

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, April 23, 1993

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

The prayer was offered by Senator Scherber.

The roll was called and all members were present except Senators Mushik, Sand, and Tomac.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1516.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 9:30 a.m., which motion prevailed.

THE SENATE RECONVENED, with President Myrdal presiding.

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 2014.

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 2009, SB 2012, SB 2017, SB 2018, SB 2020, SB 2022.

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 1006, HB 1010, HB 1014, HB 1017, HB 1155, HB 1391.

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 2001, SB 2174.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3074: A concurrent resolution authorizing the retention of certain employees of the House and Senate to allow for the completion of legislative work after the close of the session.

Was read the first time.

MOTION

SEN. MATHERN MOVED that the rules be suspended, that HCR 3074 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Employment Committee introduced:
(Approved by the Delayed Bills Committee)

HOUSE CONCURRENT RESOLUTION NO. 3074

A concurrent resolution authorizing the retention of certain employees of the House and Senate to allow for the completion of legislative work after the close of the session.

WHEREAS, it is necessary to complete and close work of the regular session of the Fifty-third Legislative Assembly; and

WHEREAS, certain legislative employees should be retained to complete and close this work;

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

That the following named positions may be retained by the House of Representatives and the Senate after the adjournment of the regular session:

HOUSE POSITIONS

Chief Clerk

Assistant Chief Clerk

Desk Reporter

Bill Clerk

Sergeant-at-Arms

Assistant Sergeant-at-Arms

Chief Page and Bill Book Clerk

Assistant Chief Page and Bill Room Clerk

Chief Stenographer and Payroll Clerk

Bill and Journal Room Clerk

Chief Committee Clerk

Appropriations Committee Clerk

Assistant Appropriations Committee Clerks

Secretary to Speaker

Secretary to Majority Leader

Staff Assistant to Majority Leader

Secretary to Minority Leader

Staff Assistant to Minority Leader

Desk Pages

Chief Telephone Attendant

SENATE POSITIONS

Secretary of the Senate

Assistant Secretary of the Senate

Desk Reporter

Bill Clerk

Sergeant-at-Arms

Deputy Sergeant-at-Arms

Chief Page and Bill Book Clerk
Pages
Chief Stenographer and Payroll Clerk
Stenographer
Chief Committee Clerk
Appropriations Committee Clerk
Industry, Business and Labor Committee Clerk
Education Committee Clerk
Judiciary Committee Clerk
Secretary to Majority Leader
Staff Assistant to Majority Leader
Secretary to Minority Leader
Staff Assistant to Minority Leader
Chief Bill and Journal Room Clerk
Journal Room Clerk
Supply Room Coordinator

BE IT FURTHER RESOLVED, that the above-listed House and Senate employees shall serve at the request of, and under the supervision of, the Chief Clerk of the House and the Secretary of the Senate, and that all of the listed employees, including the Chief Clerk of the House and the Secretary of the Senate, may not be employed for more than 200 days in the aggregate. The Chief Clerk of the House and the Secretary of the Senate shall assign work among the available House and Senate employees, respectively, in the appropriate manner. The Chief Clerk of the House and the Secretary of the Senate shall coordinate the work assignments in their respective houses in such a manner that the total number of days utilized does not exceed the aggregate limit on days authorized by this resolution. The Chief Clerk of the House and the Secretary of the Senate shall minimize the days spent in completion of legislative business to the extent consistent with the completion; and

BE IT FURTHER RESOLVED, that the employees in the the above-named positions be paid their regular rates of pay as specified in Senate Concurrent Resolution No. 4019 for work pursuant to this resolution, and all of these sums are to be paid out of the appropriation to the Fifty-third and Fifty-fourth Legislative Assemblies, and after completion of the work, provided that each above-listed employee must be paid on a pro rata basis if the total number of days exceeds the aggregate limit.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3074: A concurrent resolution authorizing the retention of certain employees of the House and Senate to allow for the completion of legislative work after the close of the session.

ROLL CALL

The question being on the final adoption of the resolution, 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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Teneffos; Thane; Tomac; Traynor; Urlacher

ABSENT AND NOT VOTING: Kelsh; Mushik; Wogsland; Yockim

HCR 3074 was declared adopted on a recorded roll call vote.

MOTION

SEN. MATHERN MOVED that the vote by which HCR 3074 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the rules be suspended and that HCR 3074 be messaged to the House immediately, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1006, as engrossed: Your conference committee (Sens. Redlin, Kelly, Lips and Reps. Howard, Clayburgh, Laughlin) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 1272, adopt amendments as follows, and place HB 1006 on the Seventh order:

That the Senate recede from its amendments as printed on page 1489 of the House Journal and page 1272 of the Senate Journal and that Engrossed House Bill No. 1006 be amended as follows:

Page 1, line 11, replace "1,406,747" with "1,417,191"

Page 1, line 12, replace "27,139" with "26,337"

Page 1, line 13, replace "539,215" with "541,153"

Page 1, line 17, replace "4,360,006" with "4,371,586"

Page 1, line 18, replace "4,059,498" with "4,069,022"

Page 1, line 19, replace "300,508" with "302,564"

Page 1, line 21, replace "\$325,608" with "\$326,652"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 512 - EMERGENCY MANAGEMENT

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$10,444, \$2,089 of which is 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 \$802, \$33 of which is from the general fund in accordance with provisions of House Bill No. 1018.

The operating expenses line item is increased by \$1,938 of special funds for Merit System payments to Central Personnel.

In total, this amendment increases funding for Emergency Management by \$11,580, \$2,056 of which is from the general fund and \$9,524 of special funds.

Engrossed HB 1006 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. REDLIN MOVED that the conference committee report on Engrossed HB 1006 be adopted, which motion prevailed.

Engrossed HB 1006, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Wogsland

HB 1006 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1155, as engrossed: Your conference committee (Sens. Graba, Jerome, Traynor and Reps. Soukup, Sveen, Kilichowski) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 855, adopt amendments as follows, and place HB 1155 on the Seventh order:

That the Senate recede from its amendments as printed on page 1119 of the House Journal and page 855 of the Senate Journal and that Engrossed House Bill No. 1155 be amended as follows:

Page 2, line 20, remove the overstrike over "~~three hundred~~" and remove "one"

Page 2, line 21, remove "thousand"

Page 2, line 26, after the period insert "When a report is not filed, the state auditor may charge the political subdivision an amount equal to the fair value of the additional examination or audit and any other services rendered."

Page 3, line 2, after "audit" insert ", at the option of its governing body,"

Page 3, line 10, replace "When federal funds are" with "The"

Page 3, line 11, remove "involved, the"

Page 3, line 20, replace "not to exceed" with "of up to" and after "hour" insert ", but not to exceed five hundred dollars per review,"

Re-number accordingly

Engrossed HB 1155 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on Engrossed HB 1155 be adopted, which motion prevailed.

Engrossed HB 1155, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to the requirements for audits of political subdivisions; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Wogsland

HB 1155 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1391, as engrossed: Your conference committee (Sens. Graba, Dotzenrod, Lindgren and Reps. Dalrymple, Bateman, Wilkie) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 933-934, adopt amendments as follows, and place HB 1391 on the Seventh order:

That the Senate recede from its amendments as printed on page 1493 of the House Journal and pages 933-934 of the Senate Journal and that Engrossed House Bill No. 1391 be amended as follows:

Page 1, line 2, after "counties" insert "and cities"

Page 1, line 10, after "counties" insert "and cities"

Page 1, line 11, after "county" insert "or city"

Page 1, line 15, after "county" insert "or city"

Page 1, line 16, after "county" insert "or city"

Page 1, line 19, after "counties" insert "and the North Dakota league of cities"

Page 1, line 20, after "counties" insert "and the North Dakota league of cities"

Page 2, line 4, after "counties" insert "or cities"

Page 2, line 7, after "counties" insert "or cities"

Page 2, line 11, replace "\$150,000" with "\$250,000"

Page 2, line 12, after the first "the" insert "state treasurer, who shall distribute the moneys to counties and cities as directed by the director of the"

Renumber accordingly

Engrossed HB 1391 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on Engrossed HB 1391 be adopted, which motion prevailed.

Engrossed HB 1391, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to amend and reenact section 54-44.2-02.5 of the North Dakota Century Code, relating to a grant program to assist counties and cities in developing a communications, uniform accounting, and records maintenance system; 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; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Goetz; Wogsland

HB 1391 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2002, as engrossed: Your conference committee (Sens. Kelly, Yockim, Lips and Reps. Clayburgh, Gerntholz, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1160-1163, adopt amendments as follows, and place SB 2002 on the Seventh order:

That the House recede from its amendments as printed on pages 1160-1163 of the Senate Journal and pages 1290-1293 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 2, replace the first "and" with "to create and enact a new subsection to section 27-05-06 of the North Dakota Century Code, relating to jurisdiction of the district court;" and replace "sections 27-02-02 and 27-05-03" with "the new section to chapter 11-20 of the North Dakota Century Code, as created by section 1 of House Bill No. 1501, as approved by the fifty-third legislative assembly, relating to the jurisdiction of the district court; to amend and reenact section 15 of chapter 374 of the 1987 Session Laws of North Dakota, as amended by section 1 of chapter 379 of the 1989 Session Laws of North Dakota, relating to the expiration date for legislation creating a temporary court of appeals; and to provide an effective date"

Page 1, remove line 3

Page 1, line 4, remove "the supreme and district courts"

Page 1, line 15, replace "4,361,294" with "4,258,269"

Page 1, line 16, replace "174,000" with "167,910"

Page 1, line 17, replace "1,345,900" with "1,204,310"

Page 1, line 18, replace "117,000" with "99,565"

Page 1, line 19, replace "392,289" with "375,233"

Page 1, remove line 20

Page 1, line 21, replace "6,412,483" with "6,105,287"

Page 2, line 1, replace "46,779" with "46,639"

Page 2, line 2, replace "6,365,704" with "6,058,648"

Page 2, line 5, replace "14,942,688" with "14,533,734"

Page 2, line 6, replace "50,974" with "49,190"

Page 2, line 7, replace "4,717,805" with "4,317,805"

Page 2, line 9, replace "898,001" with "858,960"

Page 2, line 10, replace "20,947,740" with "20,097,961"

Page 2, line 12, replace "20,762,482" with "19,912,703"

Page 2, line 16, replace "329,261" with "322,768"

Page 2, line 17, replace "10,000" with "9,650"

Page 2, line 20, replace "474,511" with "467,668"

Page 2, line 22, replace "402,511" with "395,668"

Page 2, line 23, replace "27,530,697" with "26,367,019"

Page 2, line 24, replace "304,037" with "303,897"

Page 2, line 25, replace "27,834,734" with "26,670,916"

Page 3, replace lines 9 through 29 with:

"SECTION 4. AMENDMENT. The new section to chapter 11-20 of the North Dakota Century Code, as created by section 1 of House Bill No. 1501, as approved by the fifty-third legislative assembly, is amended and reenacted as follows:

Disputed property lines - Petition to county district court - Effect of survey - Payment of expenses.

1. One or more owners of property may file with the clerk of county district court a petition requesting the county district court to direct the county surveyor to survey the property. The county court shall set a time and place for a hearing on the petition. The hearing may not occur until three weeks after the petitioner has published notice of the petition, containing the substance of the petition, a description of the lands affected, and the names of the owners of the affected lands as they appear in the latest tax

roll, and after the petitioner has mailed written notice to each occupant of land affected by the survey.

2. At the hearing on the petition, all interested parties may appear and be heard. If the county district court finds that there is a dispute as to the location of a property line, the county court may grant the petition. If a county surveyor is not available to conduct the survey, the county court may appoint a registered land surveyor to conduct the survey. The surveyor shall provide reasonable advance written notice to occupants of affected lands specifying the date when the survey will begin.
3. After the survey has been completed, the surveyor shall file a record of survey under sections 11-20-12 and 11-20-13. The certificate of the surveyor is presumptive evidence of the facts contained in the survey and certificate.
4. After the survey has been completed, the surveyor shall make a certified report to the county district court showing in detail the entire expense of the survey with recommendations as to apportionment of the expense. The county court shall apportion equitably the expense of the survey to the several tracts affected and provide written notice of the proposed assessment to each owner affected. The notice ~~shall~~ must inform the affected owners of their right to appear in county district court no sooner than fourteen days after the notices are mailed to object to the assessments. Following consideration of any objections, the county court shall make any corrections or adjustments necessary, enter an order confirming the assessment, and order the parties to pay the surveyor within thirty days.
5. Upon certification by the surveyor that an affected owner has not paid the fees ordered by the county district court within thirty days, the county auditor shall assess the amount against the land of each person affected. The county treasurer shall collect the assessments in the same manner as general property taxes are collected. On the order of the county auditor, the county treasurer shall pay any fees and expenses to a registered land surveyor who has conducted the survey.

SECTION 5. A new subsection to section 27-05-06 of the North Dakota Century Code is created and enacted as follows:

Disputed property line proceedings pursuant to section 4 of this Act.

SECTION 6. AMENDMENT. Section 15 of chapter 374 of the 1987 Session Laws of North Dakota, as amended by section 1 of chapter 379 of the 1989 Session Laws of North Dakota, is amended and reenacted as follows:

SECTION 15. EXPIRATION DATE. This Act is effective through January 1, ~~1994~~ 1996, and after that date is ineffective.

SECTION 7. EFFECTIVE DATE. Sections 4 and 5 of this Act become effective on January 2, 1995."

Page 4, remove lines 1 through 4

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 180 - SUPREME COURT

CONFERENCE COMMITTEE - This amendment makes the following changes:

- The salaries and wages and judges' retirement line items are changed as follows from the general fund:

	SALARIES AND WAGES	JUDGES' RETIREMENT
Decrease to reflect the change from 3/3 salary plan to the 2/0 salary plan	\$ (97,232)	\$ (9,551)
Remove the 2 percent increase for elected officials	(17,417)	(7,505)
Increase to reflect the \$60 per month plan in accordance with the provisions of House Bill No. 1018	<u>11,624</u>	<u> </u>
Total decrease	\$(103,025)	\$(17,056)

- The information services line item is decreased by \$6,090, of which \$5,950 is from the general fund and \$140 is from other funds, in accordance with the provisions of House Bill No. 1018.
- The operating expenses line item is decreased by \$30,000 from the general fund to reflect a reduction in the law library funding and decreased by \$111,590 from the general fund to reflect a 10 percent reduction, for a total decrease of \$141,590 from the general fund.
- The equipment line item is decreased by \$17,435 from the general fund, of which \$13,000 is to reduce miscellaneous equipment purchases and \$4,435 is to reflect a decrease in the amount provided for a new copy machine. The amount provided for the new copy machine was decreased from \$80,000 to \$75,565. If the court leases a new copier instead of buying one, the excess funding is to be turned back instead of being used for other purposes.
- The court of appeals line item of \$22,000 from the general fund is eliminated. This amendment extends the effective date of the temporary court of appeals from January 1, 1994, to January 1, 1996.

In total, this amendment decreases the appropriation to the Supreme Court by \$307,196, of which \$307,056 is from the general fund and \$140 is from other funds.

DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

- The salaries and wages line item is decreased as follows:

	GENERAL FUND
Decrease to reflect change from 3/3 salary plan to 2/0 salary plan	\$(7,409)
Increase to reflect the \$60 per month plan in accordance with the provisions of House Bill No. 1018	<u>916</u>
Total decrease	\$(6,493)

- The information services line item is decreased by \$350 from the general fund in accordance with the provisions of House Bill No. 1018.

In total, this amendment decreases the appropriation to the Judicial Conduct Commission by \$6,843 from the general fund.

DEPARTMENT 185 - TRIAL COURTS

CONFERENCE COMMITTEE - This amendment makes the following changes:

- The salaries and wages and judges' retirement line items are changed as follows from the general fund:

	SALARIES AND WAGES	JUDGES' RETIREMENT
Decrease to reflect the change from the 3/3 salary plan to the 2/0 salary plan	\$(347,433)	\$(21,861)
Remove the 2 percent increase for elected officials	(101,116)	(17,180)
Increase to reflect the \$60 per month plan in accordance with the provisions of House Bill No. 1018	<u>39,595</u>	<u> </u>
Total decrease	\$(408,954)	\$(39,041)

- The information services line item is decreased by \$1,784 from the general fund in accordance with the provisions of House Bill No. 1018.
- The operating expenses line item is decreased by \$400,000 to reflect an approximate 10 percent reduction.

In total, this amendment decreases the appropriation to the trial courts by \$849,779 from the general fund.

In total, this amendment decreases the general fund appropriation by \$1,163,678, from \$27,530,697 to \$26,367,019 and decreases the other funds appropriation by \$140, from \$304,037 to \$303,897 for a total appropriation of \$26,670,916.

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLY MOVED that the conference committee report on Engrossed SB 2002 be adopted, which motion prevailed.

Engrossed SB 2002, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to create and enact a new subsection to section 27-05-06 of the North Dakota Century Code, relating to jurisdiction of the district court; to amend and reenact the new section to chapter 11-20 of the North Dakota Century Code, as created by section 1 of House Bill No. 1501, as approved by the fifty-third legislative assembly, relating to the jurisdiction of the district court; to amend and reenact section 15 of chapter 374 of the 1987 Session Laws of North Dakota, as amended by section 1 of chapter 379 of the 1989 Session Laws of North Dakota, relating to the expiration date for legislation creating a temporary court of appeals; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Keish; 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; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Goetz; Tomac; Wogsland

SB 2002 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1010, as engrossed: Your conference committee (Sens. Yockim, Mushik, Nething and Reps. Dalrymple, DeWitz, Laughlin) recommends that the **SENATE RECEDE** from the Senate amendments on SJ pages 1419-1420, adopt amendments as follows, and place HB 1010 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1603-1604 of the House Journal and pages 1419-1420 of the Senate Journal and that Engrossed House Bill No. 1010 be amended as follows:

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>\$51,500,000</u>
Total state aid distribution fund appropriation	<u>\$51,500,000</u>

Page 3, replace lines 1 through 9 with:

"SECTION 2. INTENT. It is the intent of the legislative assembly that if the total of amounts appropriated and the amounts 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. This section recognizes that transfers may be made by the state treasurer, upon the request of

the director of the office of management and budget, from the state aid distribution fund to the general fund, as authorized by 1993 House Bill No. 1005.

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

CONFERENCE COMMITTEE - 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, leaving a \$51,500,000 appropriation from the state aid distribution fund for payments to political subdivisions.

This amendment adds a section of legislative intent stating that if the amount deposited in the fund is more than the amount appropriated and transferred from the fund it is the intent that a deficiency appropriation be made by the 1995 Legislative Assembly for the 1993-95 biennium. The intent section recognizes that transfers may be made by the State Treasurer, as authorized by 1993 House Bill No. 1005.

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.

Engrossed HB 1010 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. YOCKIM MOVED that the conference committee report on Engrossed HB 1010 be adopted, which motion prevailed.

Engrossed HB 1010, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act making an appropriation for state revenue sharing and personal property tax replacement payments to political subdivisions; to provide a statement of legislative intent; and to provide for allotments, reductions, and a transfer.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; 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; Tennesos; Thane; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Goetz; Tallackson; Tomac; Wogsland

HB 1010 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1014, as engrossed: Your conference committee (Sens. Yockim, Redlin, Nething and Reps. Kunkel, Gorman, Kaldor) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 1371, adopt amendments as follows, and place HB 1014 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1556-1558 of the House Journal and pages 1355-1357 of the Senate Journal and that Engrossed House Bill No. 1014 be amended as follows:

Page 1, line 2, after "and" insert "recreation department and the"

Page 1, line 3, replace "a statement" with "statements"

Page 1, line 10, after "and" insert "recreation department and the" and replace "its" with "their"

Page 1, after line 12, insert:

"Subdivision 1.
PARKS AND RECREATION DEPARTMENT"

Page 1, line 13, replace "4,156,459" with "3,754,371"

Page 1, line 14, replace "91,800" with "45,070"

Page 1, line 15, replace "5,524,497" with "2,145,341"

Page 1, line 16, replace "186,060" with "160,682"

Page 1, line 17, replace "1,259,454" with "1,359,454"

Page 1, line 18, replace "1,063,333" with "1,003,333"

Page 1, remove line 19

Page 1, line 20, replace "1,710,000" with "1,424,182"

Page 2, line 1, replace "14,344,103" with "10,204,933"

Page 2, line 2, replace "4,155,353" with "4,047,605"

Page 2, line 3, replace "10,188,750" with "6,157,328"

Page 2, after line 3, insert:

"Subdivision 2.
TOURISM DEPARTMENT

Salaries and wages	\$ 782,033
Information services	54,865
Operating expenses	3,404,500
Equipment	15,378
Grants	60,000
Total all funds	<u>\$ 4,316,776</u>
Less estimated income	<u>180,000</u>

Total general fund appropriation	\$ 4,136,776
Grand total general fund appropriation H.B. 1014	\$10,294,104
Grand total special funds appropriation H.B. 1014	\$ 4,227,605
Grand total all funds H.B. 1014	\$14,521,709"

Page 2, line 5, after the second "in" insert "subdivision 1 of"

Page 2, line 8, after the second "in" insert "subdivision 1 of"

Page 2, line 10, replace "tourism" with "recreation"

Page 2, line 11, after the second "in" insert "subdivision 1 of"

Page 2, line 12, replace "tourism" with "recreation"

Page 2, line 18, replace "tourism" with "recreation, tourism department"

Page 2, line 19, replace "the governor organize an interagency working group" with "a parks and historic sites improvements committee, consisting of the lieutenant governor as chairperson, one member of the senate appropriations committee and one member of the house of representatives appropriations committee each appointed by the legislative council, the director of the parks and recreation department, the director of the tourism department, and the president of the state historical board or the president's designee, determine the parks and historic sites improvement projects to be conducted for the biennium beginning July 1, 1993, and ending June 30, 1995."

Page 2, remove lines 20 through 23

Page 2, line 24, replace "TOURISM" with "RECREATION"

Page 2, line 25, after "in" insert "subdivision 1 of"

Page 2, line 26, replace "\$1,510,000" with "\$1,194,182" and replace "\$200,000" with "\$300,000"

Page 2, line 27, replace "tourism" with "recreation"

Page 2, line 28, replace "interagency" with "parks and historic sites improvements committee"

Page 2, line 29, remove "working group"

Page 3, line 1, replace "tourism" with "recreation"

Page 3, after line 4, insert:

"SECTION 7. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the tourism department, based on numbers of visitors and other factors, may close one of its visitor information centers after the 1994 tourism season.

SECTION 8. PARKS AND RECREATION - APPROPRIATION LIMITATION. Of the \$1,128,682 appropriated from the general fund in the parks and historic sites improvements line item in subdivision 1 of section 1 of this Act, \$100,000 of this amount is equal to the estimated amount of funds remaining unspent from the appropriation provided for the acquisition of the seventh-day adventist camp property adjacent to the Lake Metigoshe state park for the 1991-93 biennium contained in section 5 of 1991 Senate Bill No. 2016. Expenditure of funds pursuant to this \$100,000 general fund appropriation may not exceed the amount of funds remaining unspent pursuant to the general fund appropriation contained in section 5 of 1991 Senate Bill No. 2016."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 740 - TOURISM DEPARTMENT

CONFERENCE COMMITTEE - This amendment separates funding for the Tourism Department from the Parks and Recreation Department pursuant to provisions of House Bill No. 1400 as follows (the executive budget, the House version, and the Senate version provided funding as a consolidated department):

FUNDING INCLUDED IN ENGROSSED HOUSE BILL NO. 1014

	GENERAL FUND	SPECIAL FUNDS	TOTAL
Parks and Recreation Department	\$ 6,025,122	\$3,975,353	\$10,000,475
Tourism Department (see line item detail below)	<u>4,163,628</u>	<u>180,000</u>	<u>4,343,628</u>
Total included in Engrossed House Bill No. 1014 for Parks and Tourism	\$10,188,750	\$4,155,353	\$14,344,628

	TOURISM FUNDING IN ENGROSSED HOUSE BILL NO. 1014	CHANGES	TOURISM DEPARTMENT CONFERENCE COMMITTEE VERSION
Salaries and wages (10 FTEs)	\$ 705,960	\$ 76,073 ¹	\$ 782,033
Information services	50,400	4,465 ²	54,865
Operating expenses	3,461,890	(57,390) ³	3,404,500
Equipment	25,378	(10,000) ⁴	15,378
Williston and Bowman visitor centers	40,000	(40,000) ¹	
Grants	<u>60,000</u>		<u>60,000</u>
Total all funds	<u>\$4,343,628</u>	<u>\$(26,852)</u>	<u>\$4,316,776</u>
Less estimated income	<u>180,000</u>		<u>180,000</u>
Total general fund appropriation	\$4,163,628	\$(26,852)	\$4,136,776

¹ The salaries and wages line item is increased by \$6,073 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018. The salaries and wages line item is also increased by \$70,000 from the general fund and the Williston and Bowman visitors center line item of \$40,000 from the general fund is removed. The \$70,000 is provided for operating the Williston, Bowman, and Oriska visitor information centers during the 1993-95 biennium. A section is added providing that the department, after the 1994 tourism season, based on numbers of visitors and other factors, may close one of the visitor information centers.

² The information services line item is increased by \$4,465 in accordance with provisions of House Bill No. 1018.

³ The operating expenses line item is reduced by \$57,390 from the general fund to remove funding for indirect cost allocation payments to the Office of Management and Budget.

⁴ The equipment line item is reduced by \$10,000 from the general fund.

DEPARTMENT 750 - PARKS AND RECREATION DEPARTMENT

CONFERENCE COMMITTEE - This amendment separates funding for the Tourism Department from the Parks and Recreation Department pursuant to provisions of House Bill No. 1400 as follows (the executive budget, House version, and Senate version provided funding as a consolidated department):

FUNDING INCLUDED IN ENGROSSED HOUSE BILL NO. 1014

	GENERAL FUND	SPECIAL FUNDS	TOTAL
Parks and Recreation Department	\$ 6,025,122	\$3,975,353	\$10,000,475
Tourism Department (see line item detail below for tourism funding removed)	<u>4,163,628</u>	<u>180,000</u>	<u>4,343,628</u>
Total included in Engrossed House Bill No. 1014 for Parks and Tourism	\$10,188,750	\$4,155,353	\$14,344,103

TOURISM FUNDING IN
ENGROSSED HOUSE BILL
NO. 1014

Salaries and wages (10 FTEs)	\$ (705,960)
Information services	(50,400)
Operating expenses	(3,461,890)
Equipment	(25,378)
Williston and Bowman visitor centers	(40,000)
Grants	<u>(60,000)</u>
Total all funds	\$ (4,343,628)
Less estimated income	<u>(180,000)</u>
Total general fund appropriation	\$ (4,163,628)

- The salaries and wages line item is increased by \$18,338 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018.
- The information services line item is increased by \$3,670 from the general fund in accordance with the provisions of House Bill No. 1018.
- The operating expenses line item is reduced by \$32,282, \$4,534 of which is from the general fund, to remove funding for indirect cost allocation payments to the Office of Management and Budget.
- The parks and historic sites improvements line item of \$1,710,000, \$1,510,000 of which is from the general fund, is reduced by the items listed below which are transferred to other line items as follows:

Salaries and wages (parks temporary salaries)	\$ 285,534
Operating expenses (rent)	115,016
Capital improvements (extraordinary repairs)	<u>100,000</u>
Total general fund	\$ 500,550

The remaining \$1,209,450 in the parks and historic sites improvements line item is increased by \$214,732, \$114,732 of which is from the general fund and \$100,000 of federal funds. This line item total of \$1,424,182, \$1,124,182 of which is from the general fund, is provided for the following:

Historical Society enhancements of:

Salaries and wages (historic sites temporary salaries)	\$ 180,500
Operating expenses	50,000
Equipment	<u>65,000</u>
Total general fund	\$ 295,500

Other parks and historic sites improvements	<u>\$1,128,682¹</u>
Total parks and historic sites improvements line item	\$1,424,182

¹ It is the intent of the Legislative Assembly that projects consistent with completed historic sites, master plans at Fort Buford, Fort Totten, Pembina State Museum, the Chateau de Mores, and acquisition of the Boy Scout camp near Lake Metigoshe State Park be given high priority for expenditure of funds relating to this funding provided.

A section is added providing that expenditures of \$100,000 of the \$1,124,182 appropriated from the general fund in the parks and historic sites improvements line item is limited to the actual general fund turnback of the funds appropriated in Section 5 of 1991 Senate Bill No. 2016 which related to the department's acquisition of the Seventh-Day Adventist camp land near Lake Metigoshe State Park.

Rather than an interagency working group, a committee consisting of the Lieutenant Governor, one Senate Appropriations Committee member, one House Appropriations Committee member, the director of state parks, the director of state tourism, and a representative of the State Historical Board, is established to determine which parks and historic sites improvement projects the funds appropriated in the parks and historic sites improvements line item should be used for.

In total, this amendment decreases funding for the Parks and Recreation Department by \$4,139,170, \$4,031,422 of which is from the general fund and \$107,748 of special funds.

In total, this amendment increases funding in House Bill No. 1014 by \$177,606, \$105,354 of which is from the general fund and \$72,252 of special funds.

Engrossed HB 1014 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. YOCKIM MOVED that the conference committee report on Engrossed HB 1014 be adopted, which motion prevailed.

Engrossed HB 1014, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; 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; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Goetz; Tallackson; Tomac; Wogsland

HB 1014 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3074.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 11:30 a.m., which motion prevailed.

THE SENATE RECONVENED, 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 1006, HB 1010, HB 1014, HB 1155, HB 1391.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2002.

REPORT OF CONFERENCE COMMITTEE

HB 1017, as engrossed: Your conference committee (Sens. Mushik, Tallackson, Lips and Reprs. Wald, Gorman, Kaldor) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 1430-1431, adopt amendments as follows, and place HB 1017 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1626-1627 of the House Journal and pages 1430-1431 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 15, replace "9,893,723" with "9,625,310"

Page 1, line 16, replace "1,351,407" with "1,417,052"

Page 1, line 17, replace "3,553,126" with "4,369,277"

Page 1, line 19, replace "2,605,000" with "2,505,000"

Page 1, line 20, replace "1,319,931" with "2,800,000"

Page 1, line 21, replace "1,122,060" with "1,008,867"

Page 1, after line 21, insert:

"All states coverage	1,000,000"
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Page 2, line 2, replace "21,008,179" with "23,888,438"

Page 2, line 3, replace "20,997,776" with "23,878,065"

Page 2, line 4, replace "10,403" with "10,373"

Page 2, line 6, replace "\$20,904,633" with "\$23,784,922"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

CONFERENCE COMMITTEE - This amendment makes the following changes:

-- The salaries and wages line item is changed as follows:

OTHER FUNDS

Adjust for \$60 per month salary plan in accordance with the provisions of House Bill No. 1018	\$ 95,369
Remove 5 FTE staff attorneys and related salaries (funding is transferred to operating expenses)	(463,782)
Add funding to provide the funding necessary to convert 25 temporary employees to 25 authorized FTEs	<u>100,000</u>
Total change	\$(268,413)

- This amendment provides for an authorized FTE level of 155.5.
- The information services line item is increased by \$65,645 from other funds in accordance with the provisions of House Bill No. 1018.
- The operating expenses line item is changed as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Increase to provide funding for legal fee payments to the Attorney General's office (transferred \$463,782 from salaries and wages, \$100,000 from third-party administration, \$100,000 from imaging, and \$113,193 from the contingency line item) ¹		\$776,975	\$776,975
Additional funding to increase legal fees to amount needed to retain services of 5 attorneys ¹		48,639	48,639
Reduce indirect cost allocation payments	<u>\$(30)</u>	<u>(9,433)</u>	<u>(9,463)</u>
Total change	\$(30)	\$816,181	\$816,151

¹ The total amount of funding contained in the appropriation bill for payments to the Attorney General's office is \$943,374, as recommended by the Attorney General's office.

- The third-party administration line item is decreased by \$100,000 from other funds, the amount was transferred to the operating expenses line item to be used for the payment of legal fees.
- The imaging project line item is decreased by \$100,000 from other funds, the amount was transferred to the operating expenses line item to be used for the payment of legal fees. The imaging project line item is increased by \$1,580,069 from other funds, to more accurately reflect the funding needed for the imaging project. The net increase in the imaging project line item is \$1,480,069 from other funds.
- The workers' compensation contingency line item is decreased by \$113,193 from other funds, the amount was transferred to the operating expenses line item to be used for the payment of legal fees.

This amendment also adds an all states coverage line item of \$1,000,000 from other funds to provide the bureau with the necessary funding to implement the provisions of 1993 House Bill No. 1222.

In total, this amendment decreases the general fund appropriation to the bureau by \$30, and increases the other funds appropriation by \$2,880,289, for a net increase of \$2,880,259.

Engrossed HB 1017 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. MUSHIK MOVED that the conference committee report on Engrossed HB 1017 be adopted, which motion prevailed.

Engrossed HB 1017, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions; and to provide for authorization to expend funds from the workers' compensation contingency line item.

ROLL CALL

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

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

NAYS: Andrist; Bowman; Mutch; Naaden; Sand; Stenehjem, B.; Streibel

HB 1017 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2005, as engrossed: Your conference committee (Sens. Robinson, Tallackson, Naaden and Reps. Wald, Bateman, Nichols) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1234-1238, adopt amendments as follows, and place SB 2005 on the Seventh order:

That the House recede from its amendments as printed on pages 1234-1238 of the Senate Journal and pages 1369-1373 of the House Journal and that Engrossed Senate Bill No. 2005 be amended as follows:

Page 1, line 4, replace "a statement" with "statements"

Page 1, line 16, replace "18,160,246" with "18,205,201"

Page 1, line 17, replace "3,433,000" with "3,333,000"

Page 1, line 18, replace "429,000" with "400,000"

Page 1, line 19, replace "22,022,246" with "21,938,201"

Page 1, line 20, replace "11,883,369" with "11,889,529"

Page 1, line 21, replace "10,138,877" with "10,048,672"

Page 2, line 3, replace "710,313" with "711,655"

Page 2, line 6, replace "892,713" with "894,055"

Page 2, line 7, replace "317,168" with "317,557"

Page 2, line 8, replace "575,545" with "576,498"

Page 2, after line 8, insert:

"Subdivision 3."

Page 2, line 10, replace "31,611,129" with "31,089,443"

Page 2, line 11, replace "5,136,557" with "3,976,978"

Page 2, line 12, replace "1,437,996" with "1,397,746"

Page 2, line 15, replace "39,139,482" with "37,417,967"

Page 2, line 16, replace "16,699,399" with "16,493,699"

Page 2, line 17, replace "22,440,083" with "20,924,268"

Page 2, line 20, replace "976,028" with "981,689"

Page 2, line 21, replace "457,971" with "420,103"

Page 2, line 22, replace "41,076" with "39,076"

Page 2, line 23, replace "1,475,075" with "1,440,868"

Page 2, line 25, replace "1,043,399" with "1,009,192"

Page 2, line 28, replace "435,023" with "437,639"

Page 2, line 29, replace "351,500" with "358,593"

Page 3, line 1, replace "101,293" with "75,193"

Page 3, line 2, replace "887,816" with "871,425"

Page 3, line 4, replace "539,916" with "523,525"

Page 3, line 7, replace "480,302" with "484,643"

Page 3, line 8, replace "206,512" with "187,567"

Page 3, line 9, replace "73,600" with "72,600"

Page 3, line 10, replace "760,414" with "744,810"

Page 3, line 12, replace "526,928" with "511,324"

Page 3, line 15, replace "545,386" with "548,298"

Page 3, line 16, replace "185,433" with "163,862"

Page 3, line 17, replace "44,000" with "42,800"

Page 3, line 18, replace "774,819" with "754,960"

Page 3, line 20, replace "602,189" with "582,330"

Page 3, line 23, replace "433,919" with "437,026"

Page 3, line 24, replace "248,475" with "232,563"

Page 3, line 25, replace "42,000" with "41,200"

Page 3, line 26, replace "724,394" with "710,789"

Page 3, line 28, replace "395,294" with "381,689"

Page 4, line 2, replace "646,398" with "650,104"

Page 4, line 3, replace "153,620" with "130,372"

Page 4, line 4, replace "64,900" with "63,900"

Page 4, line 5, replace "864,918" with "844,376"

Page 4, line 6, replace "315,870" with "312,775"

Page 4, line 7, replace "549,048" with "531,601"

Page 4, line 10, replace "1,186,338" with "1,192,279"

Page 4, line 11, replace "598,822" with "554,792"

Page 4, line 12, replace "108,900" with "106,250"

Page 4, line 13, replace "1,894,060" with "1,853,321"

Page 4, line 14, replace "960,815" with "955,723"

Page 4, line 15, replace "933,245" with "897,598"

Page 4, line 18, replace "275,534" with "276,640"

Page 4, line 21, replace "809,034" with "810,140"

Page 4, line 24, replace "1,237,875" with "1,244,067"

Page 4, line 27, replace "1,417,875" with "1,424,067"

Page 4, line 28, replace "1,057,058" with "1,134,245"

Page 5, line 1, replace "360,817" with "289,822"

Page 5, line 2, replace "38,105,341" with "36,276,519"

Page 5, line 3, replace "33,557,505" with "33,428,460"

Page 5, line 4, replace "71,662,846" with "69,704,979"

Page 6, after line 9, insert:

"SECTION 7. LAND RECLAMATION RESEARCH CENTER - 1993-95 BIENNIUM REPORTS. The land reclamation research center shall file an annual report with the legislative council and the lignite research council on August 1, 1993, and August 1, 1994. The annual report must contain a description and analysis of the conclusions reached from each reclamation research project that has been completed during the preceding fiscal year and a brief description and analysis of any conclusions reached from all ongoing projects. The report must also include any recommendations for reducing unnecessary and duplicative regulatory costs that do not contribute to effective reclamation practices.

The land reclamation research center, in consultation with the lignite research council, shall report to the budget section of the legislative council in October 1994 on additional reclamation research needed, if any, to reduce unnecessary and duplicative regulatory costs involved in

the reclamation process and on general fund appropriations needed, if any, to continue operating the land reclamation research center for the 1995-97 biennium.

SECTION 8. LEGISLATIVE INTENT - SEPARATE BUDGETS. It is the intent of the legislative assembly that funds appropriated in this Act not be commingled with the funds appropriated to North Dakota state university in House Bill No. 1519 for the biennium beginning July 1, 1993, and ending June 30, 1995. Further, it is the intent of the legislative assembly that appropriation requests to defray the expenses of the North Dakota state university extension service, the northern crops institute, and the entities of the North Dakota agricultural experiment station for the 1995-97 biennium be separate from the appropriation request for funding the higher education institutions under the control of the board of higher education."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 630 - NDSU EXTENSION SERVICE

CONFERENCE COMMITTEE - This amendment makes the following changes:

The salaries and wages line item is increased by \$56,001, \$49,841 of which is from the general fund, to reflect the state employee salary increase provisions of House Bill No. 1018.

The salaries and wages line item is reduced by \$11,046 from the general fund. The House had reduced the Senate level by \$111,046 and the Conference Committee restored \$100,000 of the reduction.

The operating expenses line item is reduced by \$100,000 from the general fund for operating expense reductions in campus operations, the same as the House version.

The equipment line item is reduced by \$29,000 from the general fund to reduce equipment purchases for campus operations, the same as the House version.

In total, this amendment reduces funding for the NDSU Extension Service by \$84,045. General fund support is reduced by \$90,205 and other funds are increased by \$6,160. A comparison of the general fund appropriations in the various proposals for funding the NDSU Extension Service is as follows:

	SINNER BUDGET	SCHAFFER BUDGET	SENATE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE
General fund	\$10,313,877	\$9,269,831	\$10,138,877	\$9,898,831	\$10,048,672
Percentage of 1991-93 appropriated level ¹	89%	83%	91%	89%	90%

¹ For comparison purposes, these percentages exclude 1993-95 funding for the employee salary increase package.

DEPARTMENT 638 - NORTHERN CROPS INSTITUTE

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$1,342, \$953 of which is from the general fund, to reflect the state employee salary increase provisions of House Bill No. 1018.

DEPARTMENT 640 - MAIN RESEARCH STATION

CONFERENCE COMMITTEE - The following schedule details the changes made in this amendment:

SUMMARY OF GENERAL FUND CHANGES TO AGRICULTURAL EXPERIMENT
STATION FUNDING CONTAINED IN SENATE BILL NO. 2005

	ENGROSSED SENATE BILL NO. 2005	\$60 PER MONTH SALARY INCREASE ADJUSTMENT	GENERAL FUND SUPPORT OF LRRC ¹	REDUCE LRRC GENERAL FUND SUPPORT ²	REMOVE AG PRODUCTION RESEARCH ADDED IN SENATE ³	OTHER ADJUSTMENTS ⁴	TOTAL NET CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE RECOMMENDATION
Main Research Station	\$22,440,083	\$41,413	\$(156,305)		\$(556,340)	\$(844,583)	\$(1,515,815)	\$20,924,268
Dickinson Research Center	1,043,399	5,661	(7,198)		(24,570)	(8,100)	(34,207)	1,009,192
Central Grasslands Research Center	539,916	2,616	(3,756)		(10,951)	(4,300)	(16,391)	523,525
Hettinger Research Center	526,928	4,341	(3,754)		(12,091)	(4,100)	(15,604)	511,324
Langdon Research Center	602,189	2,912	(4,241)		(13,730)	(4,800)	(19,859)	582,330
North Central Research Center	395,294	3,107	(2,689)		(10,923)	(3,100)	(13,605)	381,689
Williston Research Center	549,048	3,706	(3,876)		(13,177)	(4,100)	(17,447)	531,601
Carrington Research Center	933,245	4,396	(6,418)		(23,225)	(10,400)	(35,647)	897,598
Agronomy Seed Farm	0	0					0	0
Land Reclamation Research Center	<u>360,817</u>	<u>0</u>		<u>\$(70,995)</u>			<u>(70,995)</u>	<u>289,822</u>
Total Agricultural Experiment Station	\$27,390,919	\$68,152	\$(188,237)	\$(70,995)	\$(665,007)	\$(883,483)	\$(1,739,570)	\$25,651,349
FTEs	428.5				(6.23)		(6.23)	422.27

- ¹ Reduces funding from the general fund for operating expenses of the Main Research Station and branch research centers.
- ² General fund support of \$360,817 for the Land Reclamation Research Center is reduced by \$70,995 to \$289,822 and other funds of \$70,995 are added to allow the center to apply for grants to support its recommended budget level. The general fund appropriation is provided for:

Salaries and wages (1 scientist and 2 support staff)	\$ 249,822
Operating expenses	<u>40,000</u>
Total general fund support	\$ 289,822

The House provided no general fund support for the Land Reclamation Research Center.

- ³ Removes funding added in the Senate for agriculture production research as follows:
- | | |
|--------------------------------|------------------|
| Main Research Station | |
| Salaries and wages (6.23 FTEs) | \$(556,340) |
| Branch research centers | |
| Operating expenses | <u>(108,667)</u> |
| Total general fund | \$(665,007) |

- ⁴ Reduces funding for the Main Research Station and the branch research centers for the following programs:

Natural resource management (operating expenses and equipment)	\$ (50,000)
Crop and livestock production research (operating expenses and equipment)	(50,000)
Agriculture production research (operating expenses and equipment)	(139,183)
Additional funding for salaries and wages at the Main Research Station	55,700
Additional operating expense reduction at the Main Research Station	<u>(700,000)</u>
Total general fund	\$(883,483)

The agroforestry program at the Dickinson Research Center included in the House version at \$100,000 from the general fund is not included in this amendment.

Salaries and wages funding reduced by \$155,700 from the general fund at the branch research centers in the House version is not reduced under provisions of this amendment.

Funding of \$25,000 is removed from equipment and added to operating expenses at the Central Grasslands Research Center.

A section of legislative intent is added providing that funds appropriated in Senate Bill No. 2005 not be commingled with funds appropriated to North Dakota State University and that the funding requests for the NDSU Extension Service, Northern Crops Institute, and the entities of the Agricultural Experiment Station for the 1995-97 biennium be separate from funding requests for higher education institutions under the control of the Board of Higher Education.

A section of legislative intent is added providing that the Land Reclamation Research Center file annual reports with the Legislative Council and the Lignite Research Council and that the center report to the Budget Section in

October 1994 on the status of reclamation research and on the amount of general fund appropriations needed to continue the operations of the Land Reclamation Research Center for the 1995-97 biennium.

A comparison of the general fund appropriations in the various proposals for funding the Agricultural Experiment Station is as follows:

	SINNER BUDGET	SCHAFFER BUDGET	SENATE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE
General fund	\$27,202,682	\$25,537,675	\$27,390,919	\$25,237,675	\$25,651,349
Percentage of 1991-93 appropriated level ¹	99%	94%	101%	93%	95%

¹ For comparison purposes, these percentages exclude 1993-95 funding for the employee salary increase package.

In total, this amendment reduces funding in Senate Bill No. 2005 by \$1,957,867, general fund support is reduced by \$1,828,822, and other funds are reduced by \$129,045.

Engrossed SB 2005 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 2005 be adopted, which motion prevailed.

Engrossed SB 2005, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act making an appropriation for defraying the expenses of the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station; and to provide statements of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 2005 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TOMAC MOVED that the conference committee report on SB 2486 be adopted, which motion prevailed.

SB 2486, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2486: A BILL for an Act to amend and reenact section 12-48-03.1 of the North Dakota Century Code, relating to the sale of products produced by roughrider industries; 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 19 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Marks; Naaden; Nalewaja; Nelson; Nething; O'Connell; Sand; Solberg; Stenehjelm, B.; Stenehjem, W.; Tennefos; Traynor

NAYS: Andrist; DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsch; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; Mutch; Redlin; Robinson; Scherber; Schoenwald; Streibel; Tallackson; Thane; Tomac; Urlacher; Wogsland; Yockim

SB 2486 lost.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 1:30 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 1017.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2005.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: SB 2486.

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

MR. SPEAKER: The President has announced that Sen. Lips will replace Sen. Holmberg on the conference committee on HB 1005.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 3:30 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 Speaker announced that the conference committee on HB 1005 has been dissolved and that a new conference committee has been appointed on HB 1005: Reps. Dorso, Howard, Huether.

REPORT OF CONFERENCE COMMITTEE

SB 2024, as engrossed: Your conference committee (Sens. Dotzenrod, Kinnoin, Tennefos (refused to sign) and Reps. Timm, Wardner, Nelson) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 988, adopt amendments as follows, and place SB 2024 on the Seventh order:

That the House recede from its amendments as printed on page 988 of the Senate Journal and page 1061 of the House Journal and that Engrossed Senate Bill No. 2024 be amended as follows:

Page 1, line 16, replace "A" with "For taxable year 1993, a taxing district may elect to levy at most three percent more than the amount levied in

dollars in the base year. For taxable year 1994, a" and remove "in the"

Page 1, line 17, remove "budget year"

Re-number accordingly

Engrossed SB 2024 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Engrossed SB 2024 be adopted, which motion prevailed.

Engrossed SB 2024, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act providing optional property tax levy increase authority for political subdivisions and providing limitations on that authority; and to provide an effective date and an expiration 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 36 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Schoenwald; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland

NAYS: Bowman; DeMers; Mathern; Maxson; O'Connell; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Streibel; Tennefos; Yockim

SB 2024 passed and the title was agreed to.

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 1136.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2002, SB 2005.

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 1004, HB 1212, HB 1389, HB 1518.

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: SB 2040.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2024.

REPORT OF CONFERENCE COMMITTEE

HB 1136, as engrossed: Your conference committee (Sens. Keller, Schoenwald, Krebsbach and Reps. Tollefson, Jacobs, Mahoney) recommends that the HOUSE ACCEDE to the Senate amendments on SJ page 960 and place HB 1136 on the Seventh order.

Engrossed HB 1136 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed HB 1136 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1004, as engrossed: Your conference committee (Sens. DeMers (refused to sign), Mushik, Goetz and Reps. Byerly, Payne, Wilkie) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 1352-1354, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1571-1572 of the House Journal and pages 1352-1354 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

Page 1, line 11, replace "1,852,362" with "1,968,696"

Page 1, line 12, replace "36,464" with "38,770"

Page 1, line 13, replace "489,456" with "474,265"

Page 1, line 15, replace "2,393,775" with "2,497,224"

Page 1, line 16, replace "1,100,115" with "1,170,447"

Page 1, line 17, replace "1,293,660" with "1,326,777"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

CONFERENCE COMMITTEE - This amendment makes the following changes:

Salaries and wages are adjusted as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Adjust salaries and wages to provide funds for the legislative salary increase plan in accordance with the provisions of HB 1018	\$ 18,869	\$ 0	\$ 18,869
Add .5 FTE developmental disabilities secretary		22,060	22,060
Allow 1 FTE mental health advocate and .5 FTE administrative secretary to the extent other nonfederal funds become available		<u>75,405</u>	<u>75,405</u>
Total	\$ 18,869	\$ 97,465	\$ 116,334

Information services is increased to restore a portion of the House reduction in accordance with the provisions of HB 1018 (The House cut a total of \$4,052, of which \$1,864 is from the general fund. This amendment reduces ISD in total by \$1,746, of which \$804 is from the general fund.)	\$ 1,060	\$ 1,246	\$ 2,306
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Operating expenses are adjusted as follows:

Remove costs for indirect cost allocation	\$ (6,824)	\$ (5,812)	\$ (12,636)
Adjust Merit System fees (Allows \$1,237 of other funds to be paid for this purpose. The House had included a total of \$3,792, of which \$2,048 was from the general fund.)	<u>(2,048)</u>	<u>(507)</u>	<u>(2,555)</u>

Total	\$ (8,872)	\$ (6,319)	\$ (15,191)
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Funding source change related to .5 FTE added	\$ 22,060	\$ (22,060)	\$ 0
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Total changes to Engrossed House Bill No. 1004	\$ 33,117	\$ 70,332	\$ 103,449
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Conference committee version House Bill No. 1004	\$1,326,777	\$1,170,447	\$2,497,224
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The other funds increase of \$75,405 is to be from nonfederal fund sources and is to allow the agency to attempt to secure funding from other sources to fund the 1.5 FTE mental health positions.

Engrossed HB 1004 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. MUSHIK MOVED that the conference committee report on Engrossed HB 1004 be adopted, which motion prevailed.

Engrossed HB 1004, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Marks; Mutch; Naaden; Sand; Solberg; Streibel; Tennefos

ABSENT AND NOT VOTING: Kelsh; Wogsland; Yockim

HB 1004 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1212, as engrossed: Your conference committee (Sens. Dotzenrod, Kinnoin, Tennefos and Reps. Timm, Freier, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 913, adopt amendments as follows, and place HB 1212 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1184-1185 of the House Journal and page 913 of the Senate Journal and that Engrossed House Bill No. 1212 be amended as follows:

Page 1, line 12, replace "three" with "two" and after "dollar" insert "and fifty cent"

Page 2, line 10, remove "Two dollars of the fees charged by the register"

Page 2, remove lines 11 and 12

Page 2, line 15, remove "Two"

Page 2, remove lines 16 through 19

Page 2, line 22, remove "Two dollars of"

Page 2, remove lines 23 through 26

Page 2, line 29, remove "Two"

Page 3, remove lines 1 through 3

Page 3, line 5, remove "Two dollars of the fees"

Page 3, remove lines 6 and 7

Renumber accordingly

Engrossed HB 1212 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Engrossed HB 1212 be adopted, which motion prevailed.

Engrossed HB 1212, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1212: A BILL for an Act to create and enact a new section to chapter 41-09 of the North Dakota Century Code, relating to fees for filing documents in the Uniform Commercial Code central filing system; to amend and reenact subsections 5, 9, and 10 of section 41-09-42 of the North Dakota Century Code, relating to fees for obtaining information from the Uniform Commercial Code central filing system; and to provide an expiration 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 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; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber;

Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel;
Tallackson; Tennefos; Thane; Traynor; Urlacher; Wogsland

NAYS: DeMers; Krauter; Marks; Maxson; O'Connell; Tomac; Yockim

HB 1212 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1389, as reengrossed: Your conference committee (Sens. Lindaas, Tallackson, Lips and Reps. D. Olsen, Klein, Thorpe) recommends that the **SENATE RECEDE** from the Senate amendments on SJ pages 1438-1439, adopt amendments as follows, and place HB 1389 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1701-1702 of the House Journal and pages 1438-1439 of the Senate Journal and that Reengrossed House Bill No. 1389 be amended as follows:

Page 1, line 4, remove the third "and"

Page 1, line 5, after "penalty" insert "; and to declare an emergency"

Page 2, line 17, after "who" insert "has filed a resident North Dakota income tax return for the year prior to the effective date of this Act and who"

Page 2, line 24, replace "six" with "twelve"

Page 3, line 2, replace the period with "; or"

Page 3, line 3, replace ""Resident" also means a veteran who was" with "Was"

Page 3, line 9, replace "ten" with "seven"

Page 4, line 2, replace the second "1993" with "1994"

Page 6, line 12, after "and" insert "up to \$190,000 from"

Page 6, line 14, replace "are" with "is"

Page 6, line 17, replace "June 30, 1995" with "December 31, 1994"

Page 6, after line 17, insert:

"SECTION 10. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

Reengrossed HB 1389 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. LINDAAS MOVED that the conference committee report on Reengrossed HB 1389 be adopted, which motion prevailed.

Reengrossed HB 1389, as amended, was placed on the Fourteenth order.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

REPORT OF CONFERENCE COMMITTEE

HB 1518: Your conference committee (Sens. Langley, Krauter, Streibel and Reps. Dorso, Froseth, Mahoney) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 1689-1690, adopt amendments as follows, and place HB 1518 on the Seventh order:

That the Senate recede from its amendments as printed on pages 2077-2078 of the House Journal and pages 1689-1690 of the Senate Journal and that House Bill No. 1518 be amended as follows:

Page 1, line 3, replace "and" with "to provide for reports to the budget section of the legislative council;"

Page 1, line 4, after "appropriation" insert "; and to provide an expiration date"

Page 4, after line 21, insert:

- "7. Provides that every employee participating in the new jobs training program must be paid an income at least equal to one hundred twenty percent of the federal poverty level for a family of four as determined at the date of commencement of the project, for the life of the loan."

Page 5, line 7, after "the" insert "new"

Page 5, line 9, after "each" insert "new"

Page 5, line 13, replace "ot" with "to"

Page 5, line 23, replace "An" with "A new"

Page 6, after line 20, insert:

"SECTION 5. REPORTS TO LEGISLATIVE COUNCIL BUDGET SECTION. The tax commissioner shall report to the budget section of the legislative council the allocations to the special fund under section 3 of this Act, the executive director of job service North Dakota shall report to the budget section on the agreements entered under section 2 of this Act, and the director of the department of economic development and finance shall report to the budget section on loans, grants, and new jobs qualified for program services. The tax commissioner, executive director of job service North Dakota, and the director of the department of economic development and finance shall provide any other information relating to this Act which the budget section requests. The reports must be presented at the times requested by the budget section, but not less than once in each calendar year.

SECTION 6. EXPIRATION DATE. This Act is ineffective after June 30, 1995, but the provisions of this Act as they existed on June 30, 1995, remain effective after that date for any loan, grant, or agreement entered or rule adopted before July 1, 1995."

Renumber accordingly

HB 1518 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the conference committee report on HB 1518 be adopted, which motion prevailed.

HB 1518, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1518: A BILL for an Act to assist community economic development by providing incentive to businesses to locate and expand within the state through government-assisted new jobs training; to provide for reports to the budget section of the legislative council; to provide a continuing appropriation; and to provide an expiration 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1518 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2108: Your conference committee (Sens. Maxson, Mathern, Lindgren and Reps. Dorso, Jacobs, Mahoney) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 890-891 and place SB 2108 on the Seventh order.

SB 2108 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on SB 2108 be adopted, which motion prevailed.

SB 2108, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to amend and reenact subsection 2 of section 52-06-04 and section 52-06-05 of the North Dakota Century Code, relating to eligibility for unemployment compensation benefits.

ROLL CALL

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

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

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

SB 2108 passed and the title was agreed to.

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 signed and your signature is respectfully requested on: HCR 3074.

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 1001.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1519.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1004, HB 1212, HB 1518.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1136.

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 on HB 1389.

REPORT OF CONFERENCE COMMITTEE

HB 1001, as engrossed: Your conference committee (Sens. Robinson, Tallackson, Holmberg and Reps. Gerntholz, Clayburgh, Kroeber) recommends that the **SENATE RECEDE** from the Senate amendments on SJ pages 1470-1489, adopt amendments as follows, and place HB 1001 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1638-1657 of the House Journal and pages 1470-1489 of the Senate Journal and that Engrossed House Bill No. 1001 be amended as follows:

Page 1, replace lines 2 through 4 with "various elected officials, the securities commissioner, the legislative council, and the insurance tax payments to fire departments; to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the authority of the attorney general to borrow funds to obtain evidence for law enforcement; to amend and reenact section 5-03-01, subsection 3 of section 26.1-01-07.1, subsection 7 of section 49-02-02, sections 53-06.1-12.1, 54-12-17, 54-12-18, and 60-06-06.1 of the North Dakota Century Code, relating to an exemption to wholesale liquor license

requirements, the operation of the insurance regulatory trust fund, regulation of public utilities by the public service commission, deposit of the games of chance tax, operation of the attorney general refund fund, and the name of the consumer fraud and antitrust division; and to repeal sections 49-06-18, 49-06-19, 49-06-20, 49-06-21, 49-06-22, and 49-06-23 of the North Dakota Century Code, relating to costs of hearings for purposes of valuing public utility property and the public utility valuation fund."

Page 1, line 16, replace "1,297,585" with "1,564,596"

Page 1, line 17, replace "38,250" with "42,387"

Page 1, line 18, replace "316,021" with "323,153"

Page 1, line 19, replace "7,845" with "9,145"

Page 1, line 20, replace "7,000" with "13,893"

Page 2, line 1, replace "3,239" with "5,239"

Page 2, line 3, replace "1,674,340" with "1,962,813"

Page 2, remove lines 4 through 11

Page 2, line 12, replace "3" with "2"

Page 2, line 14, replace "1,431,069" with "1,448,489"

Page 2, line 15, replace "1,128,850" with "1,194,938"

Page 2, replace line 18 with:

"Limited liability administration 5,000"

Page 2, line 21, replace "4,150,908" with "3,639,416"

Page 2, line 22, replace "4" with "3"

Page 2, line 24, replace "10,871,514" with "11,341,664"

Page 2, line 25, replace "527,184" with "515,684"

Page 2, line 26, replace "2,765,693" with "2,734,586"

Page 2, line 28, replace "1,383,564" with "2,363,504"

Page 2, line 29, replace "2,087,595" with "1,650,118"

Page 3, line 5, replace "400,000" with "250,000"

Page 3, after line 6, insert:

"Racing commission 222,421"

Page 3, line 8, replace "20,123,020" with "21,165,447"

Page 3, line 9, replace "8,406,738" with "9,388,462"

Page 3, line 10, replace "11,716,282" with "11,776,985"

Page 3, line 11, replace "5" with "4"

Page 3, line 13, replace "4,531,194" with "4,547,666"

Page 3, line 14, replace "108,900" with "116,329"

Page 3, line 17, replace "5,094,596" with "5,118,497"

Page 3, line 18, replace "1,899,298" with "1,843,076"

Page 3, line 19, replace "3,195,298" with "3,275,421"

Page 3, line 20, replace "6" with "5"

Page 3, line 22, replace "546,745" with "552,085"

Page 3, line 23, replace "24,385" with "32,167"

Page 3, line 26, replace "740,000" with "745,670"

Page 3, line 27, replace "1,375,301" with "1,394,093"

Page 3, line 29, replace "1,370,301" with "1,389,093"

Page 4, line 1, replace "7" with "6"

Page 4, line 3, replace "10,257,712" with "10,421,404"

Page 4, line 7, replace "Expert" with "Attorney and expert" and replace "160,000" with "190,000"

Page 4, line 10, replace "14,667,693" with "14,861,385"

Page 4, line 12, replace "14,517,693" with "14,711,385"

Page 4, line 13, replace "8" with "7"

Page 4, line 15, replace "548,715" with "580,487"

Page 4, line 16, replace "22,500" with "24,535"

Page 4, line 17, replace "146,151" with "110,313"

Page 4, line 19, replace "721,566" with "719,535"

Page 4, line 20, replace "85,905" with "82,080"

Page 4, line 21, replace "635,661" with "637,455"

Page 4, line 22, replace "9" with "8"

Page 4, line 24, replace "4,321,823" with "4,267,388"

Page 4, line 25, replace "104,872" with "113,286"

Page 4, line 26, replace "5,380,283" with "5,199,461"

Page 4, line 29, replace "9,899,078" with "9,672,235"

Page 5, line 1, replace "6,296,381" with "6,180,697"

Page 5, line 2, replace "3,602,697" with "3,491,538"

Page 5, line 3, replace "10" with "9"

Page 5, line 5, replace "2,316,014" with "2,401,963"

Page 5, line 6, replace "78,974" with "86,257"

Page 5, line 7, replace "1,657,859" with "1,450,875"

Page 5, line 12, replace "108,000" with "214,000"

Page 5, after line 12, insert:

"Rangeland grasshopper control 50,000"

Page 5, line 13, replace "542,235" with "592,235"

Page 5, line 15, replace "1,032,856" with "982,856"

Page 5, line 17, replace "8,284,195" with "8,326,443"

Page 5, line 18, replace "3,925,642" with "3,939,663"

Page 5, line 19, replace "4,358,553" with "4,386,780"

Page 5, line 20, replace "11" with "10"

Page 5, line 22, replace "3,008,499" with "3,192,202"

Page 5, line 23, replace "74,469" with "83,243"

Page 5, line 24, replace "641,445" with "770,478"

Page 5, line 25, replace "11,609" with "19,609"

Page 5, line 26, replace "288,387" with "341,552"

Page 5, remove line 27

Page 5, line 28, replace "all" with "special", after "funds" insert "appropriation", and replace "9,224,409" with "4,407,084"

Page 5, remove line 29

Page 6, remove line 1

Page 6, line 2, replace "12" with "11"

Page 6, line 4, replace "518,638" with "521,121"

Page 6, line 5, replace "16,421" with "17,920"

Page 6, line 8, replace "602,710" with "606,692"

Page 6, line 9, replace "54,320,325" with "46,025,578"

Page 6, line 10, replace "21,772,505" with "31,258,762"

Page 6, line 11, replace "76,092,830" with "77,284,340"

Page 6, after line 11, insert:

"SECTION 2. APPROPRIATION - INSURANCE TAX PAYMENTS TO FIRE DEPARTMENTS. There is hereby appropriated out of any moneys in the insurance tax distribution fund in the state treasury, not otherwise appropriated, the sum of \$5,262,700, or so much of the sum as may be necessary, to the commissioner of insurance for the purpose of making payments of insurance premiums to fire departments for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. INSURANCE TAX PAYMENTS TO FIRE DEPARTMENTS - ADDITIONAL INCOME - APPROPRIATION. All income deposited in the

insurance tax distribution fund pursuant to the provisions of House Bill No. 1036, as approved by the fifty-third legislative assembly, in addition to the funds appropriated in section 2 of this Act, is hereby appropriated to the commissioner of insurance for the purpose of making payments of insurance premiums to fire departments for the biennium beginning July 1, 1993, and ending June 30, 1995, and may be spent only upon approval of the budget section of the legislative council.

SECTION 4. APPROPRIATION - LEGISLATIVE COUNCIL. Notwithstanding section 49-21-22, there is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000, or so much of the sum as may be necessary, to the legislative council for the purpose of paying per diem for the 1991-93 biennium for legislative members of the regulatory reform review commission for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 5. REGULATORY REFORM REVIEW COMMISSION EXPENSES - CHARGES TO UTILITY COMPANIES. The public service commission shall charge public utility companies actual costs incurred pursuant to section 4 of this Act plus actual costs associated with the regulatory reform review commission, including expenses of legislative members of the commission for the period ending June 30, 1995, and deposit the moneys collected pursuant to this section in the general fund.

SECTION 6. TRANSFER. On July 1, 1993, the state treasurer shall transfer the unobligated balance of the public utility valuation fund to the general fund in the state treasury. After payment of all obligations of the public utility valuation fund, the state treasurer shall transfer the balance to the general fund in the state treasury.

SECTION 7. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the public service commission for the purpose of defraying the expenses of public utility regulation for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 8. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$45,000, or so much of the sum as may be necessary, to the legislative council for the purpose of defraying the expenses of the legislative members of the regulatory reform review commission for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 9. LEGISLATIVE INTENT - SECRETARY OF STATE. It is the intent of the legislative assembly that the secretary of state pay no more than seventy-one percent of central indexing system fee collections to counties for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 10. STATE AUDITOR - APPROPRIATION LIMITATION. Of the \$3,275,421 appropriated from the general fund to the state auditor in subdivision 4 of section 1 of this Act, \$63,000 of this amount is equal to the estimated amount of funds remaining unspent from the general fund appropriation provided to the state auditor for the 1991-93 biennium contained in 1991 Senate Bill No. 2001. Expenditure of funds pursuant to this \$63,000 general fund appropriation included in subdivision 4 of section 1 of this Act may not exceed the amount of funds remaining unspent pursuant to the general fund appropriation contained in subdivision 5 of section 1 of 1991 Senate Bill No. 2001.

SECTION 11. INSURANCE REGULATORY TRUST FUND - TRANSFER. Notwithstanding subsection 3 of section 26.1-01-07.1, the state

treasurer shall transfer any funds in excess of \$1,500,000 in the insurance regulatory trust fund on June 30, 1994, to the general fund."

Page 6, line 18, replace "4" with "3" and replace "\$615,022" with "\$617,522"

Page 6, line 25, replace "4" with "3"

Page 6, line 29, after the period insert "The attorney general may make a payment to a city or county pursuant to this section only if the amount owed to a city or county for that quarter is ten dollars or more."

Page 7, line 5, replace "\$1,064,000" with "\$1,025,000"

Page 7, line 11, replace "4" with "3"

Page 7, line 12, replace "11" with "10"

Page 7, line 13, replace "\$97,110" with "\$112,969"

Page 7, line 18, replace "11" with "10" and replace "\$259,025" with "\$646,996"

Page 7, line 20, after "expenses" insert "and boiler inspection program expenses"

Page 7, line 23, replace "11" with "10" and replace "\$111,089" with "\$129,540"

Page 7, line 28, replace "\$179,593" with "\$182,571"

Page 7, line 29, replace "11" with "10"

Page 8, line 5, replace "4" with "3" and replace "\$400,000" with "\$250,000"

Page 8, line 11, replace "4" with "3"

Page 8, line 22, replace "9" with "8"

Page 8, line 24, replace "4" with "3"

Page 9, line 2, replace "5" with "4" and replace "\$1,289,530" with "\$1,245,390"

Page 9, line 3, replace "\$1,289,530" with "\$1,245,390"

Page 9, line 7, replace "6" with "5"

Page 9, line 12, replace "10" with "9"

Page 9, line 13, replace "\$1,335,000" with "\$1,235,000"

Page 9, line 16, replace "\$600,000" with "\$650,000" and replace "\$735,000" with "\$585,000"

Page 9, line 18, replace "\$735,000" with "\$585,000" and replace "\$200,000" with "\$50,000"

Page 9, line 22, replace "\$200,000" with "\$50,000" and replace "10" with "9"

Page 9, line 24, after the second period insert "Of the \$650,000 provided for the pesticide program, \$50,000 of this amount is equal to the additional estimated amount of funds remaining unspent in addition to the amounts appropriated in Senate Bill No. 2387 from the appropriation provided for the pesticide program for the 1991-93 biennium contained in 1991 Senate Bill No. 2025. Expenditure of funds pursuant to this

\$50,000 included in the estimated income line item in subdivision 9 of section 1 of this Act may not exceed the amount of funds remaining unspent, pursuant to the appropriation contained in 1991 Senate Bill No. 2025 considering the amounts appropriated in Senate Bill No. 2387."

Page 9, after line 24, insert:

"SECTION 27. AMENDMENT. Section 5-03-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5-03-01. State wholesale license required - Qualifications - Penalty - Exception. Before any person engages in the sale at wholesale of beer or liquor in this state, that person shall first procure a license from only the state treasurer. ~~That~~ A lender who acquires an inventory of beer or liquor by reason of foreclosure of a security interest in the inventory is exempt from obtaining a license before the sale of the inventory. The lender shall offer the inventory for sale first to the wholesaler. A lender who forecloses upon a security interest in beer inventory for which the lender has a security interest shall dispose of the beer inventory within ninety days of obtaining possession of the inventory. The license must only allow sale to licensed retailers, licensed wholesalers, regular retail outlets on federal military reservations, and sale for export from a federally bonded warehouse, or a foreign trade zone, to an export bonded warehouse. No ~~such~~ license may be issued unless the applicant files a sworn application, accompanied by the required fee, showing the following qualifications:

1. If the applicant is not a corporation, the applicant must be a citizen of the United States and a resident of this state and a person of good moral character. If the applicant is a corporation, the manager of the licensed premises must be a resident of this state, a citizen of the United States, and a person of good moral character, and the officers, directors, and stockholders must be citizens of the United States and persons of good moral character. Corporate applicants must first be properly registered with the secretary of state.
2. The state treasurer may require the applicant to set forth other information necessary to enable the state treasurer to determine if a license should be granted.
3. A person is not eligible for such a license unless that person has a warehouse and office in this state, in which is kept a complete set of records relative to that person's alcoholic beverage transactions in this state.
4. The applicant may not have any financial interest in any retail alcoholic beverage business.
5. The provisions of this section relating to warehousing do not apply to a wholesaler of beer located in an adjoining state that permits wholesalers licensed in North Dakota to deliver beer to retailers without warehousing in that state.

Any person distributing alcoholic beverages in this state without compliance with ~~the provisions of~~ this title is guilty of a class B misdemeanor.

SECTION 28. AMENDMENT. Subsection 3 of section 26.1-01-07.1 of the North Dakota Century Code is amended and reenacted as follows:

3. Any cash balance in the insurance regulatory trust fund after all current biennium expenditures are met must be carried forward in the insurance regulatory trust fund for the next

succeeding biennium, except when the balance at the end of the biennium exceeds ~~two~~ one million five hundred thousand dollars, any excess will be transferred to the general fund in the state treasury.

SECTION 29. AMENDMENT. Subsection 7 of section 49-02-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7. Employ, and fix the compensation of, rate experts, engineers, auditors, attorneys, and all other expert help and assistance for hearings or investigations on rate increase application ~~hearings, investigations, and proceedings relating to applications filed by gas, or electric, or telecommunications public utilities.~~ The expense of any ~~hearings, or investigations, and proceedings,~~ and the ~~compensation and~~ actual expenses of any employees of the commission while engaged upon any ~~such hearing, or investigation, or proceeding,~~ shall must upon the order of the commission be paid by the public utility ~~being investigated or involved in such hearing or proceeding.~~ The commission shall ascertain ~~such~~ the costs and expenditures. After giving the public utility notice and opportunity to demand a hearing, and after a hearing, if any, is held, the commission shall render a bill and make an order for payment by certified mail or by personal delivery to one of the managing officers of the public utility. The billing and order may be made from time to time during the hearing, or investigation, or proceeding, or at the conclusion thereof, as the commission ~~shall determine~~ determines. Upon receipt of the bill and order for payment, as evidenced by return receipt or other proof, the public utility, ~~within ten days after receipt,~~ shall pay to the commission the amount billed. All amounts not paid within thirty days after receipt of the order for payment shall draw interest at the rate of six percent per annum from the date of receipt of the order. All costs and expenses collected by the commission under this subsection shall must be paid ~~into~~ deposited in the general fund ~~of~~ in the state treasury."

Page 10, after line 10, insert:

"SECTION 31. AMENDMENT. Section 54-12-17 of the North Dakota Century Code is amended and reenacted as follows:

54-12-17. Consumer fraud protection and antitrust division. A consumer fraud protection and antitrust division is created under the attorney general. This division consists of a director and such other personnel as may be appointed by the attorney general. ~~It~~ The division shall act to enforce the consumer fraud laws and act with regard to the use or employment by any person of any deceptive act or practice, fraud, false pretense, false promise, or misrepresentation with the intent that others rely thereon in connection with the sale or advertisement of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby, and shall make full investigation of such activities and maintain adequate facilities for filing reports, examining persons and merchandise in regard thereto, and storing impounded books, records, accounts, papers, and samples of merchandise relating to same. The division shall ~~further~~ cooperate with other governmental agencies, national, state, or local, and with all peace officers of the state in regard thereto. The division shall also shall investigate antitrust violations and enforce antitrust laws."

Page 10, line 16, overstrike "fraud" and insert immediately thereafter "protection"

Page 10, line 19, overstrike "fraud" and insert immediately thereafter "protection" and overstrike "and"

Page 10, line 21, after "bond" insert ", and all funds and fees collected by the gaming section for licensing tribal gaming and for the investigation of gaming employees, applicants, organizations, manufacturers, distributors, or tribes involved in state or tribal gaming"

Page 10, line 23, overstrike "fraud" and insert immediately thereafter "protection"

Page 11, line 2, overstrike "fraud" and insert immediately thereafter "protection"

Page 11, after line 12, insert:

"SECTION 33. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Loans for law enforcement activities. The attorney general may obtain unsecured loans from any financial institution in this state for the purpose of conducting the activities listed in subsection 1 of section 54-12-14. Any funds obtained under this section must be repaid at the end of each biennium and are not subject to appropriation limitations.

SECTION 34. AMENDMENT. Section 60-06-06.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

60-06-06.1. Determination - Appropriation. Any party may petition the public service commission to determine rights governed under this chapter. The commission shall determine the matter in accordance with chapter 28-32 and the parties' rights of appeal are as limited by chapter 28-32. The commission shall conduct each hearing required under this section in the county where the right of way at issue is located. The parties to the determination proceeding shall pay the expense of the proceeding, the compensation of any experts, and actual expenses of any employees of the commission while engaged in the proceeding. The commission shall ascertain those costs and expenditures and, after giving the parties notice and opportunity to be heard, and after a hearing to determine the amount of cost and expenditures if a hearing is demanded by either of the parties, shall render a bill and make and transmit to the parties an order for payment by registered mail. Within ten days after receipt of the order, the parties shall pay to the commission the amount of the costs and expenses. The commission shall deposit all costs and expenses collected under this section in the ~~public utility valuation revolving general fund in the state treasury. All moneys transferred or deposited in the public utility valuation revolving fund for the payment of costs and expenses incurred under this section are hereby appropriated. These moneys are not subject to section 54-44.1-11.~~

SECTION 35. REPEAL. Sections 49-06-18, 49-06-19, 49-06-20, 49-06-21, and 49-06-22 of the North Dakota Century Code and section 49-06-23 of the 1991 Supplement to the North Dakota Century Code are repealed."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 035 - INSURANCE TAX TO FIRE DEPARTMENTS

CONFERENCE COMMITTEE - This amendment provides a separate appropriation for insurance tax payments to fire departments of \$5,262,700 from the insurance tax distribution fund rather than appropriating the payments in the Insurance Commissioner's appropriation from the general fund. This amount is in compliance with the provisions of House Bill No. 1036 as passed by the Legislative Assembly.

A section is added appropriating additional income deposited in the insurance tax distribution in accordance with the provisions of House Bill No. 1036 to the Insurance Commissioner for making insurance premium tax payments to fire departments, subject to Budget Section approval.

DEPARTMENT 101 - GOVERNOR'S OFFICE

CONFERENCE COMMITTEE - This amendment makes the following changes:

The Lieutenant Governor's office is combined into the Governor's office as follows:

Salaries and wages (3 FTE)	\$258,908
Information services	781
Operating expenses	7,132
Equipment	1,300
Contingency	<u>6,893</u>
Total general fund	\$275,014

The salaries and wages line item is increased by \$8,103 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018, excluding elected officials.

The information services line item is increased by \$3,356 from the general fund in accordance with provisions of House Bill No. 1018.

Funding for the Yellowstone-Missouri-Fort Union Commission is increased by \$2,000 from the general fund, from \$3,239 to \$5,239.

In total, funding for the Governor's office is increased by \$288,473 from the general fund.

DEPARTMENT 106 - LIEUTENANT GOVERNOR'S OFFICE

CONFERENCE COMMITTEE - This amendment combines funding for the Lieutenant Governor's office with the Governor's office. Funding of \$275,014 from the general fund is transferred to the Governor's office budget.

DEPARTMENT 108 - SECRETARY OF STATE

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$17,420 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018, excluding elected officials.

The information services line item is increased by \$66,088 from the general fund in accordance with the provisions of House Bill No. 1018.

A limited liability administration line item of \$5,000 from the general fund is added for costs relating to the approval of Senate Bill No. 2222 (limited liability company bill).

The grants line item of \$600,000 from the general fund is removed. The payments to counties for their share of central indexing system fee collections will be paid through the Office of Management and Budget's

miscellaneous refund account; therefore, no specific appropriation is made for these payments, and the amounts projected to be spent are not reflected in total state appropriations.

A section of legislative intent is added providing that the Secretary of State pay no more than 71 percent of central indexing system fee collections to the counties.

In total, this amendment reduces funding for the Secretary of State's office by \$511,492 from the general fund.

DEPARTMENT 117 - STATE AUDITOR

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$16,472, \$10,882 of which is from the general fund, to reflect the state employee salary increase provisions of House Bill No. 1018, excluding elected officials.

The information services line item is increased by \$7,429, \$6,241 of which is from the general fund in accordance with the provisions of House Bill No. 1018.

Funding from the general fund is increased by \$63,000 and other funds are reduced by \$63,000 to provide partial funding of the political subdivision audit program from the general fund. A section is added limiting expenditures relating to this \$63,000 general fund appropriation to the amount of the State Auditor's unspent 1991-93 general fund appropriation authority.

In total, this amendment increases funding for the State Auditor's office by \$23,901. General fund support is increased by \$80,123 and other funds are reduced by \$56,222.

DEPARTMENT 120 - STATE TREASURER

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$5,340 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018, excluding elected officials.

The information services line item is increased by \$7,782 from the general fund to reflect the provisions of House Bill No. 1018 and to provide an additional \$6,000 for information services costs.

The veterans' postwar trust fund line item is increased by \$5,670 from the general fund to restore funding reduced during the 1991-93 biennium as a result of the general fund allotment ordered by the Governor.

In total, funding for the State Treasurer's office is increased by \$18,792 from the general fund.

DEPARTMENT 125 - ATTORNEY GENERAL

CONFERENCE COMMITTEE - This amendment makes the following changes:

The salaries and wages line item is changed as follows:

	GENERAL FUND	SPECIAL FUNDS	TOTAL
Funding to reflect the state employee salary increase provisions of House Bill No. 1018, excluding elected officials	\$46,351	\$ 2,106	\$ 48,457

Five FTE assistant Attorneys General relating to Workers Compensation Bureau		463,782	463,782
Restore a portion of the funding for vacant positions reduced by the House (the House reduced \$123,407 which the Senate restored)	<u>50,000</u>	<u> </u>	<u>50,000</u>
Total	\$96,351	\$465,888	\$562,239

The information services line item remains at the House level in accordance with provisions of House Bill No. 1018 (information services reduction totals \$58,576, \$26,384 of which is from the general fund).

Funding for the Racing Commission is provided in a special line item and additional operating funding is provided as follows:

GENERAL FUND

Salaries and wages	\$(92,089)	
Information services	(11,500)	
Operating expenses	(56,332)	
Racing Commission	<u>159,921</u>	\$159,921
Additional general fund support including 1 FTE	\$ 0	<u>62,500</u>

Total Racing Commission line item		\$222,421
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The operating expenses line item is increased by \$25,225, \$22,725 of which is from the general fund, for prosecution witness fees relating to Senate Bill No. 2081 and \$2,500 from the fire and tornado fund for additional percent of green program operating costs.

The grants line item is increased by \$979,940 of federal funds for additional drug abuse grants.

The grants to state agencies line item is decreased by \$437,477 of federal funds relating to drug abuse grants.

The state employee defense line item is reduced by \$150,000 from the bonding fund to provide less funding for state employee defense.

Other funds are increased by \$120,873 and funding from the general fund is reduced by \$120,873 to reflect funding source changes of the Insurance Department and Department of Banking and Financial Institutions from the general fund to special funds. The Attorney General will bill these agencies for legal services because they have been changed to special funds.

North Dakota Century Code Section 5-03-01 is amended to provide an exemption for lenders who acquire beer or liquor inventory by reason of foreclosure from the requirement of obtaining a license before selling the inventory.

North Dakota Century Code Section 54-12-18 is amended to allow the Attorney General to collect and spend funds relating to Indian gaming pursuant to a continuing appropriation.

North Dakota Century Code Sections 54-12-17 and 54-12-18 are amended to change the name of the Consumer Fraud and Antitrust Division to the Consumer Protection and Antitrust Division.

A new section to North Dakota Century Code Chapter 54-12 is added allowing the Attorney General to obtain unsecured loans for law enforcement purposes.

The section regarding local gaming enforcement grants is changed to provide that the Attorney General may make a payment to a city or county only if the amount to be paid for that quarter is \$10 or more.

In total, funding for the Attorney General's office is increased by \$1,042,427, \$60,703 of which is from the general fund and \$981,724 is from other funds.

DEPARTMENT 127 - TAX COMMISSIONER

CONFERENCE COMMITTEE - This amendment makes the following changes:

The salaries and wages line item is changed as follows:

	GENERAL FUND
Funding to reflect the state employee salary increase provisions of House Bill No. 1018, excluding elected officials	\$ 85,738
One FTE clerk	32,954
Restore \$45,000 of the \$110,000 reduced by the House for vacant positions (the Senate restored \$60,000)	<u>45,000</u>
Total increase	\$163,692

The information services line item remains at the House level in accordance with provisions of House Bill No. 1018 (information services reduction totals \$151,739 from the general fund).

The expert witness contingency line item is changed to an attorney and expert witness contingency line item and funding is increased by \$30,000 from the general fund, from \$160,000 to \$190,000. This change allows the Tax Commissioner to obtain additional legal assistance if needed. (The House provided no change and the Senate provided an increase of \$40,000.)

In total, this amendment increases funding for the Tax Department by \$193,692 from the general fund.

DEPARTMENT 160 - LEGISLATIVE COUNCIL

CONFERENCE COMMITTEE - This amendment provides a \$3,000 general fund appropriation to the Legislative Council for paying per diem of legislative members of the Regulatory Reform Review Commission for the 1991-93 biennium during the 1993-95 biennium and a \$45,000 general fund appropriation to the Legislative Council to pay the expenses of the legislative members of the Regulatory Reform Review Commission for the 1993-95 biennium.

DEPARTMENT 401 - INSURANCE COMMISSIONER

CONFERENCE COMMITTEE - This amendment makes the following changes:

Funding of \$5,200,000 from the general fund for insurance tax payments to fire departments is removed and funding of \$5,262,700 from the insurance tax distribution fund is provided in a separate section, the same as the Senate version. The House provided that this appropriation be from the general fund.

Funding for the Insurance Department is changed from the general fund to the insurance regulatory trust fund, the same as the Senate version. The House provided that the Insurance Department receive its funding from the general fund. This change reduces funding from the general fund by \$3,020,868 and increases funding from special funds by \$3,020,868.

The salaries and wages line item is increased for the following:

Funding to reflect the state employee salary increase provisions of House Bill No. 1018, excluding elected officials	\$ 12,772
Senior outreach (federal funds)	31,667
Senior outreach (state match)	30,000
Restore a portion of funding for vacant positions reduced in the executive budget	47,104
Pay equity increases	<u>62,160</u>

Total special funds	\$183,703
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The information services line item is increased for the following:

Senior outreach (federal funds)	\$ 2,250
Information services adjustment in accordance with provisions of House Bill No. 1018	<u>6,524</u>

Total special funds	\$ 8,774
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The operating expenses line item is increased for the following:

Senior outreach (federal funds)	\$ 30,000
Legal fees	17,000
Other increases to provide funding at the 1991-93 biennium level	<u>82,033</u>

Total special funds	\$129,033
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The equipment line item is increased by \$8,000 of special funds to provide funding at the 1991-93 biennium level

The boiler inspection line item is increased for the following:

Salaries for upgrading 1 FTE position to inspector	\$ 40,165
Additional moving and operating costs	<u>13,000</u>
Increase from the fire and tornado fund	\$ 53,165

Administrative cost allocations to special funds are adjusted as follows:

Bonding fund	\$ 15,859
Fire and tornado fund	334,806
Unsatisfied judgment fund	18,451
Petroleum tank release compensation fund	2,978
Insurance regulatory trust fund	<u>(372,094)</u>

Total	\$ 0
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A section is added providing that any funds in excess of \$1,500,000, in the insurance regulatory trust fund on June 30, 1994, be transferred to the general fund and subsection 3 of Section 26.1-01-07.1 is amended to provide that funds in excess of \$1,500,000 rather than \$2,000,000 in the insurance regulatory trust fund be transferred to the general fund at the end of each biennium.

In total, this amendment reduces funding for the Insurance Commissioner by \$4,817,325. Funding of \$8,220,868 from the general fund is deleted and funding from special funds is increased by \$3,403,543, from \$1,003,541 to \$4,407,084.

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$28,000 from the general fund, including one FTE undesignated position, which was removed by the House.

The salaries and wages line item is increased by \$3,772 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018, excluding elected officials.

The information services line item is increased by \$2,035, \$1,764 of which is from the general fund in accordance with provisions of House Bill No. 1018.

The operating expenses line item is reduced by \$35,838, \$31,742 of which is from the general fund, to remove funding for indirect cost allocation payments to the Office of Management and Budget because the Labor Commissioner will not be charged for these costs.

In total, this amendment decreases funding for the office of Labor Commissioner by \$2,031. General fund support is increased by \$1,794 and other funds are reduced by \$3,825.

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$9,003, \$6,122 of which is from the general fund, to reflect the state employee salary increase provisions of House Bill No. 1018, excluding elected officials.

The salaries and wages line item is reduced by \$63,438, \$36,794 of which is from the general fund, including the reduction of 1 FTE position relating to gas metering responsibilities.

The information services line item is increased by \$8,414, \$5,529 of which is from the general fund, in accordance with provisions of House Bill No. 1018.

The operating expenses line item is reduced as follows relating to funding for indirect cost allocation payments to the Office of Management and Budget:

	ENGROSSED HOUSE BILL NO. 1001	CHANGE	CONFERENCE COMMITTEE VERSION
General fund	\$ 86,016	\$ (86,016)	\$ 0
Special funds	<u>149,806</u>	<u>(94,806)</u>	<u>55,000</u>
Total	\$235,822	\$(180,822)	\$55,000

A section is added authorizing the Public Service Commission to charge public utility companies for costs associated with the Regulatory Reform Review Commission.

A section is added appropriating \$100,000 from the general fund for employing experts and for other assistance in regulating public utilities during the 1993-95 biennium.

Section 60-06-01.1 is amended to provide that funds collected under this section be deposited in the general fund rather than the public utility valuation revolving fund.

Section 49-06-18 is repealed because the commission has similar authority under subsection 7 of Section 49-02-02. Other section also repealed are Sections 49-06-19, 49-06-20, 49-06-21, 49-06-22, and 49-06-23 relating to provisions of section 49-06-18 and the public utility valuation revolving fund because funds previously deposited in this fund will now be deposited in the general fund.

Subsection 7 of Section 49-02-02 is amended to remove references to telecommunications and proceedings to correspond with the provisions of Senate Bill No. 2440.

In total, this amendment decreases funding for the Public Service Commission by \$126,843, \$11,159 of which is from the general fund and \$115,684 of other funds.

DEPARTMENT 414 - SECURITIES COMMISSIONER

CONFERENCE COMMITTEE - Under provisions of this amendment, the Securities Commissioner continues to operate as a separate agency and receive its funding from the general fund, the same as the House version. The Senate provided that the Securities Commissioner's office be combined with the Insurance Department and receive a special fund appropriation.

The salaries and wages line item is increased by \$2,483 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018.

The information services line item is increased by \$1,499 from the general fund in accordance with provisions of House Bill No. 1018.

In total, this amendment increases funding for the Securities Commissioner by \$3,982 from the general fund.

DEPARTMENT 602 - AGRICULTURE COMMISSIONER

CONFERENCE COMMITTEE - The salaries and wages line item is increased by \$21,103, \$16,882 of which is from the general fund, to reflect the state employee salary increase provisions of House Bill No. 1018, excluding elected officials.

The information services line item is increased by \$7,283, \$6,617 of which is from the general fund, in accordance with provisions of House Bill No. 1018.

The operating expenses line item is reduced by \$213,034, \$116,168 of which is from the general fund, to remove funding for indirect cost allocation payments to the Office of Management and Budget.

Funding is added for the livestock division as follows:

Salaries and wages (1 FTE)	\$64,846
Operating expenses	<u>6,050</u>
Total general fund	\$70,896

Funding of \$100,000 for Agriculture Mediation is changed from the general fund to special funds and two FTE positions are added for the program.

The noxious weeds line item is reduced by \$50,000. Funding from the general fund is increased by \$100,000 and the \$200,000 of projected unspent 1991-93 appropriations from the environment and rangeland protection fund is reduced to \$50,000.

Funding of \$50,000 from the general fund is added for rangeland grasshopper control.

Funding of \$50,000 of projected unspent 1991-93 appropriations from the environment and rangeland protection fund is provided for the pesticide disposal program.

Funding for the waterbank program is increased by \$106,000 of other funds to allow the department to raise additional funds for the program.

In total, this amendment increases funding for the Agriculture Department by \$42,248, \$28,227 of which is from the general fund and \$14,021 of other funds.

COMPARISON OF GENERAL FUND APPROPRIATIONS IN HOUSE BILL NO. 1001

	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE VERSION	CONFERENCE COMMITTEE CHANGE TO HOUSE VERSION	CONFERENCE COMMITTEE CHANGE TO SENATE VERSION
Governor's office	\$ 1,674,340	\$ 1,990,677	\$ 1,962,813	\$ 288,473	\$ (27,864)
Lt. Governor's office	275,014	0	0	(275,014)	0
Secretary of State	4,150,908	3,666,911	3,639,416	(511,492)	(27,495)
State Auditor	3,195,298	3,270,205	3,275,421	80,123	5,216
State Treasurer	1,370,301	1,395,318	1,389,093	18,792	(6,225)
Attorney General	11,716,282	12,502,376	11,776,985	60,703	(725,391)
Tax Department	14,517,693	14,984,106	14,711,385	193,692	(272,721)
Legislative Council	0	48,000	48,000	48,000	0
Insurance Commissioner	8,220,868	0	0	(8,220,868)	0
Labor Commissioner	635,661	647,053	637,455	1,794	(9,598)
Public Service Commission	3,602,697	3,699,447	3,591,538	(11,159)	(107,909)
Securities Commissioner	602,710	0	606,692	3,982	606,692
Agriculture Department	<u>4,358,553</u>	<u>4,490,458</u>	<u>4,386,780</u>	<u>28,227</u>	<u>(103,678)</u>
Total	\$54,320,325	\$46,694,551	\$46,025,578	\$(8,294,747)	\$(668,973)

Engrossed HB 1001 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 HB 1001 be adopted, which motion prevailed.

Engrossed HB 1001, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act to provide an appropriation for defraying the expenses of various elected officials, the securities commissioner, the legislative council, and the insurance tax payments to fire departments; to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the authority of the attorney general to borrow funds to obtain evidence for law enforcement; to amend and reenact section 5-03-01, subsection 3 of section 26.1-01-07.1, subsection 7 of section 49-02-02, sections 53-06.1-12.1, 54-12-17, 54-12-18, and 60-06-06.1 of the North Dakota Century Code, relating to an exemption to wholesale liquor license requirements, the operation of the insurance regulatory trust fund, regulation of public utilities by the public service commission, deposit of the games of chance tax, operation of the attorney general refund fund, and the name of the consumer fraud and antitrust division; and to repeal sections 49-06-18, 49-06-19, 49-06-20, 49-06-21, 49-06-22, and 49-06-23 of the North Dakota Century Code, relating to costs of hearings for purposes of valuing public utility property and the public utility valuation 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 43 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; 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; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher

NAYS: Bowman; Grindberg; Stenehjem, B.

ABSENT AND NOT VOTING: Kelsh; Wogsland; Yockim

HB 1001 passed and the title was agreed to.

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

MADAM PRESIDENT: The House respectfully requests the return of: SB 2022.

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed SB 2200 be adopted.

REQUEST

SEN. LINDGREN REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2200, which request was granted.

POINT OF PERSONAL PRIVILEGE

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

I feel strongly that we should reject this report for at least one primary purpose - to remove the repeal of the presumptive clause.

In conference on April 22, I moved that the repeal be eliminated from the bill. That motion was rejected. I believe the majority of the Senate would appreciate the opportunity to vote on SB 2200 absent that provision. Therefore, the conference committee report should be defeated.

ROLL CALL

The question being on the motion to adopt the conference committee report on SB 2200, the roll was called and there were 20 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

The conference committee report on SB 2200 failed.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 8:35 p.m., which motion prevailed.

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

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., Saturday, April 24, 1993, which motion prevailed.

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

CAROL SIEGERT, Secretary