John Tinjum of Powers Lake will go to Washington with his teacher and coach, Donna Dihle, to represent our state in the national Math Counts finals. John not only won the top North Dakota prize in Math Counts, but also won his county spelling bee to earn a second trip to Bismarck for state competition in that field. John is a seventh grader, the son of four-term former legislator Larry Tinjum of Powers Lake.

One of the special treats of this legislative session was having the privilege of sitting in this chair next to John on March 30, listening to his questions and watching how quickly he grasped what we do. There is nothing quite so exciting as watching a young mind alive and at work, seeking and searching. I am confident, fellow Senators, that John will be back here one day as a Senate colleague, probably a colleague of some of the younger members of this body today, perhaps sitting in this very seat. In the meantime, however, I know you join me, and all of John's other proud District 2 boosters and friends from the Powers Lake community, in wishing him every success in the national Math Counts competition. He is one more North Dakota product to be very proud of.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

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

MADAM PRESIDENT: The House has reconsidered the action whereby HB 1126 failed to pass, reconsidered the action whereby the conference committee report on HB 1126 was adopted, and rereferred HB 1126 to conference committee.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1004, HB 1018, HB 1511.

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

MR. SPEAKER: The Senate has failed to pass: HB 1364.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1469.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4072, SCR 4073.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: HB 1062, HB 1193, HB 1437.

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

MR. SPEAKER: The President has signed: HB 1062, HB 1193, HB 1437.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Secretary of State for his filing at the hour of 9:43 a.m., April 2, 1993: SB 2257, SB 2378, SB 2446.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bill: SB 2245.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2245.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2375, SB 2397, SB 2415, SB 2425, SB 2470, SB 2472, SB 2476, SB 2479, SB 2488, SB 2519, SB 2527, SB 2534.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2375, SB 2397, SB 2415, SB 2425, SB 2470, SB 2472, SB 2476, SB 2479, SB 2488, SB 2519, SB 2527, SB 2534.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: 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.

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

MR. SPEAKER: The President has signed: 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.

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 1007: Sens. Robinson; Redlin; Lips
HB 1028: Sens. Robinson; Yockim; Thane
HB 1064: Sens. Mathern; Graba; Bowman
HB 1391: Sens. Graba; Dotzenrod; Lindgren

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2216, SB 2245, SB 2505.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on SB 2287.

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

MR. SPEAKER: The Senate has reconsidered the action whereby SB 2088 passed,

reconsidered the action whereby the conference committee report on SB 2088 was adopted, and rereferred SB 2088 to conference committee.

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-fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1219, line 23, remove "HCR 3030"

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

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

MR. SPEAKER: The Senate has overridden the Governor's veto on SB 2398. The vote was 37 YEAS, 8 NAYS, 4 ABSENT AND NOT VOTING, and your favorable consideration is requested.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1267.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1089.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2289.

CONSIDERATION OF AMENDMENTS

HB 1015: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 1400-1404 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions of the state water commission, the soil conservation committee, and the centennial trees commission.

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; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

HB 1015 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2403 as printed on SJ page 1366, which motion prevailed.

SB 2403, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2403: A BILL for an Act relating to the paying of an insurance deductible or offering of a rebate by a seller of goods or services; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 1 NAY, 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, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Stenehjem, B.

ABSENT AND NOT VOTING: Tallackson

SB 2403 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. YOCKIM MOVED that the conference committee report on Engrossed HB 1019 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed HB 1111 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed HB 1187 be adopted, which motion prevailed.

Engrossed HB 1187, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1187: A BILL for an Act to create and enact a new section to chapter 57-40.6 of the North Dakota Century Code, relating to liability for an act or omission in connection with any emergency services communication system.

ROLL CALL

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

ABSENT AND NOT VOTING: Tallackson; Wogsland

HB 1187 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. JEROME MOVED that the conference committee report on Engrossed HB 1304 be adopted, which motion prevailed.

Engrossed HB 1304, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1304: A BILL for an Act to establish a board of electrology and to provide for the licensure of electrologists; to repeal chapter 43-38 of the North Dakota Century Code, relating to electrologists and electronic hair removal technicians; to provide a penalty; 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 44 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Heinrich; O'Connell; Stenehjerm, W.

ABSENT AND NOT VOTING: Tallackson

HB 1304 passed and the title was agreed to.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1012, HB 1014, HB 1016, and HB 1065 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

- HB 1012: Reprs. Wald; Bateman; Nichols
- HB 1014: Reprs. Kunkel; Gorman; Kaldor
- HB 1016: Reprs. Dalrymple; Kunkel; Huether
- HB 1065: Reprs. Kunkel; Bateman; Huether

REPORT OF CONFERENCE COMMITTEE

SEN. SCHERBER MOVED that the conference committee report on Engrossed HB 1438 be adopted, which motion prevailed.

Engrossed HB 1438, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to establish a statewide open enrollment program allowing elementary and high school students to attend school in a district other than their school district of residence.

ROLL CALL

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

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

NAYS: Bowman; Krauter; O'Connell; Streibel; Tomac

ABSENT AND NOT VOTING: Tallackson

HB 1438 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MARKS MOVED that the conference committee report on Engrossed HB 1462 be adopted, which motion prevailed.

Engrossed HB 1462, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1462: A BILL for an Act to amend and reenact section 14-09-05.1 of the North Dakota Century Code, relating to grandparental rights of visitation of unmarried minors.

ROLL CALL

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

YEAS: Andrist; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: Bowman; DeMers; Freborg; Heinrich; Krebsbach; Lindgren; Naaden; Stenehjem, B.; Stenehjem, W.; Streibel

ABSENT AND NOT VOTING: Tallackson; Wogsland

HB 1462 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on HB 1479 be adopted, which motion prevailed.

HB 1479, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1479: A BILL for an Act to prohibit the possession or distribution of certain photographs and other visual representations; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 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; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: Holmberg; Stenehjem, B.

ABSENT AND NOT VOTING: Tallackson; Wogsland

HB 1479 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Paul Swedlund.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on HB 1490 be adopted, which motion prevailed.

HB 1490, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1490: A BILL for an Act to create and enact a new section to chapter 25-04 of the North Dakota Century Code, relating to services provided by the developmental center at Grafton; and to amend and reenact sections 25-04-02, 25-04-04, and subsection 1 of section 25-04-16 of the North Dakota Century Code, relating to services provided by the developmental center at Grafton.

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; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Uriacher; Yockim

ABSENT AND NOT VOTING: Tallackson; Wogsland

HB 1490 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Engrossed SB 2279 be adopted, which motion prevailed.

Engrossed SB 2279, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to amend and reenact section 57-51.1-02 and subsection 4 of section 57-51.1-03 of the North Dakota Century Code, relating to application of the oil extraction tax to oil produced from a well that was worked over; 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; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.;

Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Tallackson; Wogsland

SB 2279 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TOMAC MOVED that the conference committee report on Engrossed HB 1079 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Engrossed HB 1188 be adopted, which motion prevailed.

Engrossed HB 1188 was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1188: A BILL for an Act to amend and reenact section 3 of chapter 720 of the 1987 Session Laws of North Dakota as amended by section 6 of chapter 686 of the 1991 Session Laws of North Dakota, relating to the expiration date of the emergency services communication system advisory committee.

ROLL CALL

The question being on the final passage of the 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; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Tallackson; Wogsland

HB 1188 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed HB 1238 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on HB 1239 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. KELSH MOVED that the conference committee report on Engrossed HB 1374 be adopted, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1015 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1300, HB 1349.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2362, SB 2328.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed, and the emergency clause carried: SB 2320.

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., Monday, April 5, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1010, as engrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1010 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "to amend and reenact section 57-39.2-26.1 of the North" with "making"

Page 1, remove line 2

Page 1, line 3, remove "and motor vehicle excise tax revenues; to provide"

Page 1, line 5, remove "and senior citizens mill levy match; to provide for a transfer"

Page 1, line 6, remove "and" and replace "an effective date" with "a statement of legislative intent; and to provide for allotments, reductions, and a transfer"

Page 1, remove lines 8 through 21

Page 2, remove lines 1 through 8

Page 2, replace lines 10 through 28 with "moneys in the state aid distribution fund in the state treasury, not otherwise appropriated, to the state treasurer for the purpose of distributing state aid distribution fund revenue to local political subdivisions, for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Grants, benefits, and claims	<u>\$51,697,983</u>
Total state aid distribution fund appropriation	\$51,697,983"

Page 3, replace lines 1 through 9 with:

"SECTION 2. INTENT. It is the intent of the legislative assembly that if the amount appropriated and transferred from the state aid distribution fund, before budget allotments, is less than the amount deposited in the state aid distribution fund during the 1993-95 biennium, the legislative assembly shall provide a deficiency appropriation to local political subdivisions of the excess amount deposited and that the deficiency appropriation be for the 1993-95 biennium.

SECTION 3. BUDGET REDUCTIONS - TRANSFER. The appropriation provided in section 1 of this Act is to be reduced by the director of the budget by the same percentage as any general fund reductions or

allotments made pursuant to North Dakota Century Code sections 54-44.1-12 and 54-44.1-13.1 which may occur during the biennium beginning July 1, 1993, and ending June 30, 1995, and an amount equal to the reduction must be transferred by the state treasurer from the state aid distribution fund to the general fund."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 085 - PAYMENTS TO POLITICAL SUBDIVISIONS

SENATE - This amendment removes the provisions of the bill which would have eliminated the state aid distribution fund and changes the funding source from the general fund to the state aid distribution fund.

This amendment eliminates the \$500,000 appropriation from the state aid distribution fund for the senior citizens mill levy match and increases the appropriation from the state aid distribution fund for payments to political subdivisions by \$500,000, from \$51,197,983 to \$51,697,983.

This amendment adds a section of legislative intent stating that if the amount deposited in the fund is more than the amount appropriated from the fund it is the intent that a deficiency appropriation be made by the 1995 Legislative Assembly for the 1993-95 biennium.

This amendment adds a section which requires the appropriation to be reduced by the same percentage as any general fund appropriation under North Dakota Century Code Sections 54-44.1-12 and 54-44.1-13.1 and transfers an amount equal to the reduction to the general fund.

REPORT OF CONFERENCE COMMITTEE

SB 2042: Your conference committee (Sens. W. Stenehjem, Traynor, Maxson and Reps. Klein, Wanzek, Ring) recommends that the HOUSE RECEDE from the House amendments on SJ pages 849-850, adopt amendments as follows, and place SB 2042 on the Seventh order:

That the House recede from its amendments as printed on pages 849-850 of the Senate Journal and pages 927-928 of the House Journal and that Senate Bill No. 2042 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact two new subsections to section 12.1-32-02 and a new subsection to section 54-23.3-04 of the North Dakota Century Code, relating to presentence reports in certain felony cases;"

Page 1, line 4, remove "and"

Page 1, line 5, after "Code" insert a comma

Page 1, line 6, after "offenses" insert "; and to provide an effective date"

Page 1, after line 7, insert:

"SECTION 1. A new subsection to section 12.1-32-02 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

A court shall order a defendant to pay fifty dollars to the department of corrections and rehabilitation at the time a presentence investigation is initiated to partially defray the costs incurred by the department for the preparation of the presentence report. The court may also order that any additional costs incurred by the department relating to the presentence investigation and report be paid by the defendant

at a rate of payment up to the full costs of conducting the investigation and preparing the report as established by the department.

SECTION 2. A new subsection to section 12.1-32-02 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Before sentencing a defendant on a felony charge under sections 12.1-20-03, 12.1-20-11, 12.1-27.2-02, 12.1-27.2-03, 12.1-27.2-04, or 12.1-27.2-05, a court shall order the department of corrections and rehabilitation to conduct a presentence investigation and to prepare a presentence report."

Page 5, after line 4, insert:

"SECTION 4. A new subsection to section 54-23.3-04 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To collect the costs of any presentence investigation and report incurred under section 1 of this Act, giving due consideration to the financial obligations and resources of the defendant."

Page 5, after line 7, insert:

"SECTION 6. EFFECTIVE DATE. Section 2 of this Act becomes effective on July 1, 1994."

ReNUMBER accordingly

SB 2042 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2101, as engrossed: Your conference committee (Sens. Tomac, Scherber, Evanson and Reprs. Bernstein, Jacobs, Stenson) recommends that the HOUSE RECEDE from the House amendments on SJ pages 988-989, adopt amendments as follows, and place SB 2101 on the Seventh order:

That the House recede from its amendments as printed on pages 988-989 of the Senate Journal and pages 1061-1062 of the House Journal and that Engrossed Senate Bill No. 2101 be amended as follows:

Page 1, line 3, after "act" insert "; and to provide a civil penalty"

Page 1, line 7, after "records" insert "- Civil penalty"

Page 2, after line 6, insert:

- "3. a. The administrator or any state employee conducting an audit on the administrator's behalf may not disclose confidential information when auditing financial institutions, except as required to perform duties required under this chapter. Any other person or entity performing an audit for unclaimed property may not disclose confidential information concerning a financial institution or other holder to any person or other entity except the administrator.
- b. Any person or entity intentionally disclosing information in violation of this section is liable to the person or entity that was audited in an amount equal to the greater of one thousand dollars or the actual damages caused by

the disclosure of the information. Any person who discloses information in good faith reliance on this section is not liable for that disclosure.

4. The administrator and any state employee conducting an audit on the administrator's behalf are exempt from chapter 6-08.1."

Renumber accordingly

Engrossed SB 2101 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 passed: SB 2074, SB 2082.

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

MADAM PRESIDENT: The House has adopted the conference committee report on SB 2453.

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 2131.

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 2285.

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 2293.

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

CAROL SIEGERT, Secretary