

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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Bismarck, April 22, 1993

The Senate convened at 8:00 a.m., with President Myrdal presiding.

The prayer was offered by Senator Tennefos.

The roll was called and all members were present except Senator Naaden.

A quorum was declared by the President.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1518, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1518: Sens. Langley, Krauter, Streibel.

## 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 Senate has adopted the conference committee report and subsequently passed: HB 1011, HB 1012, HB 1013, HB 1015, HB 1018, HB 1065, HB 1219, HB 1504, HB 1511.

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

MR. SPEAKER: The Senate has dissolved its conference committee on SB 2108 and SB 2200 and has appointed a new committee to act with a like committee from the House on:

SB 2108: Sens. Maxson; Mathern; Lindgren

SB 2200: Sens. Maxson; Mathern; Lindgren

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2001, SB 2022.

## COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER

April 22, 1993

This is to inform you that on April 21, 1993, I signed the following: SB 2155, SB 2252, SB 2394, SB 2440, SB 2490, SB 2524, and SB 2540.

## 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 1518: Sens. Langley; Krauter; Streibel

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2174, subsequently passed the same, and the emergency clause carried.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3074.

**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 HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

**MR. SPEAKER:** The President announced that Sens. Kelsh and O'Connell will replace Sens. Heinrich and Kelsh on the conference committee on HB 1003.

**SIGNING OF BILLS AND RESOLUTIONS**

The President signed the following enrolled bills and resolution: SB 2004, SB 2006, SB 2007, SB 2008, SB 2010, SB 2013, SB 2015, SB 2016, SB 2019, SB 2384, SB 2448, SB 2542, SCR 4038.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2004, SB 2006, SB 2007, SB 2008, SB 2010, SB 2013, SB 2015, SB 2016, SB 2019, SB 2384, SB 2448, SB 2542, SCR 4038.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2012, as reengrossed:** Your conference committee (Sens. DeMers, Mushik, Thane and Reps. Howard, Carlisle, Laughlin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 988, adopt amendments as follows, and place SB 2012 on the Seventh order:

That the House recede from its amendments as printed on page 988 of the Senate Journal and pages 1060-1061 of the House Journal and that Reengrossed Senate Bill No. 2012 be amended as follows:

Page 1, line 11, replace "359,511" with "354,775"

Page 1, line 12, replace "9,220" with "9,128"

Page 1, line 15, replace "1,643,014" with "1,608,479"

Page 1, line 16, replace "2,205,687" with "2,166,324"

Page 1, line 18, replace "634,580" with "595,217"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****DEPARTMENT 709 - COUNCIL ON THE ARTS**

**CONFERENCE COMMITTEE** - The salaries and wages line item is reduced by \$4,736 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018.

The information services line item is reduced by \$92 from the general fund in accordance with provisions of House Bill No. 1018.

The grants line item is reduced by \$34,535 from the general fund from a total of \$1,643,014 included in the Senate version to \$1,608,479. A comparison of general fund grant programs is as follows:

	SENATE VERSION	HOUSE REDUCTION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASES TO HOUSE VERSION	CONFERENCE COMMITTEE VERSION
ACCESS grants	\$ 72,748	\$(19,535)	\$ 53,213	\$19,535	\$ 72,748
Arts in education grants	78,000	(43,000)	35,000	8,465	43,465
Touring arts grants	<u>41,350</u>	<u>0</u>	<u>41,350</u>	<u>0</u>	<u>41,350</u>
Total general fund	\$192,098	\$(62,535)	\$129,563	\$28,000	\$157,563

In total, this amendment reduces the Senate version by \$39,363 from the general fund. Compared to the House version, general fund support is increased by \$43,936 and other funds are reduced by \$12,000.

Reengrossed SB 2012 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SEN. DEMERS MOVED that the conference committee report on Reengrossed SB 2012 be adopted, which motion prevailed.

Reengrossed SB 2012, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts; and providing for an appropriation of funds from the cultural endowment fund.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Freborg; Mutch; Naaden; Nelson; Solberg; Stenehjem, B.; Streibel; Tennefos

SB 2012 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SB 2018, as engrossed: Your conference committee (Sens. Robinson, Lindaas, Lips and Reps. DeWitz, Payne, Pyle) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1082-1084, adopt amendments as follows, and place SB 2018 on the Seventh order:

That the House recede from its amendments as printed on pages 1082-1084 of the Senate Journal and pages 1239-1240 of the House Journal and that Engrossed Senate Bill No. 2018 be amended as follows:

Page 1, line 13, replace "505,238" with "494,320"

Page 1, line 14, replace "7,160" with "6,993"  
Page 1, line 17, replace "972,598" with "961,513"  
Page 1, line 18, replace "401,946" with "400,308"  
Page 1, line 19, replace "570,652" with "561,205"  
Page 2, line 1, replace "1,892,863" with "1,869,745"  
Page 2, line 2, replace "50,425" with "49,250"  
Page 2, line 6, replace "4,065,822" with "4,041,529"  
Page 2, line 7, replace "1,456,678" with "1,454,248"  
Page 2, line 8, replace "2,609,144" with "2,587,281"  
Page 2, line 11, replace "5,724,563" with "5,655,829"  
Page 2, line 12, replace "69,648" with "68,025"  
Page 2, line 17, replace "7,655,212" with "7,584,855"  
Page 2, line 18, replace "2,051,058" with "2,040,748"  
Page 2, line 19, replace "5,604,154" with "5,544,107"  
Page 2, line 22, replace "13,058,831" with "12,917,071"  
Page 2, line 23, replace "99,813" with "97,468"  
Page 2, line 28, replace "20,212,725" with "20,068,620"  
Page 2, line 29, replace "3,633,052" with "3,611,788"  
Page 3, line 1, replace "16,579,673" with "16,456,832"  
Page 3, line 4, replace "1,949,044" with "1,916,235"  
Page 3, line 5, replace "30,000" with "29,301"  
Page 3, line 8, replace "6,730,953" with "6,697,445"  
Page 3, line 11, replace "3,374,424" with "3,330,694"  
Page 3, line 12, replace "55,348" with "54,058"  
Page 3, line 16, replace "5,493,540" with "5,448,520"  
Page 3, line 17, replace "1,850,759" with "1,850,386"  
Page 3, line 18, replace "3,642,781" with "3,598,134"  
Page 3, line 19, replace "29,006,404" with "28,747,559"  
Page 3, line 20, replace "16,124,446" with "16,054,923"  
Page 3, line 21, replace "45,130,850" with "44,802,482"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 531 - CORRECTIONS CENTRAL OFFICE

CONFERENCE COMMITTEE - The salaries and wages line item is decreased by \$10,918, of which \$9,280 is from the general fund and \$1,638 from other funds to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.

The information services line item is reduced by \$167 from the general fund in accordance with the provisions of House Bill No. 1018.

#### DEPARTMENT 532 - COMMUNITY SERVICES

CONFERENCE COMMITTEE - The salaries and wages line item is decreased by \$23,118, of which \$20,806 is from the general fund and \$2,312 from other funds to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.

The information services line item is reduced by \$1,175, of which \$1,057 is from the general fund and \$118 from other funds in accordance with the provisions of House Bill No. 1018.

#### DEPARTMENT 533 - INDUSTRIAL SCHOOL

CONFERENCE COMMITTEE - The salaries and wages line item is decreased by \$68,734, of which \$58,424 is from the general fund and \$10,310 from other funds to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.

The information services line item is reduced by \$1,623 from the general fund in accordance with the provisions of House Bill No. 1018.

#### DEPARTMENT 534 - STATE PENITENTIARY

CONFERENCE COMMITTEE - The salaries and wages line item is decreased by \$141,760, of which \$120,496 is from the general fund and \$21,264 is from other funds to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.

The information services line item is reduced by \$2,345 from the general fund in accordance with the provisions of House Bill No. 1018.

#### DEPARTMENT 535 - ROUGHRIDER INDUSTRIES

CONFERENCE COMMITTEE - The salaries and wages line item is decreased by \$32,809 from other funds to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.

The information services line item is decreased by \$699 from other funds in accordance with the provisions of House Bill No. 1018.

#### DEPARTMENT 536 - PAROLE AND PROBATION

CONFERENCE COMMITTEE - The salaries and wages line item is decreased by \$43,730 from the general fund to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.

The information services line item is decreased by \$1,290 of which \$917 is from the general fund and \$373 from other funds in accordance with the provisions of House Bill No. 1018.

The total amendments to the engrossed bill reduce the general fund appropriation by \$258,845, other funds by \$69,523, and the total appropriations by \$328,368.

Engrossed SB 2018 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

SEN. ROBINSON MOVED that the conference committee report on Engrossed SB 2018 be adopted, which motion prevailed.

Engrossed SB 2018, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

SB 2018: A BILL for an Act making an appropriation for defraying the expenses of the department of corrections and rehabilitation.

**ROLL CALL**

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

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

SB 2018 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

SB 2040: Your conference committee (Sens. Schoenwald, Keller, Streibel and Reps. Bernstein, Froseth, Stenson) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1060-1061, adopt amendments as follows, and place SB 2040 on the Seventh order:

That the House recede from its amendments as printed on pages 1060-1061 of the Senate Journal and pages 1170-1171 of the House Journal and that Senate Bill No. 2040 be amended as follows:

Page 1, line 1, replace "section" with "sections 65-02-19, 65-02-21," and after "65-05-01" insert ", and 65-05-32"

Page 1, line 2, after "to" insert "contracts for administrative and managed care services, to"

Page 1, line 3, after "compensation" insert ", and to privacy of records and hearings concerning workers' compensation matters; to provide for application of this Act; and to declare an emergency"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 65-02-19 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**65-02-19. Bureau to contract for administrative services.** The bureau shall contract for the services of a third-party administrator to monitor medical treatments of injured employees and to monitor the payment of medical expenses of all workers' compensation claims. The bureau shall solicit bids for administrative services ~~within four months after July 1, 1991, and by December 1, 1991,~~ shall award an administrative services contract to the bidder who will best serve the interests of the bureau and the employees under this title. The ~~initial contract must begin January 1, 1992, and continue through June 30, 1993.~~ Subsequent contracts must be for the period of a biennium. ~~Subsequent solicitations must be made at least forty five days before the expiration of an existing administrative services contract.~~ The bureau may renew, renegotiate, or rebid a contract

based upon contract performance, cost, and the best interests of an employee who suffers a compensable injury. The bureau shall rebid the contract for the biennium beginning July 1, 1995, and shall rebid subsequent contracts at least every four years.

**SECTION 2. AMENDMENT.** Section 65-02-21 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**65-02-21. Contract for administration of managed care program.** The bureau shall contract for the services of a third-party administrator to implement the managed care program. The bureau shall solicit bids for these administrative services ~~within four months after July 1, 1991.~~ The solicitation must include a description of the program and the services expected of the managed care administrator. ~~By December 1, 1991, the~~ The bureau shall award an administrative services contract to the bidder who will best serve the interests of the bureau and the employees under this title. ~~The initial contract must begin January 1, 1992, and continue through June 30, 1993. Subsequent contracts must be for the period of a biennium. Subsequent solicitations must be made at least forty five days before the expiration of an existing administrative services contract. The bureau may renew, renegotiate, or rebid a contract based upon contract performance, cost, and the best interests of an employee who suffers a compensable injury. The bureau shall rebid the contract for the biennium beginning July 1, 1995, and shall rebid subsequent contracts at least every four years."~~

Page 2, after line 7, insert:

**"SECTION 4. AMENDMENT.** Section 65-05-32 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**65-05-32. Privacy of records and hearings.** Information contained in the claim files and records of injured employees is confidential and is not open to public inspection, other than to bureau employees or agents in the performance of their official duties. Providing further that:

1. Representatives of a claimant, whether an individual or an organization, may review a claim file or receive specific information from the file upon the presentation of the signed authorization of the claimant. However, reserve information may not be made available to the claimant or the claimant's representatives. Availability of this information to employers is subject to the sole discretion of the bureau.
2. Employers or their duly authorized representatives may review and have access to any files of their own injured workers.
3. Physicians or health care providers treating or examining workers claiming benefits under this title, or physicians giving medical advice to the bureau regarding any claim may, at the discretion of the bureau, inspect the claim files and records of injured workers.
4. Other persons may have access to and make inspections of the files, if such persons are rendering assistance to the bureau at any stage of the proceedings on any matter pertaining to the administration of this title.
5. The claimant's name; social security number; date of birth; injury date; employer name; type of injury; whether the claim is accepted, denied, or pending; and whether the claim is in active or inactive pay status will be available to the public. This information may not be released in aggregate

form, except to those persons contracting with the bureau for exchange of information pertaining to the administration of this title or except upon written authorization by the claimant for a specified purpose.

6. At the request of a claimant, the bureau may close the medical portion of a hearing to the public.

**SECTION 5. APPLICATION OF ACT.** Section 4 of this Act applies to all claims irrespective of the date information is requested.

**SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

SB 2040 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. SCHOENWALD MOVED** that the conference committee report on SB 2040 be adopted, which motion prevailed.

SB 2040, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2040:** A BILL for an Act to amend and reenact sections 65-02-19, 65-02-21, 65-05-01, and 65-05-32 of the North Dakota Century Code, relating to contracts for administrative and managed care services, to the time limit for filing a claim for workers' compensation, and to privacy of records and hearings concerning workers' compensation matters; to provide for application of this Act; and to declare an emergency.

#### ROLL CALL

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

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

SB 2040 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1519:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education and to provide an exemption to the provisions of section 54-44.1-11.

#### MOTION

**SEN. ROBINSON MOVED** that Engrossed HB 1519 be amended as follows, which motion prevailed.

Page 1, line 16, replace "1,690,948" with "1,781,948"

Page 2, line 11, replace "14,080,676" with "14,171,676"

Page 2, line 13, replace "9,131,256" with "9,222,256"

Page 6, line 22, replace "250,959,343" with "251,050,343"

Page 6, line 24, replace "453,500,236" with "453,591,236"

Page 7, line 12, replace "166,663" with "249,994"

Page 7, line 13, replace "40,793" with "61,190"

Page 7, line 14, replace "59,795" with "89,692"

Page 7, line 15, replace "982,281" with "1,473,422"

Page 7, line 16, replace "784,841" with "1,177,261"

Page 7, line 17, replace "140,313" with "210,469"

Page 7, line 18, replace "111,982" with "167,973"

Page 7, line 19, replace "52,449" with "78,674"

Page 7, line 20, replace "275,531" with "413,297"

Page 7, line 21, replace "69,331" with "103,996"

Page 7, line 22, replace "27,606" with "41,409"

Page 7, line 23, replace "13,261" with "19,891"

Page 7, line 24, replace "713,702" with "1,070,624"

Page 7, line 25, replace "511,011" with "769,851"

Page 7, line 26, replace "3,949,559" with "5,927,743"

Page 8, line 10, after "The" insert "operating expenses line items,"

Page 9, after line 4, insert:

**SECTION 9. LEGISLATIVE INTENT - ADMINISTRATIVE STREAMLINING.** The legislative assembly supports the board of higher education's goal to reduce and streamline administrative functions within the entities under the board's control. In making personnel reductions which will be required at the levels appropriated, it is the intent of the legislative assembly that the board first make reductions in administrative areas before eliminating positions directly related to instruction and student services.

**SECTION 10. LEGISLATIVE INTENT - COMPARABLE PROGRAMS.** The legislative assembly expresses its concern to the board of higher education regarding institutional expenditures to seek national accreditation of programs where comparable programs have already received national accreditation at other institutions."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 215 - UNIVERSITY SYSTEM OFFICE

SENATE - The salaries and wages line item is increased by \$91,000 from the general fund to provide an additional FTE position.

Section 3 is amended to provide that an additional three percent rather than two percent of the estimated income line item is appropriated upon Emergency Commission approved.

Section 5 is amended to provide that 1991-93 operating expenses line items are not subject to turnback provisions and may be spent during the 1993-95 biennium.

A section is added stating that the Legislative Assembly supports the Board of Higher Education's goal to reduce and streamline administrative functions.

A section is added expressing the Legislative Assembly's concern about higher education duplicating comparable accredited programs.

#### MOTION

SEN. TRAYNOR MOVED that Engrossed HB 1519 be amended as follows, which motion prevailed.

Page 1, line 3, replace "and" with a comma

Page 1, line 4, after "54-44.1-11" insert ", and to authorize the state board of higher education to convey certain state-owned land to Ramsey County, North Dakota"

Page 9, after line 4, insert:

#### "SECTION 9. TRANSFER OF LAND BY STATE BOARD OF HIGHER EDUCATION.

1. The state board of higher education may convey to Ramsey County, North Dakota, land owned by the state under the jurisdiction of the state board of higher education which is located in Ramsey County and described as follows:

All that part of section eighteen, township one hundred fifty-three north of range sixty-four west in Ramsey County, North Dakota, described as follows:

Beginning at the southwest corner of lot one, block one, Lake Front Park Addition of Devils Lake Chautauqua Association of North Dakota, now known as Lakewood Park of the City of Devils Lake, thence west to the west side of Ramsey County Highway No. 1 right of way, which is the point of beginning, thence in a southerly direction following the right of way a distance of one hundred feet, thence west to the ordinary high water mark of Devils Lake, thence in a northerly direction along the ordinary high water mark a distance of three hundred feet, thence east to the west right-of-way line of Ramsey County Highway No. 1, thence in a southerly direction along the right of way to the point of beginning.

2. The conveyance authorized by this Act is not subject to North Dakota Century Code sections 54-01-05.2 and 54-01-05.5.
3. The attorney general shall review and approve as to form and legality all legal documents, papers, and instruments required by the conveyance authorized by this Act.
4. Before the board of higher education may convey the property as authorized by subsection 1, the board shall submit the terms of the transfer to the budget section of the legislative council. The board may convey the property only after the budget section has approved the terms of the transfer."

Renumber accordingly

**HB 1519:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education, to provide an exemption to the provisions of section 54-44.1-11, and to authorize the state board of higher education to convey certain state-owned land to Ramsey County, North Dakota.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 42 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**NAYS:** DeMers; Krauter; Scherber; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos

HB 1519 passed and the title was agreed to.

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#### REQUEST

**SEN. ROBINSON REQUESTED** the unanimous consent of the Senate to withdraw SB 2543. There being no objection, it was so ordered by the President.

#### MOTION

**SEN. MATHERN MOVED** that the Senate stand in recess until 7:00 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 appointed Rep. Drovdal to replace Rep. Kretschmar on the conference committee on HB 1416.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1519.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2012, SB 2018.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on SB 2040, subsequently passed the same, and the emergency clause carried.

#### MOTION

**SEN. WOGSLAND MOVED** that HB 1516 be returned to the Senate floor from the Finance and Taxation Committee and be rereferred to the Appropriations Committee, which motion prevailed on a verification vote. Pursuant to Sen. Wogsland's motion, HB 1516 was rereferred.

#### MOTION

**SEN. MATHERN MOVED** that the Senate stand in recess until 8:00 p.m., which motion prevailed.

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

**REPORT OF STANDING COMMITTEE**

HB 1516, as engrossed: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1516 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new chapter to title 57 of the North"

Page 1, remove line 2

Page 1, line 3, remove "certain care facilities;"

Page 1, line 7, remove "to provide a penalty;"

Page 4, line 6, remove "thirteen" and overstrike "and one-half" and insert immediately thereafter "seventeen"

Page 4, remove lines 14 through 29

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 28

Page 8, remove lines 1 through 29

Page 9, remove lines 1 through 28

Page 10, remove lines 1 and 2

Page 10, line 3, replace "Section 6 of this" with "This"

Page 10, line 4, replace "July 31" with "June 30"

Re-number accordingly

**CONSIDERATION OF AMENDMENTS**

HB 1516, as engrossed: SEN. TALLACKSON (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with DO PASS.

**REQUEST**

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1516, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the amendments to Engrossed HB 1516, the roll was called and there were 36 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Bowman; Freborg; Kinnoin; Krebsbach; Mutch; Naaden; Nething; Sand; Solberg; Streibel; Tennefos; Urlacher

The motion to adopt the amendments to Engrossed HB 1516 passed.

## SECOND READING OF HOUSE BILL

**HB 1516:** A BILL for an Act to amend and reenact section 53-06.1-12.2, subsection 1 of section 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to games of chance taxes and tobacco products taxes; 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 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrisc; DeMers; Dotzenrod; Evanson; Goetz; Graba; Holmberg; Jerome; Keller; Kelly; Kelsh; Krebsbach; Langley; Lindaas; Lindgren; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; O'Connell; Robinson; Schoenwald; Tallackson; Thane; Traynor; Wogsland

**NAYS:** Bowman; Freborg; Grindberg; Heinrich; Kinnoin; Krauter; Lips; Mutch; Naaden; Redlin; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Tomac; Urlacher; Yockim

HB 1516 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

**SB 2200, as engrossed:** Your conference committee (Sens. Maxson, Mathern, Lindgren and Reps. Dorso, Froseth, Mahoney) recommends that the SENATE ACCEDE to the House amendments on SJ pages 1176-1188 and place SB 2200 on the Seventh order.

Engrossed SB 2200 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

**SB 2486:** Your conference committee (Sens. Tomac, Heinrich, Sand and Reps. Shide, Kempenich, Coats) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1033-1034, adopt amendments as follows, and place SB 2486 on the Seventh order:

That the House recede from its amendments as printed on pages 1033-1034 of the Senate Journal and page 1089 of the House Journal and that Senate Bill No. 2486 be amended as follows:

Page 1, line 3, after "industries" insert "; and to provide an effective date"

Page 2, line 2, remove the overstrike over "~~Except as provided in~~"

Page 2, remove the overstrike over line 3

Page 2, line 4, remove the overstrike over "~~prison industry products to wholesale and retail outlets.~~" and remove the overstrike over "other"

Page 2, line 20, remove the overstrike over the overstruck period, after "All" insert "Roughrider industries may sell all", and remove the overstrike over "~~other prison-made hardwood, fiberesin, upholstered,~~"

Page 2, line 21, remove the overstrike over "~~and metal art work products~~", after "through" insert "to", and remove the overstrike over "~~wholesale or~~"

Page 2, line 22, remove the overstrike over "~~retail outlets that possess a valid sales tax permit~~"

Page 3, after line 8, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on August 1, 1995."

Renumber accordingly

SB 2486 was placed on the Seventh order of business on the calendar.

**MOTION**

SEN. MATHERN MOVED that the absent member 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., Friday, April 23, 1993, which motion prevailed.

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

**CAROL SIEGERT, Secretary**