

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, April 7, 1993

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

The prayer was offered by Chaplain Burnie Kunz, Medcenter One, Bismarck.

The roll was called and all members were present except Senators B. Stenehjem and Tomac.

A quorum was declared by the President.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill and veto certification was delivered to the Secretary of State for his filing at the hour of 8:45 a.m., on April 7, 1993: SB 2447.

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 1008, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1008: Sens. Lindaas, Tallackson, 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 1016, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1016: Sens. Yockim, Krauter, Thane.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2021 as printed on SJ pages 1220-1227 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 2021: Sens. Yockim, Krauter, Nething.

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 SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2003.

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 1004: Sens. DeMers; Mushik; Goetz

HB 1008: Sens. Lindaas; Tallackson; Lips

HB 1012: Sens. Kelly; Lips; Naaden

HB 1014: Sens. Yockim; Redlin; Nething
 HB 1016: Sens. Yockim; Krauter; Thane
 HB 1018: Sens. DeMers; Lindaas; Holmberg
 HB 1065: Sens. Lindaas; Robinson; Naaden

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2021 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2021: Sens. Yockim; Krauter; Nething

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 12:09 p.m., April 7, 1993: SCR 4048, SCR 4052, SCR 4057, SCR 4060, SCR 4065, SCR 4068, SCR 4070.

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

MADAM PRESIDENT: The Speaker has signed: SB 2027, SB 2051, SB 2074, SB 2082, SB 2120, SB 2144, SB 2216, SB 2285, SB 2293, SB 2327, SB 2359, SB 2449, SB 2453, SB 2468, SB 2487, SB 2505.

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

MADAM PRESIDENT: The Speaker has signed: SCR 4048, SCR 4052, SCR 4057, SCR 4060, SCR 4065, SCR 4068, SCR 4070.

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

MADAM PRESIDENT: The Speaker has signed: SB 2085, SB 2228, SB 2244, SB 2305, SB 2308, SB 2339, SB 2360, SB 2361, SB 2370, SB 2400, SB 2418, SCR 4074.

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

MADAM PRESIDENT: The Speaker has signed: SB 2048, SB 2097, SB 2214, SB 2222, SB 2223, SB 2225, SB 2231, SB 2473, SB 2511.

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 1438.

CONSIDERATION OF AMENDMENTS

HB 1389: SEN. LIPS (Appropriations Committee) MOVED that the amendments on SJ pages 1438-1439 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1389: A BILL for an Act to provide for adjusted compensation to certain veterans of the Persian Gulf War, Grenada, Lebanon, and Panama armed conflicts and for the method of filing and payment of claims, duties of the adjutant general, and exemption from taxation and execution for the payments; to provide a penalty; 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 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; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Krebsbach; Stenehjem, B.

HB 1389 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2540: A BILL for an Act to create and enact three new sections to chapter 12.1-35 and a new subsection to section 12.1-35-02 of the North Dakota Century Code, relating to testimony and proceedings involving a witness or victim who is a minor; and to amend and reenact sections 12.1-35-01 and 12.1-35-04 of the North Dakota Century Code, relating to victim and witness standards.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 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; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Uriacher; Wogsland; Yockim

NAYS: Maxson; Tennesfos

ABSENT AND NOT VOTING: Krebsbach; Stenehjem, B.

SB 2540 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1274: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Kinnoin; Langley; Lindgren; Lips; Marks; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennesfos; Thane; Traynor; Uriacher

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

ABSENT AND NOT VOTING: Krebsbach; Stenehjem, B.

HB 1274 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 35 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kinnoin; Krauter; Langley; Lindgren; Lips; Marks; Mathern; Mutch; Naaden; Nalewaja; Nething; Redlin; Robinson; Sand; Solberg; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: DeMers; Kelly; Kelsh; Lindaas; Maxson; Mushik; Nelson; O'Connell; Scherber; Schoenwald; Tennefos; Wogsland

ABSENT AND NOT VOTING: Krebsbach; Stenehjem, B.

HB 1514 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on SB 2096 be adopted, which motion prevailed.

SB 2096, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to amend and reenact section 34-14-04.1 of the North Dakota Century Code, relating to withholding by an employer of advances paid to an employee.

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; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Heinrich; Nelson

ABSENT AND NOT VOTING: Krebsbach; Stenehjem, B.

SB 2096 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on SB 2227 be adopted, which motion prevailed.

SB 2227, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to create and enact a new chapter to title 6 and a new subsection to section 6-03-02 of the North Dakota Century Code, relating to policies, self-serving practices, and administration of fiduciary powers by banking institutions; and to amend and reenact subsection 2 of section 6-01-02 and section 6-05-02 of the North Dakota Century Code, relating to removing trust companies from the definition of a bank and to banks exercising fiduciary powers.

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; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Uriacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelly; Krebsbach; Stenehjem, B.

SB 2227 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. YOCKIM MOVED that the conference committee report on Engrossed SB 2295 be adopted, which motion prevailed.

Engrossed SB 2295, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act relating to cooperative agreements between health care providers; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Uriacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Krebsbach; Stenehjem, B.

SB 2295 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on SB 2384 be adopted, which motion prevailed.

SB 2384, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to define what constitutes insurance fraud, facilitate the detection of insurance fraud, allow reporting of suspected insurance fraud, grant immunity for reporting suspected insurance fraud, and require the restitution of fraudulently obtained insurance benefits; 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 46 YEAS, 1 NAY, 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; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Langley

ABSENT AND NOT VOTING: Krebsbach; Stenehjem, B.

SB 2384 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the conference committee report on SB 2441 be adopted, which motion prevailed.

SB 2441, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2441: A BILL for an Act to amend and reenact section 26.1-30-18 of the North Dakota Century Code, relating to the inception and expiration of insurance policies.

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

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

NAYS: Andrist; DeMers; Wogsland

ABSENT AND NOT VOTING: Krebsbach; Stenehjem, B.

SB 2441 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Engrossed HB 1126 be adopted, which motion prevailed.

Engrossed HB 1126 was placed on the Fourteenth order.

REPORT OF CONFERENCE COMMITTEE

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

SB 2287, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2287: A BILL for an Act to create and enact a new section to chapter 40-04.1, a new section to chapter 40-05.1, and a new section to chapter 40-09 of the North Dakota Century Code, relating to a vote on the publication of the minutes of proceedings of the governing body in a city; and to amend and reenact section 40-08-12 of the North Dakota Century Code, relating to a vote on the publication of minutes.

ROLL CALL

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

YEAS: Dotzenrod; Graba; Mathern; Redlin; Schoenwald; Tallackson; Yockim

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

ABSENT AND NOT VOTING: Krebsbach; Stenehjem, B.

SB 2287 lost.

REPORT OF CONFERENCE COMMITTEE

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

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

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Krebsbach; Stenehjem, B.

SB 2088 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 1006, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1006: Sens. Redlin, Kelly, 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 1015, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1015: Sens. Mushik, Redlin, Holmberg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2448 as printed on SJ pages 1094-1095 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 2448: Sens. Yockim, Kinnoin, Thane.

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 2021: Reps. St. Aubyn; Dalrymple; Kaldor

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1010 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1010: Reps. Dalrymple; DeWitz; Laughlin

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.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 2:10 p.m., April 7, 1993: SCR 4074.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2448 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2448: Sens. Yockim; Kinnoin; Thane

SECOND READING OF HOUSE BILL

HB 1126: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-45 and a new subsection to section 57-38-45 of the North Dakota Century Code, relating to penalties for delinquent income withholding tax returns and payments and imposition of a penalty on corporations for failing to file income tax returns; and to provide an effective date.

ROLL CALL

The question being on the final passage of the 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; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson; Tomac

HB 1126 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1498, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1498: Sens. O'Connell, Kelsh, Freborg.

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 8:00 a.m., Thursday, April 8, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4075: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4075 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "a" and remove "center"

Page 1, line 5, remove "and"

Page 1, line 6, after "personnel" insert ", and other emergency service providers"

Page 2, line 5, remove "a" and remove "center"

Page 2, line 6, remove the first "and" and after "personnel" insert ", and other emergency service providers"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1020, as engrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1020 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 4, after "projects" insert "; to authorize the industrial commission to issue and sell evidences of indebtedness for capital projects; and to provide a statement of legislative intent"

Page 4, after line 4, insert:

"Subdivision 10.

NORTH DAKOTA STATE UNIVERSITY

Capital improvements

\$250,000

Total special funds appropriation

\$250,000"

Page 4, line 6, replace "10,967,035" with "39,512,035"

Page 4, line 7, replace "15,343,343" with "43,888,343"

Page 4, line 29, replace "project" with "projects"

Page 5, line 1, replace "loan notes" with "evidences of indebtedness"

Page 5, line 3, remove "The industrial commission may offer loan notes issued"

Page 5, remove lines 4 and 5

Page 5, line 6, remove "comparable loan notes purchased by the Bank of North Dakota."

Page 5, line 7, replace "loan notes" with "evidences of indebtedness"

Page 5, line 9, replace "project" with "projects"

Page 5, after line 14, insert:

"Bismarck state college	Science and mathematics center	7,345,000
University of North Dakota	Abbott hall renovation	3,600,000
Minot state university	Memorial library	2,550,000
Dickinson state university	Academic lifelong learning center	<u>10,000,000</u>
Total		\$25,230,000"

Page 5, line 15, replace "loan notes" with "evidences of indebtedness"

Page 5, line 17, replace "loan" with "evidences of indebtedness"

Page 5, line 18, remove "notes"

Page 5, line 21, replace "bonds" with "evidences of indebtedness"

Page 5, line 22, replace "bonds" with "evidences of indebtedness"

Page 5, after line 22, insert:

"The state board of higher education may obtain and utilize federal funds to assist in remodeling and expanding the former library at Minot state university. There is hereby appropriated to the state board of higher education the sum of \$4,800,000, or so much of the sum as may be necessary, from any federal or other funds that may become available for this project for the biennium beginning July 1, 1993, and ending June 30, 1995."

Page 5, line 23, replace "loan" with "evidences of indebtedness"

Page 5, line 24, remove "notes"

Page 5, line 25, replace "\$1,735,000 from Job Service North Dakota," with "\$6,434,000"

Page 5, line 26, replace "loan notes" with "evidences of indebtedness"

Page 5, line 27, replace the second "project" with "projects"

Page 5, line 28, replace the period with "; in the following amounts:"

Page 5, after line 28, insert:

"Bismarck state college	Science and mathematics center	\$1,469,000
University of North Dakota	Abbott hall renovation	720,000
Minot state university	Memorial library	510,000

Dickinson state university	Academic lifelong learning center	2,000,000
Job service North Dakota	Office building	<u>1,735,000</u>
Total		\$6,434,000

Each of the institutions named in this section shall pay its local matching share to the industrial commission in equal annual installments over the life of the issue, and may prepay any or all of its matching share. Such payments of local matching amounts must be deposited in a special industrial commission account from which the industrial commission shall use the funds in making principal and interest payments.

SECTION 7. INTENT. It is the intent of the fifty-third legislative assembly that the state board of higher education present to the fifty-fourth legislative assembly its proposal for major capital projects at the university of North Dakota - Lake Region, the university of North Dakota - Williston center, North Dakota state university - Bottineau, and Valley City state university."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment adds a section of intent requiring the Board of Higher Education to present its capital improvement proposals at the University of North Dakota - Lake Region, University of North Dakota - Williston, North Dakota State University - Bottineau, and Valley City State University to the Fifty-fourth Legislative Assembly.

DEPARTMENT 235 - NORTH DAKOTA STATE UNIVERSITY

SENATE - This amendment adds \$250,000 of other funds for an addition to the Varsity Mart bookstore.

DEPARTMENT 405 - INDUSTRIAL COMMISSION

SENATE - This amendment adds the following capital projects and related local matching amounts to the bill:

Project

Bonding:

Bismarck State College	\$ 7,345,000
University of North Dakota	3,600,000
Minot State University	2,550,000
Dickinson State University	<u>10,000,000</u>
	\$23,495,000

Matching:

Bismarck State College	\$1,469,000
University of North Dakota	720,000
Minot State University	510,000
Dickinson State University	<u>2,000,000</u>
	\$4,699,000

Other appropriated funds:

Minot State University (federal funds)	\$4,800,000
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In total, this amendment increases the other funds appropriation by \$28,545,000, from \$10,967,035 to \$39,512,035 and leaves the general fund appropriation at \$4,376,308 for a total appropriation of \$43,888,343.

REPORT OF STANDING COMMITTEE

HB 1230, as engrossed: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1230 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2028, as engrossed: Your conference committee (Sens. Graba, Jerome, Nalewaja and Reps. Rydell, Christopherson, Bodine) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 859-860, adopt amendments as follows, and place SB 2028 on the Seventh order:

That the House recede from its amendments as printed on pages 859-860 of the Senate Journal and pages 941-942 of the House Journal and that Engrossed Senate Bill No. 2028 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for child care provider reimbursements; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Child care provider reimbursement payments. Within the limits of federal regulations, the department of human services shall directly reimburse early childhood facilities monthly under child care assistance programs administered by the department.

SECTION 2. Child care provider reimbursement system. Within the limits of federal regulations, the department of human services may generate state matching funds for federal child care assistance programs by withholding monthly from a child care provider's reimbursement payment under child care assistance programs administered by the department, an amount not to exceed fourteen dollars for each child for whom at least a portion of the child care services costs are paid by the department. The amounts withheld must be deposited into the department's operating fund and may be used only to match federal funds for child care assistance programs administered by the department. The department may also obtain state matching funds from other available sources. This section is effective only when child care provider reimbursement payments made to child care providers pursuant to this section are at least fourteen dollars per month more than the reimbursement payments would be without the provisions of this section.

SECTION 3. APPROPRIATION. There is hereby appropriated from special funds, derived from federal funds and other funds arising pursuant to section 2 of this Act, and other income, the sum of \$2,719,707, or so much of the sum as may be necessary, to the department of human services for the purpose of providing child care assistance payments for the biennium beginning July 1, 1993, and ending June 30, 1995."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

CONFERENCE COMMITTEE - This amendment provides that the Department of Human Services directly reimburse child care providers rather than families under child care assistance programs.

In addition, this amendment provides that the department may withhold up to \$14 from child care providers' monthly reimbursement payments or obtain funds from other sources in order to generate state matching funds for accessing federal funds to provide reimbursement payments under federal child care

assistance programs. The section is effective only if it is allowed under federal regulations and if reimbursements made pursuant to the section are at least \$14 more per month than if the section would not be effective.

An appropriation of \$1,925,136 of federal funds and \$794,571 of state matching funds derived from special funds arising from Section 2 of this bill is added for the Department of Human Services to provide child care assistance payments under its various child care assistance programs for the 1993-95 biennium.

Engrossed SB 2028 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2083: Your conference committee (Sens. Keller, Krauter, Krebsbach and Reps. Tollefson, Keiser, Mahoney) recommends that the HOUSE RECEDE from the House amendments on SJ page 890, adopt amendments as follows, and place SB 2083 on the Seventh order:

That the House recede from its amendments as printed on page 890 of the Senate Journal and pages 961-962 of the House Journal, and that Senate Bill No. 2083 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-09 of the North Dakota Century Code, relating to coal mines subject to the jurisdiction of the federal mine safety and health administration; and to" and replace "section" with "sections 11-33-01 and"

Page 1, line 2, after "to" insert "the power of a county to regulate property and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. If House Bill No. 1057 as approved by the fifty-third legislative assembly becomes effective, section 11-33-01 of the North Dakota Century Code, as amended by House Bill No. 1057, is amended and reenacted as follows:

11-33-01. County power to regulate property. For the purpose of promoting health, safety, morals, public convenience, general prosperity, and public welfare, the board of county commissioners of any county may regulate and restrict within the county, subject to section 11-33-20 and chapter 54-21.3, the location and the use of buildings and structures and the use, condition of use, or occupancy of lands for residence, recreation, and other purposes. The board of county commissioners shall establish zoning requirements for solid waste disposal and incineration facilities before July 1, 1994. The board of county commissioners may impose tipping or other fees on solid waste management and incineration facilities. The board of county commissioners may not impose any fee under this section on an energy conversion facility or coal mining operation that disposes of its waste onsite."

Page 1, after line 11, insert:

"SECTION 3. A new section to chapter 43-09 of the North Dakota Century Code is created and enacted as follows:

Exemption for coal mines. The jurisdiction of the board and other requirements of this chapter do not apply to installations, wiring, apparatus, or equipment that are part of a coal mine permitted by the public service commission and are subject to the jurisdiction of the federal mine safety and health administration."

Renumber accordingly

SB 2083 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2367, as engrossed: Your conference committee (Sens. Maxson, W. Stenehjem, Traynor and Reps. Dorso, Tollefson, Thorpe) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1280-1281 and place SB 2367 on the Seventh order.

Engrossed SB 2367 was placed on the Seventh order of business on the calendar.

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

CAROL SIEGERT, Secretary