

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, March 23, 1995

The House convened at 9:30 a.m., with Speaker Martin presiding.

The prayer was offered by the Rev. Bruce Caldwell, St. George's Episcopal Church, Bismarck.

The roll was called and all members were present except Representatives Dobrinski and Stenehjem.

A quorum was declared by the Speaker.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2533, SB 2535, SCR 4001, SCR 4002, SCR 4018, SCR 4023, SCR 4043, SCR 4059.

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

MADAM PRESIDENT: The House has failed to pass: SCR 4009, SCR 4036.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2016, SB 2209, SB 2211, SB 2231, SB 2288, SB 2391, SB 2403, SB 2491.

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

MADAM PRESIDENT: The House has amended and failed to pass: SB 2031, SB 2161.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1012, HB 1020, HB 1052, HB 1055, HB 1145, HB 1177, HB 1217.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1009, HB 1051, HB 1129, HB 1138, HB 1243, HB 1286, HB 1289, HB 1337, HB 1378, HB 1392, HB 1407, HB 1452, HCR 3006.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1009

In addition to the amendments to Engrossed House Bill No. 1009 as printed on pages 1057 and 1058 of the Senate Journal, Engrossed House Bill No. 1009 is amended as follows:

Page 1, line 2, after "affairs" insert "; to provide an exemption from the certificate of need process; and to provide for a basic care facility at the developmental center at Grafton"

Page 2, after line 10, insert:

"SECTION 3. CERTIFICATE OF NEED - EXEMPTION. The basic care facility for veterans at the developmental center at Grafton is not subject to the certificate of need process under chapter 23-17.2.

SECTION 4. BASIC CARE FACILITY FOR VETERANS. The developmental center at Grafton may operate a basic care facility for veterans in cooperation with the administrative committee on veterans' affairs. The developmental center may contract for services with the administrative committee on veterans' affairs, the veterans' administration, and other entities as necessary to operate the basic care facility for veterans. The residency requirements for admission

to the veterans' home in section 37-15-10 do not apply to admissions to the basic care facility for veterans at the developmental center. No general fund moneys may be used for operation of the basic care facility for veterans at the developmental center."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

SENATE - This amendment authorizes the Developmental Center at Grafton to operate a basic care facility for veterans and exempts the facility from the certificate of need process.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1009

Page 1, line 13, replace "4,262,842" with "4,297,842"

Page 1, line 15, replace "82,500" with "92,500"

Page 1, line 16, replace "448,401" with "1,054,801"

Page 1, line 17, replace "6,259,363" with "6,910,763"

Page 1, line 18, replace "4,297,440" with "4,938,840"

Page 1, line 19, replace "1,961,923" with "1,971,923"

Page 2, line 1, replace "339,076" with "390,670"

Page 2, replace line 3 with:

Total all funds	\$ 467,401
Less estimated income	<u>51,594</u>
Total general fund appropriation	\$ 415,807"

Page 2, line 4, replace "2,377,730" with "2,387,730"

Page 2, line 5, replace "4,297,440" with "4,990,434"

Page 2, line 6, replace "6,675,170" with "7,378,164"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

SENATE - This amendment makes the following changes:

	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,262,842	\$ 35,000 ¹	\$4,297,842
Operating expenses	1,465,620		1,465,620
Equipment	82,500	10,000 ²	92,500
Capital improvements	<u>448,401</u>	<u>606,400³</u>	<u>1,054,801</u>
Total	\$6,259,363	\$651,400	\$6,910,763
Less estimated income	<u>4,297,440</u>	<u>641,400</u>	<u>4,938,840</u>
General fund	\$1,961,923	\$ 10,000	\$1,971,923
FTE	77.71	0	77.71

¹ Adds \$35,000 for workers' compensation premiums from

other funds.

² Adds \$10,000 from the general fund for equipment.

³ Adds \$606,400 from other funds to provide funding for an air-conditioning system and window replacement previously funded in Senate Bill No. 2030. The capital improvements line item, as amended, is summarized as follows:

Air-conditioning system	\$ 447,000
Window replacement	159,400
Bond payments	266,901
Roof repairs	42,000
Nurses' station renovation	54,000
Draperies - Basic care	34,000
Whirlpool	29,000
Garage	10,000
Other	<u>12,500</u>
Total	\$1,054,801

DEPARTMENT 321 - VETERANS AFFAIRS

SENATE - This amendment makes the following changes:

	HOUSE VERSION	ADD FUNDS FOR GRANT ADMINISTRATOR	SENATE VERSION
Salaries and wages	\$339,076	\$51,594	\$390,670
Operating expenses	<u>76,731</u>	<u> </u>	<u>76,731</u>
Total	\$415,807	\$51,594	\$467,401
Less estimated income	<u>0</u>	<u>51,594</u>	<u>51,594</u>
General fund	\$415,807	\$ 0	\$415,807
FTE	5	1	6

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1051

Page 3, line 26, after the period insert "The state-of-the-art comparisons must be made to products with similar-intended utility. The trier of the fact shall consider the defense that the designer's choice averted greater peril for a large subclass of intended users and shall consider the economic viability of the component or product."

Page 4, line 4, remove "The period of useful safe life"

Page 4, remove lines 5 through 16

Page 4, line 17, remove "2."

Page 4, line 20, replace "3" with "2"

Page 5, line 1, replace "4" with "3"

Page 5, line 7, replace "5" with "4"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1129

Page 3, line 1, remove "- Privatization"

Page 3, line 2, replace "centennial trees commission, as it exists" with "governor appoint a seven-member advisory committee to work with the state forester to promote the centennial trees program."

Page 3, remove lines 3 through 5

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1138

Page 1, line 2, after "6-09.4-03" insert ", section 6-09.4-06,"

Page 1, line 3, after "bank" insert ", the lending powers of the municipal bond bank,"

Page 2, after line 25, insert:

"c. The Bank of North Dakota, for purposes of the revolving loan fund program established by chapter 61-28.2.

SECTION 3. AMENDMENT. Section 6-09.4-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-09.4-06. Lending and borrowing powers generally. The bond bank ~~is authorized to~~ may lend money to political subdivisions through the purchase and holding of municipal securities which, in the opinion of the attorney general, are properly eligible for purchase by the bond bank under this chapter and for which the principal amount of any one issue does not exceed two hundred thousand dollars. However, the bond bank may lend money to political subdivisions, through the purchase and holding of securities issued by the political subdivisions without regard to the principal amount of the bonds issued, if the industrial commission approves a resolution that authorizes the bond bank to purchase and hold the securities. The authorizing resolution must state that the industrial commission has determined that private bond markets will not be responsive to the needs of the issuing political subdivision concerning the securities or, if it appears that the securities can be sold through private bond markets without the involvement of the bond bank, the authorizing resolution must state reasons for the bond bank's involvement in the bond issue. The bond bank may hold such municipal securities for any length of time it finds to be necessary. The bond bank, for the purposes authorized by this chapter, ~~is authorized to~~ may issue its bonds payable solely from the revenues available to the bond bank which are authorized or pledged for payment of bond bank obligations, and to otherwise assist political subdivisions as provided in this chapter.

The bond bank may lend money to the Bank of North Dakota under terms and conditions requiring the Bank to use the proceeds to make loans for agricultural improvements that qualify for assistance under the revolving loan fund program established by chapter 61-28.2.

Bonds of the bond bank issued under this chapter are not in any way a debt or liability of the state and do not constitute a loan of the credit of the state or create any debt or debts, liability or liabilities, on behalf of the state, or constitute a pledge of the faith and credit of the state, but all such bonds are payable solely from revenues pledged or available for their payment as authorized in this chapter. Each bond must contain on its face a statement to the effect that the bond bank is obligated to pay such principal or interest, and redemption premium, if any, and that neither the faith and credit nor the taxing power of the state is pledged to the payment of the principal of or the interest on such bonds. Specific funds pledged to fulfill the bond bank's obligations are obligations of the bond bank.

All expenses incurred in carrying out the purposes of this chapter are payable solely from revenues or funds provided or to be provided under this chapter and nothing in this chapter may be

construed to authorize the bond bank to incur any indebtedness or liability on behalf of or payable by the state."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1243

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to aftermarket risk contracts and insurance requirements for purchasers of aircraft and aircraft components manufactured in this state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. As used in this Act:

1. "Aftermarket risk insurance" means aircraft and aircraft component product and completed operations liability insurance that conforms with sections 2 and 3 of this Act.
2. "Aircraft" means general aviation light craft that is powered and intended to fly above the ground; is designed to carry one person or more, but with a maximum seating capacity of fewer than twenty passengers; and weighs less than twelve thousand five hundred pounds [5669.9 kilograms].
3. "Aircraft component" means a manufactured part or assembly intended for use in the construction, replacement, or repair of an aircraft. The term includes any complete aircraft subsystem, including the aircraft engine, that carries its own manufacturer's warranty or services provided separately from the warranty of the manufacturer of the aircraft.
4. "Aviation manufacturer" means a manufacturer of aircraft or aircraft components who has its place of manufacture and place of production of aircraft or aircraft components located within this state. The term includes a manufacturer located in this state who imports raw materials, components, and aircraft subassemblies from outside the state for manufacturing purposes. The term also includes a person who modifies, maintains, alters, repairs, or installs aircraft components in aircraft in accordance with federal aviation administration regulations and holds a repair station certificate issued by the federal aviation administration.

SECTION 2. North Dakota aftermarket risk contract. The sale of aircraft and aircraft components sold by an aviation manufacturer and the performance of any modification, maintenance, alteration, repair, or installation of components in aircraft in this state are governed by an aftermarket risk contract. The contract between the seller or aviation manager and the purchaser must be executed at the time of purchase and reconsidered at each subsequent resale. The first and subsequent seller or aviation manufacturer shall agree to be bound by North Dakota law and the aftermarket risk contract or to provide a fully paid aftermarket product liability insurance policy that covers exposure to tort liability within the United States. The option of providing the insurance policy applies only to aircraft or aircraft components that sell for more than two thousand dollars.

SECTION 3. Aftermarket risk insurance requirements - Encumbrances.

1. An aftermarket risk insurance policy purchased pursuant to section 2 of this Act must hold harmless all aviation manufacturers that manufactured, modified, maintained,

repaired, or altered the aircraft or aircraft component assembled or first sold in this state.

2. The aviation manufacturer or seller of the aircraft or aircraft component may offer in the sales contract aftermarket risk insurance based on continued choice of North Dakota law. The aftermarket risk insurance option must be attached to the original sales contract as a lien on the aircraft holding the first owner and each subsequent owner financially responsible for the cost of purchasing and maintaining aftermarket risk insurance and binding the owner to governance by North Dakota law. An aftermarket insurance obligation must be recorded as a lien on the aircraft at the federal aviation administration aircraft registry.

SECTION 4. Stabilization of aftermarket risk insurance market.

1. An aviation manufacturer and a purchaser of an aircraft or aircraft component which intend to be bound by North Dakota law must be covered by insurance that meets the requirements of insurance laws of this state. The sales contract must include a dispute resolution procedure for aftermarket risk contracts and insurance contracts.
2. An aftermarket risk insurance provider domiciled in this state may limit coverage to include any caps and limitations permitted by law at the time of the first sale of the product.
3. Upon resale of an aircraft or aircraft component, the purchaser agrees to purchase insurance and the insurance carrier shall provide evidence of coverage. A default on the insurance may reinstate, by contract, the lien back to the aviation manufacturer. An aftermarket risk contract may include a requirement for removal of the aircraft or aircraft component from service, consent to be governed by North Dakota law, and purchase of additional passenger and public risk insurance coverage.
4. An aviation manufacturer or value-added reseller shall provide confidential access to data necessary for actuarial analysis by aftermarket insurance carriers to assist in maintaining a competitive insurance market with a choice of alternative carriers.

SECTION 5. Financial responsibility. An owner of an aircraft or aircraft component manufactured in this state shall provide proof of financial responsibility in the amount of one hundred thousand dollars, per occurrence, for property damage and personal injury or death on the ground resulting from the use of the aircraft or aircraft component."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1286

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 28-25-11 of the North Dakota Century Code, relating to the suspension of an occupational or professional license for nonpayment of a defaulted state guaranteed student loan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 28-25-11 of the North Dakota Century Code is amended and reenacted as follows:

28-25-11. Property applied - Wages exempt - Suspension of occupational or professional license for nonpayment of defaulted state guaranteed student loans.

1. The judge may order any property of the judgment debtor not exempt from execution in the hands either of ~~himself~~ the judgment debtor or of any other person or due the judgment debtor to be applied towards the satisfaction of the judgment, except that the earnings of the debtor for ~~his~~ the debtor's personal services at any time within sixty days next preceding the order cannot be so applied when it is made to appear, by the debtor's affidavit or otherwise, that ~~such~~ the earnings are necessary for the use of a family supported wholly or partly by ~~his~~ the debtor's labor.
2. If the debt for which a judgment is entered is for a guaranteed student loan, the court, after considering the factors in subsection 1, shall address and make specific findings on the issue of whether the judgment debtor has an occupational or a professional certificate license or permit issued by or on behalf of the state or any occupational or professional boards, which the judgment debtor is required to obtain before engaging in the judgment debtor's occupation or profession. The court, based on principles of fairness, including consideration of whether the judgment debtor has been unjustly enriched, may suspend a judgment debtor's certificate, license, or permit. Following a decision to suspend a judgment debtor's certificate, license, or permit, the court shall notify the judgment debtor that the decision becomes final thirty days after the notification unless the judgment debtor satisfies the entire outstanding payment due or makes regular payment on the judgment in a manner and at times satisfactory to the court. The court shall notify the proper licensing authority of the court's decision to suspend a judgment debtor's certificate, license, or permit. A certificate, license, or permit suspended by an order issued under this section may be reissued only by order of the court. An appeal by a judgment debtor who has had a certificate, license, or permit suspended under this section is an appeal from the court's order and may not be appealed to the licensing authority."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1289

Page 5, line 27, after the underscored period insert "A portion of the fund may be used to defray the operating and administrative expenses of the corporation, including staff salaries and expenses. However, moneys from the return of project investments may not be used to defray the operating and administrative expenses of the corporation."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1337

In addition to the amendments adopted by the Senate as printed on page 943 of the Senate Journal, Engrossed House Bill No. 1337 is further amended as follows:

Page 2, replace lines 5 through 7 with:

"a. "Date of relocation" means the due date of the first return required to be filed by the corporation under subsection 2 of section 57-38-60."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1337

Page 1, replace lines 19 through 21 with:

- "2. The taxable income of an individual must be reduced by an amount equal to the gain computed for federal income tax purposes from the sale or other transfer of stock described in subsection 1 less the gain computed for state tax purposes under subsection 1 on the same stock."

Page 2, remove lines 1 through 3

Re-number accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1378

Page 1, line 14, replace "80 percent and above" with "51 to 80 percent"

Page 1, line 16, replace "60" with "0" and replace "79" with "50"

Page 1, remove lines 18 through 21

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1392

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to motor carriers of household goods."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 39 of the North Dakota Century Code is created and enacted as follows:

Regulation of common motor carriers of household goods. The department may regulate common motor carriers of household goods except for transportation provided wholly within a city in this state or within a distance beyond the corporate limits of a city as determined by the department.

Motor Carrier - Certificate of public convenience - Fee. A common motor carrier of household goods may not operate within this state without having obtained a certificate of public convenience and necessity from the department and paying a one hundred dollar application fee. Before granting a certificate to a common motor carrier under this chapter, the department shall consider the fitness of the applicant to provide service. The department shall remit monthly all fees collected by the department under this chapter to the state treasurer for deposit in the state highway fund.

Motor carrier rates - Enforcement. All charges by a common motor carrier of household goods must be reasonable and may not be unlawfully discriminatory. The consumer protection and antitrust division shall enforce this section.

Insurance required of carrier - Liability of insurer. The department, when granting a certificate to any common motor carrier, shall require the owner or operator first to procure public liability insurance. The conditions of the liability insurance must guarantee the payment of any loss or damage to property or on account of the death or injury to any person resulting from the negligence of the carrier. The carrier must file the insurance policy with the department and the policy must be kept in full force. Upon failure of a carrier to maintain insurance required by this section, the department shall cancel the certificate. A certificate of any company authorized to write liability or property damage insurance in the state, in a form approved by the department and certifying that there

is in effect a liability insurance policy required by this section, may be filed instead of the policy."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1407

Page 3, line 1, remove the overstrike over "or"

Page 3, line 2, remove ", and the application and"

Page 3, line 3, remove "removal of artificial nails"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1452

That the proposed amendments to Engrossed House Bill No. 1452 as printed on pages 1090 and 1091 of the Senate Journal be amended as follows:

Page 1091 of the Senate Journal, line 12, after "work" insert "only"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1452

Page 6, line 5, after "shall" insert "must" and remove the overstrike over "be advertised for by the governing body in the official newspaper of"

Page 6, line 6, remove the overstrike over "the municipality once each week for two consecutive weeks."

Page 6, line 22, after "bear" insert "All other provisions for proposals under this chapter"

Page 16, line 25, replace "When applicable, a" with "Multiple"

Page 16, line 26, remove "governing body shall allow a contractor to submit multiple"

Page 16, line 27, replace "contracts for competitive bids for public" with "portions of a project are required when any individual general, electrical, or mechanical contract is"

Page 16, line 28, remove "buildings estimated to cost"

Page 17, after line 10, insert:

"48-01.1-08. Coordination of work under multiple prime bids. After competitive bids for the general, electrical, and mechanical work are received as part of the multiple prime bids, the governing board may assign the electrical and mechanical contract and any other contracts to the general contractor for the project to facilitate the coordination and management of the work."

Page 18, line 12, overstrike "superintendents" and insert immediately thereafter "engineers"

Page 18, line 13; after "architect" insert "or engineer"

Page 18, line 14, overstrike "suitable" and insert immediately thereafter "qualified", overstrike ", who", remove "must", and overstrike "be a practical"

Page 18, line 15, overstrike "mechanic and builder with four years experience, as superintendent of" and insert immediately thereafter "to provide"

Page 18, line 16, overstrike "of the work" and insert immediately thereafter "administration and construction observation services"

Page 18, line 17, remove "The superintendent" and overstrike "shall have"

Page 18, overstrike line 18

Page 18, line 19, overstrike "direction of the architect and the governing", remove "body", and overstrike the period

Page 18, line 20, replace "superintendent" with "architect or engineer"

Page 18, line 22, remove the overstrike over "~~architect or~~", overstrike "superintendent", and after "~~shall~~" insert "engineer"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3006

Page 1, line 14, after the comma insert "the Board for Vocational and Technical Education,"

Renumber accordingly

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1309 as printed on HJ page 1145 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1309: Reps. K. Henegar, Thoreson, Boucher.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. OLSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1210 as printed on HJ page 1221 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1210: Reps. Brown, Drovdal, Gulleson.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SOUKUP MOVED that the House do not concur in the Senate amendments to Engrossed HB 1367 as printed on HJ page 1223 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1367: Reps. Poolman, Soukup, Coats.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2044: Reps. Price, Galvin, Mutzenberger.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2149: Reps. Maragos, Koppelman, Delmore.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2207: Reps. Poolman, Maragos, Delmore.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2332: Reps. Froseth, Gunter, Coats.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2430: Reps. Thoreson, Walker, Sandvig.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2442: Reps. Froseth, Kretschmar, Glasshiem.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2453: Reps. Jacobs, Walker, Coats.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2463: Reps. Wald, Kunkel, Wilkie.

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2149: Reps. Maragos; Koppelman; Delmore
 SB 2207: Reps. Poolman; Maragos; Delmore
 SB 2332: Reps. Froseth; Gunter; Coats
 SB 2430: Reps. Thoreson; Walker; Sandvig
 SB 2442: Reps. Froseth; Kretschmar; Glasshiem
 SB 2453: Reps. Jacobs; Walker; Coats
 SB 2463: Reps. Wald; Kunkel; Wilkie

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2044: Reps. Price; Galvin; Mutzenberger

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1210, HB 1309, and HB 1367 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1210: Reps. Brown; Drovdal; Gulleson
 HB 1309: Reps. K. Henegar; Thoreson; Boucher
 HB 1367: Reps. Poolman; Soukup; Coats

REQUEST

REP. DORSO REQUESTED that the amendments on the Sixth order to Engrossed SB 2061, Engrossed SB 2063, and Engrossed SB 2085 be voted on as separate items, which request was granted.

SIXTH ORDER OF BUSINESS

The amendments on the Sixth order of business to Engrossed SB 2239, Reengrossed SB 2313, Engrossed SB 2392, Engrossed SB 2443, and SB 2466 were adopted.

Engrossed SB 2239, Reengrossed SB 2313, Engrossed SB 2392, Engrossed SB 2443, and SB 2466, as amended, were placed on the Fourteenth order of business on today's calendar.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to Engrossed SB 2061, Engrossed SB 2063, and Engrossed SB 2085, as amended, which motion prevailed.

SIXTH ORDER OF BUSINESS

SB 2061, as engrossed: REP. RYDELL (Education Committee) MOVED that the amendments on HJ pages 1251-1262 be adopted and then be placed on the Fourteenth order with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2061: A BILL for an Act to amend and reenact sections 15-22-09, 15-27.3-19, subsection 2 of section 15-27.5-06, section 15-29-08, subsection 3 of section 15-40.1-06, sections 15-40.1-08, 15-40.2-10, 15-44-03, 15-45-01, 15-51-11, subsection 3 of section 44-11-02, subsection 1 of section 52-10-10, and sections 57-15-14 and 57-51-15 of the North Dakota Century Code, relating to the duties of the county superintendent, changes to reorganization proposals, agreements regarding military installation schools, the general powers and duties of school boards, the distribution of proportionate foundation program payments, computation of state aid for students attending school out-of-state, the distribution of moneys from the state tuition fund, the establishment of kindergarten programs, the levy authority of the Fargo board of education, complaints against school board members, social security in enlarged or reorganized public school districts, tax levy limitations in school districts, and the apportionment of gross production taxes; and to repeal sections 15-44-06, 15-47-13, and 15-47-17 of the North Dakota Century Code, relating to requirements for taking a school census.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Christenson; Dalrymple; DeKrey; Delmore; DeWitz; Glassheim; Grumbo; Gulleston; Hanson; Howard; Huether; Kaldor; Keiser; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Mutzenberger; Nichols; Nottestad; Oban; Schimke; Sitz

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Delzer; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gordor; Gorman; Grosz; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Jacobs; Johnson; Kelsch; Kempenich; Kerzman; Kunkel; Martinson; Mickelson; Monson; Nicholas; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski

Engrossed SB 2061, as amended, was declared lost.

SIXTH ORDER OF BUSINESS

SB 2063, as engrossed: REP. RYDELL (Education Committee) MOVED that the amendments on HJ page 1262 be adopted and then be REREFERRED to the Appropriations Committee.

REQUEST

REP. DORSO REQUESTED a verification vote on the motion to adopt the proposed amendments to Engrossed to SB 2063, which request was granted.

The amendments to Engrossed SB 2063 were adopted on a verification vote.

Engrossed SB 2063, as amended, was rereferred to the Appropriations Committee.

SIXTH ORDER OF BUSINESS

SB 2085, as engrossed: REP. BERG (Industry, Business and Labor Committee) MOVED that the amendments on HJ pages 1262-1263 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2085: A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to the eligibility of a full-time paid firefighter or law enforcement officer for workers' compensation benefits; and to amend and reenact subsection 18 of section 65-01-02 of the North Dakota Century Code, relating to the definition of "fairly traceable to the employment" for purposes of workers' compensation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorman; Grosz; Grumbo; Gunter; Hagle; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Price; Rennerfeldt; Rydell; Sabby; Sandvig; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Aarsvold; Boucher; Christenson; Delmore; Glassheim; Gorder; Gulleeson; Hanson; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Maragos; Martinson; Mutzenberger; Oban; Poolman; Retzer; Schmidt; Sitz

ABSENT AND NOT VOTING: Dobrinski

Engrossed SB 2085, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to amend and reenact section 43-12.1-04 of the North Dakota Century Code, relating to persons exempt from the provisions of the Nurse Practices Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski

Engrossed SB 2239, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that Reengrossed SB 2313, as amended, which is on the Fourteenth order, be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2313 was rereferred.

SECOND READING OF SENATE BILL

SB 2392: A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to aquaculture; to amend and reenact subsection 27 of section 20.1-01-02, subsection 3 of section 20.1-02-15, subsection 3 of section 20.1-03-04, section 20.1-03-08, subsection 27 of section 20.1-03-12, subsection 4 of section 20.1-06-10, and section 20.1-06-12 of the North Dakota Century Code, relating to private fish ponds; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 23 YEAS, 74 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Glassheim; Guleson; Hagle; Hanson; Johnson; Kaldor; Kerzman; Kroeber; Laughlin; Mutzenberger; Nicholas; Nichols; Oban; Sandvig; Schmidt; Sitz; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gunter; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunke; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski

Engrossed SB 2392, as amended, was declared lost.

MOTION

REP. FREIER MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

THE HOUSE RECONVENED, with Speaker Martin presiding.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4067.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 1:15 p.m., March 23, 1995: HB 1030, HB 1074, HB 1075, HB 1160, HB 1180, HB 1218, HB 1264, HB 1269, HB 1271, HB 1279, HB 1287, HB 1315, HB 1328, HB 1330, HB 1331, HB 1332, HB 1334.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the

hour of 1:15 p.m., March 23, 1995: HB 1054, HB 1086, HB 1099, HB 1141, HB 1173, HB 1175, HB 1184, HB 1187, HB 1189, HB 1196, HB 1216, HB 1247, HB 1263, HB 1412.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to Reengrossed SB 2038, Engrossed SB 2045, Engrossed SB 2443, as amended, and SB 2466, as amended, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2443: A BILL for an Act to create and enact four new sections to chapter 28-33 of the North Dakota Century Code, relating to interpreters for deaf persons, legislative intent, and confidentiality; to amend and reenact section 28-33-01 and subsection 2 of section 28-33-02 of the North Dakota Century Code, relating to definitions and interpreter required; to repeal sections 28-33-05, 28-33-06, and 28-33-08 of the North Dakota Century Code, relating to compensation, privileged communications, and coordination of interpreter requests; to require a legislative council study; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 70 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Christenson; Christopherson; Clark; Clayburgh; Coats; Gorman; Holm; Kaldor; Kelsch; Kerzman; Koppelman; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Mutzenberger; Oban; Poolman; Sandvig; Schmidt; Stenehjem; Tollefson; Walker; Wentz

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Dalrymple; DeKrey; Delmore; Delzer; Dewitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Keiser; Kempenich; Klein; Kliniske; Laughlin; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Sitz; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Timm; Torgerson; Wald; Wardner; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Henegar, D.; Sveen

Engrossed SB 2443, as amended, was declared lost.

SECOND READING OF SENATE BILL

SB 2466: A BILL for an Act to amend and reenact subsection 3 of section 52-04-05 and subsection 3 of section 52-04-06 of the North Dakota Century Code, relating to determination of contribution rates and variations in the standard rate of contributions for unemployment compensation purposes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dewitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch;

Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Henegar, D.; Sveen

SB 2466, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2038: A BILL for an Act to provide for the establishment of community visitation centers and a program to provide support services for children victims and witnesses of domestic violence; to create and enact two new sections to chapter 27-20 and a new section to chapter 50-25.1 of the North Dakota Century Code, relating to juvenile courts, sharing of information among public agencies, the penalty for failing to participate in court-ordered treatment, and child sexual abuse treatment services; to amend and reenact section 27-20-48 and subsection 3 of section 50-25.1-11 of the North Dakota Century Code, relating to guardians ad litem and the availability of information; to provide a penalty; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 36 YEAS, 59 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Glassheim; Gorder; Grumbo; Gulleston; Hagle; Hanson; Henegar, K.; Huether; Kaldor; Keiser; Kelsch; Kerzman; Kliniske; Kretschmar; Kroeber; Laughlin; Maragos; Mutzenberger; Nichols; Nottestad; Oban; Price; Rydell; Sabby; Sandvig; Schmidt; Sitz; Thompson; Thoreson; Walker; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Gorman; Grosz; Gunter; Hausauer; Holm; Howard; Jacobs; Johnson; Kempenich; Klein; Koppelman; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Nicholas; Olson; Payne; Poolman; Rennerfeldt; Retzer; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Timm; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Henegar, D.; Sveen

Reengrossed SB 2038, as amended, was declared lost.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to amend and reenact section 54-12-04.2 of the North Dakota Century Code, relating to assistance to local child protection teams.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 70 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Christopherson; Coats; Delmore; Glassheim; Grumbo; Gulleston; Hagle; Hanson; Kaldor; Kerzman; Kroeber;

Laughlin; Mahoney; Maragos; Mutzenberger; Nichols; Oban; Price; Sandvig; Schmidt; Sitz; Svedjan; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Henegar, D.

Engrossed SB 2045, as amended, was declared lost.

MOTION

REP. DORSO MOVED that Engrossed SCR 4014 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4014: A concurrent resolution to create and enact a new section to the Constitution of North Dakota, relating to suits against the state and state employees; and to amend and reenact section 9 of article I of the Constitution of North Dakota, relating to suits against the state and state employees.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Henegar, D.

Engrossed SCR 4014, as amended, was declared adopted on a roll call vote.

SECOND READING OF SENATE BILL

SB 2476: A BILL for an Act to create and enact a new subsection to section 23-29-02 and a new section to chapter 23-29 of the North Dakota Century Code, relating to the transportation of solid waste; and to amend and reenact section 23-29-03 of the North Dakota Century Code, relating to definitions for purposes of solid waste management.

MOTION

REP. KLEIN MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 55 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Boucher; Christenson; Coats; DeKrey; Delmore; Galvin; Gerntholz; Glassheim; Grumbo; Gulleson; Hagle; Hanson; Henegar, K.; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kerzman; Kliniske; Koppelman; Kroeber; Laughlin; Mahoney; Maragos; Mutzenberger; Nichols; Oban; Olson; Rydell; Sabby; Sandvig; Schimke; Schmidt; Sitz; Sveen; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; Deizer; DeWitz; Dorso; Drovdal; Freier; Froseth; Gorder; Gorman; Grosz; Gunter; Hausauer; Holm; Howard; Johnson; Kempenich; Klein; Kretschmar; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nottestad; Payne; Poolman; Price; Rennerfeldt; Retzer; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner

ABSENT AND NOT VOTING: Dobrinski; Henegar, D.

Reengrossed SB 2476 was declared lost.

MOTION

REP. KRETSCHMAR MOVED that the House reconsider its action whereby SCR 4054 lost.

REQUEST

REP. KRETSCHMAR REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SCR 4054 lost, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SCR 4054 lost, the roll was called and there were 46 YEAS, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Boucher; Carlisle; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; Delmore; Gerntholz; Glassheim; Grumbo; Gulleson; Hagle; Hanson; Henegar, K.; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kerzman; Kliniske; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Martinson; Mickelson; Mutzenberger; Nichols; Nottestad; Oban; Rydell; Sabby; Sandvig; Schmidt; Sitz; Stenehjem; Sveen; Walker; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlson; Clark; DeKrey; Deizer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gorder; Gorman; Grosz; Gunter; Hausauer; Holm; Howard; Johnson; Kempenich; Klein; Koppelman; Kunkel; Lloyd; Monson; Nicholas; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Schimke; Shide; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Wardner

ABSENT AND NOT VOTING: Dobrinski; Henegar, D.

So the motion to reconsider the action whereby SCR 4054 lost, failed.

REQUEST

REP. DALRYMPLE REQUESTED that the Journal reflect that the committee recommendation on SB 2005 should be "DO PASS" rather than "DO NOT PASS", which request was granted.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Gulleason; Henegar, D.; Rydell; Sabby

SB 2005 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to amend and reenact section 15-36-08 of the North Dakota Century Code, as amended by section 4 of chapter 171 of the 1993 Session Laws, and section 15-38-18 of the North Dakota Century Code, relating to fees and expenses of the education standards and practices board; to provide for temporary fiscal management of the education standards and practices board by the superintendent of public instruction; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleason; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Boehm; Clark; Delzer; Holm; Schimke

ABSENT AND NOT VOTING: Dobrinski; Henegar, D.; Price

SB 2187 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2236: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to state officer and employee expense reimbursement.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 93 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Coats

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Grosz; Henegar, D.; Soukup

Engrossed SB 2236 was declared lost.

SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to amend and reenact subsection 6 of section 53-06.1-01 of the North Dakota Century Code, relating to uses of proceeds of games of chance.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 59 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Christopherson; Clayburgh; Coats; Delmore; Delzer; DeWitz; Freier; Galvin; Glasheim; Gorder; Grosz; Grumbo; Gulleson; Holm; Jacobs; Kaldor; Kelsch; Kerzman; Kliniske; Koppelman; Laughlin; Mutzenberger; Nichols; Nottestad; Oban; Payne; Sabby; Sandvig; Schimke; Schmidt; Sitz; Svedjan; Thoreson; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Dorso; Drovdal; Froseth; Gerntholz; Gorman; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Howard; Huether; Johnson; Keiser; Kempenich; Klein; Kretschmar; Kroeber; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Shide; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Henegar, D.

SB 2378 was declared lost.

SECOND READING OF SENATE BILL

SB 2422: A BILL for an Act to amend and reenact section 6-01-17.1, subsection 8 of section 6-03-02, sections 6-03-13.1, 6-03-13.3, 6-03-13.4, 6-07-04.2, and 6-10-03 of the North Dakota Century Code, relating to the establishment of multiple offices of a bank; and to repeal sections 6-03-14, 6-03-14.1, 6-03-15, 6-03-16, 6-03-17, 6-03-18, and 6-03-19 of the North Dakota Century Code, relating to banking.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 93 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Nichols; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Henegar, D.

Engrossed SB 2422 was declared lost.

SECOND READING OF SENATE BILL

SB 2423: A BILL for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to bank subsidiaries acting as agents; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 85 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Dalrymple; Kaldor; Kroeber; Laughlin; Nichols; Oban; Sitz; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Boucher; Dobrinski; Henegar, D.; Tollefson

SB 2423 was declared lost.

MOTION

REP. DORSO MOVED that SB 2478, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. DORSO MOVED that the House stand in recess until 4:45 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Martin presiding.

SECOND READING OF SENATE BILL

SB 2538: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 16 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Frejer; Froseth; Galvin; Gerntholz; Gorman; Grumbo; Guleson; Gunter; Hagle; Hanson; Hausauer; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Timm; Torgerson; Wald; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Brown; DeKrey; Delmore; Delzer; Gorder; Grosz; Henegar, K.; Nottestad; Retzer; Schimke; Svedjan; Thompson; Thoreson; Tollefson; Walker

ABSENT AND NOT VOTING: Dobrinski; Glassheim; Henegar, D.; Nicholas

Engrossed SB 2538 passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HB 1194.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1392 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1392: Reps. Timm, Price, Grumbo.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1134: Sens. Tennefos; Kringstad; Kinnoin

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2101: Reps. Maragos, Kliniske, Christenson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SCR 4049: Reps. Price, Gunter, Sandvig.

MOTION

REP. KRETSCHMAR MOVED that the House reconsider its action whereby the House did not concur in the Senate amendments to HB 1223, and that the House do concur in the Senate amendments to HB 1223 and that the Conference Committee be dissolved, which motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER MARTIN ANNOUNCED that the Conference Committee on HB 1223 was dissolved and HB 1223, as amended, was placed on the Eleventh order on today's calendar.

SECOND READING OF HOUSE BILL

HB 1223: A BILL for an Act to amend and reenact section 12.1-32-06.1 of the North Dakota Century Code, relating to an additional period of probation that may be imposed for certain types of offenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gordor; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Glasheim; Henegar, D.; Nicholas

Engrossed HB 1223, as amended, passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4034: A concurrent resolution urging the Governor to declare an emergency concerning the impending flood disaster in the Devils Lake basin and urging the Governor to mobilize the National Guard to combat the flood emergency developing in the Devils Lake basin.

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4034 was declared adopted on a voice vote.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2103, SB 2115, SB 2264, SB 2455, and SCR 4026 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2103: Sens. Traynor; Christmann; Krauter

SB 2115: Sens. W. Stenehjelm; Traynor; C. Nelson
 SB 2264: Sens. W. Stenehjelm; Traynor; C. Nelson
 SB 2455: Sens. Watne; W. Stenehjelm; C. Nelson
 SCR 4026: Sens. Mutch; Tennefos; Langley

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to Engrossed HB 1116 as printed on HJ page 1144, which motion prevailed.

Engrossed HB 1116, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to amend and reenact section 18-09-02, subsection 2 of section 23-13-02.3, and section 23-13-16 of the North Dakota Century Code, relating to liquefied petroleum gas regulations, self-service motor fuel dispensing facilities, and limitations on aboveground petroleum storage tanks.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Boucher; Dobrinski; Glasheim; Henegar, D.

Engrossed HB 1116, as amended, passed and the title was agreed to.

MOTION

REP. NICHOLAS MOVED that HB 1149, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to Engrossed HB 1172 as printed on HJ page 1144, which motion prevailed.

Engrossed HB 1172, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1172: A BILL for an Act to amend and reenact sections 13-04.1-02, 43-23-05, 43-23-06.1, 43-23-07, subsection 1 of section 43-23-08, sections 43-23-09, 43-23-10, 43-23-12, 43-23-13, and 43-23-13.1 of the North Dakota Century Code, relating to the definition of money broker and mortgage broker exceptions; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gordner; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Glasheim; Henegar, D.

Engrossed HB 1172, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SOUKUP MOVED that the House do concur in the Senate amendments to Engrossed HB 1246 as printed on HJ pages 1144-1145, which motion prevailed.

Engrossed HB 1246, as amended, was placed on the Eleventh order of business on today's calendar.

MOTION

REP. SOUKUP MOVED that HB 1246, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate respectfully requests the return of: HB 1194.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do concur in the Senate amendments to Engrossed HB 1004 as printed on HJ pages 1190-1191, which motion prevailed.

Engrossed HB 1004, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act making an appropriation for defraying the expenses of the upper great plains transportation institute.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gordner; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen;

Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Glassheim; Henegar, D.

Engrossed HB 1004, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do concur in the Senate amendments to Engrossed HB 1008 as printed on HJ page 1192, which motion prevailed.

Engrossed HB 1008, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the aeronautics commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Glassheim; Henegar, D.

Engrossed HB 1008, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do concur in the Senate amendments to HB 1010 as printed on HJ page 1192, which motion prevailed.

HB 1010, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the department of banking and financial institutions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz;

Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Glasheim; Henegar, D.

HB 1010, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WARDNER MOVED that the House do concur in the Senate amendments to Engrossed HB 1026 as printed on HJ pages 1192-1214, which motion prevailed.

Engrossed HB 1026, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to create and enact a new section to chapter 37-03 of the North Dakota Century Code, relating to biennial reports; to amend and reenact sections 2-05-04, 4-02.1-26, 4-05.1-04, 4-27-11, 6-01-10, 13-03-10, 13-03.1-10, 13-05-08.1, 15-02-08, 15-10-14.1, 15-20.1-21, 15-21-14, 15-52-28, 18-01-29, 20.1-02-04, 23-01-06, 24-02-01.5, 24-02-10, 26.1-01-03, 26.1-21-22, 34-05-01, 34-06-20, 36-01-11, 37-03-05, 37-14-09, 37-15-19, 43-01-06, 43-04-19, 43-09-05, 43-10-08, 43-13-09, 43-15-12, 43-17-12, 43-23-02, 43-28-09, 46-02-04, 49-01-13, 52-02-03, 52-10-09, 54-06-03, 54-06-04, 54-09-02, 54-10-01, 54-11-01, 54-12-05, 54-17-06, 54-36-06, 54-42-05, 54-44.3-07, 54-46-11, 57-01-02, 61-03-04, 61-04.1-10, and 65-02-09 of the North Dakota Century Code, relating to reports to the governor and the secretary of state; and to repeal section 54-06-05 of the North Dakota Century Code, relating to the condensing of reports and copies of reports.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dalrymple; Dobrinski; Glasheim; Henegar, D.

Engrossed HB 1026, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SOUKUP MOVED that the House do concur in the Senate amendments to HB 1214 as printed on HJ pages 1221-1222, which motion prevailed.

HB 1214, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1214: A BILL for an Act to amend and reenact sections 4-02-04, 4-02-08, 4-02-26, 4-02-27, 4-02-27.2, 4-02-27.3, 4-02-30, 11-23-09, 53-03-03, 53-04.1-04, 53-05-02, subsections 30 and 31 of section 57-15-06.7, and subsection 1 of section 57-15-06.8 of the North Dakota Century Code, relating to fairs, fair associations, carnivals, and amusements and property tax levies for fairs; and to repeal sections 4-02-03, 4-02-09, 4-02-11, 4-02-15, 4-02-32, 4-02-33, 4-02-34, and subsection 3 of section 57-15-06.7 of the North Dakota Century Code, relating to fairs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 79 YEAS, 14 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; DeKrey; Delmore; DeWitz; Dorso; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grumbo; Gulleon; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Bateman; Boehm; Byerly; Delzer; Drovdal; Freier; Hanson; Kempenich; Kroeber; Lloyd; Nichols; Payne; Sitz; Wilkie

ABSENT AND NOT VOTING: Dalrymple; Dobrinski; Glassheim; Grosz; Henegar, D.

HB 1214, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to HB 1220 as printed on HJ page 1222, which motion prevailed.

HB 1220, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1220: A BILL for an Act to amend and reenact section 51-14-03 of the North Dakota Century Code, relating to the limitation on credit service charges.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 56 YEAS, 38 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Austin; Belter; Berg; Bernstein; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; DeKrey; DeWitz; Dorso; Freier; Froseth; Gerntholz; Gorman; Grosz; Gunter; Hausauer; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Mickelson; Monson; Nicholas; Olson;

Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner

NAYS: Aarsvold; Bateman; Boehm; Boucher; Brown; Christenson; Coats; Delmore; Delzer; Drovdal; Galvin; Gorder; Grumbo; Gulleeson; Hagle; Hanson; Henegar, K.; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Martinson; Mutzenberger; Nichols; Nottestad; Oban; Retzer; Sandvig; Schimke; Schmidt; Sitz; Sveen; Thompson; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dalrymple; Dobrinski; Glassheim; Henegar, D.

HB 1220, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that the House accede to the Senate's request for the return of HB 1194, which motion prevailed.

MOTION

REP. FREIER MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. FREIER MOVED that the House be on the Fourth, Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:30 a.m., Friday, March 24, 1995, which motion prevailed.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 10:50 a.m., March 23, 1995.

This is to inform you that on March 21, 1995, I signed the following: HB 1058, HB 1183, HB 1239, HB 1321, HB 1324, HB 1417, HB 1425, HB 1450, HB 1451, HB 1458 and HB 1484. Also, on March 22, 1995, I signed the following: HB 1440.

REPORT OF STANDING COMMITTEE

SB 2018, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2018 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2177, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2177 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2335, as reengrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (13 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2335 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4065, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4065 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4066, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4066 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4067: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4067 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2010, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2010 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "general" with "insurance regulatory trust"

Page 1, line 9, after the first "from" insert "other" and after the second "funds" insert "and other income"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 401 - INSURANCE DEPARTMENT

HOUSE - This amendment makes technical changes to the bill to correctly identify the insurance regulatory trust fund rather than the general fund as the source of funds for the Insurance Department.

REPORT OF STANDING COMMITTEE

SB 2011, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "436,309" with "535,740"

Page 1, line 13, replace "538,698" with "638,129"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 414 - SECURITIES COMMISSIONER

HOUSE - This amendment makes the following line item changes:

	SENATE VERSION	ADD AN ATTORNEY	HOUSE VERSION
Salaries and wages	\$436,309	\$99,431	\$535,740
Operating expenses	96,389		96,389
Equipment	<u>6,000</u>	<u> </u>	<u>6,000</u>
Total general fund	\$538,698	\$99,431	\$638,129
FTE	5	1	6

The amendment makes the following changes to the Securities Commissioner's program:

	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Regulation	\$538,698	\$99,431	\$638,129
FTE	5	1	6

REPORT OF STANDING COMMITTEE

SB 2014, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "1,699,854" with "1,899,854"

Page 1, line 13, replace "100,000" with "300,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT

DEPARTMENT 360 - PROTECTION AND ADVOCACY COMMITTEE

HOUSE - This amendment increases the general fund appropriation from \$100,000 to \$300,000. The total appropriation provided is intended to fund up to 22 FTE positions.

REPORT OF STANDING COMMITTEE

SB 2022, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2022 was placed on the Sixth order on the calendar.

Page 1, line 2, after "society" insert "; and to declare an emergency"

Page 1, line 14, replace "81,707" with "311,707"

Page 1, line 17, replace "517,583" with "547,583"

Page 1, line 18, replace "5,728,998" with "5,988,998"

Page 1, line 20, replace "4,728,899" with "4,988,899"

Page 2, after line 10, insert:

"SECTION 3. STORAGE FACILITY APPROPRIATION - LIMITED USE. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$147,586, or so much of the sum as may be necessary, to the state historical society for the purpose of purchasing and renovating the building located at 6117 east main in Bismarck for use as a historical society storage facility for the biennium beginning with the effective date of this Act and ending June 30, 1997. The historical society may use only the ground floor of the building for storage space needs of the historical society unless the budget section determines additional space in the building may also be used by the historical society.

SECTION 4. FACILITY MANAGEMENT SPACE UTILIZATION STUDY. The office of management and budget, for the biennium beginning July 1, 1995, and ending June 30, 1997, shall conduct a space utilization study to provide recommendations on the most efficient use of the second floor of the building purchased by the state historical society located at 6117 east main in Bismarck. The study must include an analysis of storage space needs of the state historical society and other state agencies and office space needs of state agencies. The office of management and budget shall report its findings and recommendations for the use of the second floor of the building to the budget section by July 1, 1996, and the budget section shall make a determination regarding the use of the second floor of the building.

SECTION 5. EMERGENCY. Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - Historical Society

HOUSE - This amendment makes the following changes:

	SENATE VERSION	ADD CAPITAL IMPROVEMENTS	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$3,782,452			\$3,782,452
Operating expenses	782,076			782,076
Equipment	74,644			74,644
Capital improvements	81,707	\$377,586 ¹	\$377,586	459,293
Grants	485,559		0	485,559
International Peace Garden	517,583	30,000 ²	30,000	547,583
Yellowstone-Missouri- Ft. Union Commission	<u>4,977</u>			<u>4,977</u>
Total	\$5,728,998	\$407,586	\$407,586	\$6,136,584
General fund	\$4,728,899	\$407,586	\$407,586	\$5,136,485
Special funds	<u>1,000,099</u>		<u>0</u>	<u>1,000,099</u>
Total	\$5,728,998	\$407,586	\$407,586	\$6,136,584
FTE	54		0	54

¹ Provides funding for the following capital improvements which were included in Senate Bill No. 2030 in the executive budget and the Senate version:

1883 Stutsman County Courthouse project	\$200,000
Heating system replacement and other repairs and maintenance in the former Governor's mansion	30,000
Purchase and renovation of a storage facility (emergency clause)	147,586
Total	<u>\$377,586</u>

² Provides funding for replacement of the cement mosaic pattern on the upper terrace at the Peace Garden. This funding was included in Senate Bill No. 2030 in the Senate version.

A provision is added restricting the Historical Society's use of the building purchased for Historical Society storage to the ground floor of the building unless additional use is authorized by the Budget Section.

A provision is added directing Facility Management to conduct a space utilization study of the second floor of the building purchased by the Historical Society for storage space. Facility Management is to report to the Budget Section by July 1, 1996, on its recommendation for use of the second floor and the Budget Section will determine the use of the second floor.

REPORT OF STANDING COMMITTEE

SB 2023, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2023 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 15 with:

"Administration	\$1,258,946
Planning and development	3,962,252
Prairie rose state games	173,997
Parks	<u>4,140,738"</u>

Page 1, line 16, replace "7,991,972" with "9,535,933"

Page 1, line 17, replace "3,029,963" with "4,189,963"

Page 1, line 18, replace "4,962,009" with "5,345,970"

Page 2, after line 11, insert:

"SECTION 5. LINE ITEM TRANSFERS. Upon approval of the emergency commission, the parks and recreation department may transfer between various line items in section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for changing circumstances in meeting established performance measures. Any further transfers must be approved by the budget section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - PARKS AND RECREATION DEPARTMENT

HOUSE - This amendment provides program-based line items for the Parks and Recreation appropriation rather than object code-based line items as included in the Senate version. The object code-based line item changes are as follows:

	SENATE VERSION	RESTORE VACANT POSITIONS ¹	ADD CAPITAL IMPROVEMENTS ²	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$3,983,376	\$123,961		\$ 123,961	\$4,107,337
Operating expenses	2,194,131				2,194,131
Equipment	169,900				169,900
Capital improvements	441,232		\$1,420,000	1,420,000	1,861,232
Grants	<u>1,203,333</u>	<u> </u>	<u> </u>	<u> </u>	<u>1,203,333</u>
Total	\$7,991,972	\$123,961	\$1,420,000	\$1,543,961	\$9,535,933
General fund	\$4,962,009	\$123,961	\$ 260,000	\$ 383,961	\$5,345,970
Special funds	<u>3,029,963</u>	<u> </u>	<u>1,160,000</u>	<u>1,160,000</u>	<u>4,189,963</u>
Total	\$7,991,972	\$123,961	\$1,420,000	\$1,543,961	\$9,535,933
FTE	36	2		2	38

¹ Restores the two vacant FTE positions removed by the Senate.

² Adds capital improvements funding as follows:

	GENERAL FUND	SPECIAL FUNDS	TOTAL
Lake Sakakawea State Park			
Waterline installation	\$ 60,000		\$ 60,000
Road repair		\$ 40,000*	40,000
Wastewater system upgrade	45,000		45,000
Fort Lincoln State Park	155,000	620,000**	775,000
river rip-rap			
Devils Lake State Park		500,000**	500,000
development			
Total	\$260,000	\$1,160,000	\$1,420,000

* Other funds from park income or other sources

** Federal funds

The funding provided for each Parks and Recreation Department program is as follows:

	SENATE VERSION	HOUSE CHANGES	LEGISLATIVE APPROPRIATION
Administration	\$1,243,183	\$ 15,763	\$1,258,946
Planning and development	2,463,721	1,498,531	3,962,252
Prairie Rose State Games	170,966	3,031	173,997
Parks	4,013,057	127,681	4,140,738
Salary and benefits	<u>101,045</u>	<u>(101,045)*</u>	
adjustment			
Total	\$7,991,972	\$1,543,961	\$9,535,933

* Funding in the salary and benefit adjustment line item is allocated to each program line item to reflect the funding provided to each program.

REPORT OF STANDING COMMITTEE

SB 2025, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2025 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "; to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of oil extraction tax revenues; to provide an effective date; and to provide an expiration date"

Page 1, line 11, replace "7,216,655" with "7,334,014"

Page 1, line 12, replace "7,974,104" with "7,980,704"

Page 1, line 13, replace "145,750" with "151,750"

Page 1, line 15, replace "3,840,114" with "6,985,220"

Page 1, line 17, replace "37,913,355" with "41,188,420"

Page 1, line 18, replace "32,442,928" with "35,730,793"

Page 1, line 19, replace "5,470,427" with "5,457,627"

Page 1, line 20, replace "\$6,066,075" with "\$9,296,181"

Page 2, line 12, replace "\$6,066,075" with "\$9,296,181"

Page 2, after line 24, insert:

"SECTION 8. AMENDMENT. Section 57-51.1-07 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07. Allocation of moneys in oil extraction tax development fund. Moneys deposited in the oil extraction tax development fund must be apportioned quarterly by the state treasurer as follows:

1. Ten Twenty percent must be allocated and credited to the sinking fund established for payment of the state of North Dakota water development bonds, southwest pipeline series, and any moneys in excess of the sum necessary to maintain the accounts within the sinking fund and for the payment of principal and interest on the bonds, must be credited to a special trust fund, to be known as the resources trust fund. The resources trust fund must be established in the state treasury and the funds therein must be deposited and invested as are other state funds to earn the maximum amount permitted by law which income must be deposited in the resources trust fund. The principal and income of the resources trust fund may be expended only pursuant to legislative appropriation and are available to:
 - a. The state water commission for planning for and construction of water-related projects, including rural water systems. These water-related projects must be those which the state water commission has the authority to undertake and construct pursuant to chapter 61-02; and
 - b. The industrial commission for the funding of programs for development of energy conservation and renewable energy sources; for studies for development of cogeneration systems that increase the capacity of a system to produce more than one kind of energy from the same fuel; for studies for development of waste products utilization; and for the making of grants and loans in connection therewith.
2. Ninety Twenty percent must be allocated as provided in article X, section 24, of the Constitution of North Dakota.
3. Sixty percent must be allocated and credited to the state's general fund for general state purposes.

SECTION 9. EFFECTIVE DATE - EXPIRATION DATE. Section 8 of this Act is effective for tax revenue from oil produced after June 30, 1995, and before July 1, 1997, and section 8 is ineffective for tax revenue from oil produced after June 30, 1997."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

HOUSE - This amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	TOTAL SENATE CHANGES	SENATE RECOMMENDATION	CHANGE FUNDING OF WET PROGRAM ¹	FULLY FUND 2 FTE ²	OTHER HOUSE CHANGES	HOUSE RECOMMENDATION
Salaries and wages	\$ 7,247,006	\$(30,351)	\$ 7,216,655		\$111,759	\$ 5,600 ³	\$ 7,334,014
Operating expenses	7,847,595	126,509	7,974,104			6,600 ³	7,980,704
Equipment	145,750		145,750			6,000 ⁴	151,750
Capital improvements	15,686,732		15,686,732				15,686,732
Grants	3,840,114		3,840,114		(60,000)	3,205,106 ⁵	6,985,220
Cooperative research	<u>3,050,000</u>		<u>3,050,000</u>				<u>3,050,000</u>
Total	\$37,817,197	\$ 96,158	\$37,913,355		\$ 51,759	\$3,223,306	\$41,188,420
Less estimated income	<u>32,363,928</u>	<u>79,000</u>	<u>32,442,928</u>	<u>\$ 25,000</u>	<u>51,759</u>	<u>3,211,106</u>	<u>35,730,793</u>
General fund	\$ 5,453,269	\$ 17,158	\$ 5,470,427	\$(25,000)	\$ 0	\$ 12,200	\$ 5,457,627
FTE	83	1	84				84

¹ Provides that 20 percent match for the Water Education for Teachers (WET) program be from resources trust fund moneys, rather than the general fund.

² Transfers \$60,000 of special funds from grants and adds \$51,759 from special funds expected to be received from cities and counties to fully fund two existing FTE positions for water supply analysis.

³ Adds \$12,200 from the general fund for the cost of the meetings of the Atmospheric Resource Board, \$5,600 in salaries and wages and \$6,600 in operating expenses.

⁴ Adds \$6,000 of federal funds for computer equipment associated with the Environmental Protection Agency grant.

⁵ Adds \$2,800,000 from the resources trust fund made available as a result of increasing the allocation to the fund from 10 percent to 20 percent of oil extraction taxes and \$405,106 of additional resources trust fund income estimated by the State Water Commission.

This amendment changes the statutory allocation of the oil extraction tax collections as follows:

	ALLOCATION BASED ON ATTORNEY GENERAL'S JANUARY 1995 OPINION	PROPOSED ALLOCATION
General fund	70%	60%
Resources trust fund	10%	20%
Common schools trust fund	10%	10%
Foundation aid stabilization fund	<u>10%</u>	<u>10%</u>
	100%	100%

The following is a comparison of the resources trust fund appropriations as a result of this amendment:

	ENGROSSED SB 2025	AMENDMENT CHANGES	HOUSE VERSION SB 2025
Resources trust fund appropriation	\$6,066,075	\$3,230,106	\$9,296,181

REPORT OF STANDING COMMITTEE

SB 2027, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for an electronic reporting system;"

Page 1, line 14, replace "10,294,701" with "10,841,136"

Page 1, line 15, replace "5,765,538" with "6,411,716"

Page 1, line 16, replace "989,625" with "1,000,625"

Page 2, line 1, replace "20,800,539" with "22,004,152"

Page 2, line 2, replace "20,789,280" with "21,992,893"

Page 2, after line 8, insert:

"SECTION 3. REPORT TO BUDGET SECTION. The workers compensation bureau is to report on the expenditure of the \$350,000 provided for critical salary adjustments to the budget section at its June 1996 meeting.

SECTION 4. ELECTRONIC REPORTING. Job service North Dakota and the workers compensation bureau are to develop an employer wage reporting system that will allow for the electronic submission of employer wage information. The system is to have a common reporting form and allow for magnetic or electronic transmission of the wage information on either five and one-quarter inch or three and one-half inch DOS formatted diskettes, through asynchronous communications, or any other method of transmission deemed appropriate. The new reporting system is to be available to employers by January 1, 1997. Any state agency that wishes to participate in the development of the wage reporting system may do so."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

HOUSE - This amendment makes the following changes:

	SENATE VERSION	RESTORE VACANT FTE POSITIONS	PROVIDE FOR CRITICAL SALARY ADJUSTMENTS	WORKERS ADVISORY GROUP	PROVIDE FOR A 1-800 PHONE LINE	PERSONNEL SYSTEM	TOTAL HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$10,294,701	\$196,435	\$350,000				\$ 546,435	\$10,841,136
Operating expenses	5,765,538			\$378,128	\$191,250	\$76,800	646,178	6,411,716
Equipment	989,625					11,000	11,000	1,000,625
Managed care/TPA	1,460,250							1,460,250
Information reengineering	1,979,166							1,979,166
Other states coverage	50,000							50,000
Contingencies	250,000							250,000
Civil Air Patrol payment	<u>11,259</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>11,259</u>
Total all funds	\$20,800,539	\$196,435	\$350,000	\$378,128	\$191,250	\$87,800	\$1,203,613	\$22,004,152
Less estimated income	<u>20,789,280</u>	<u>196,435</u>	<u>350,000</u>	<u>378,128</u>	<u>191,250</u>	<u>87,800</u>	<u>1,203,613</u>	<u>21,992,893</u>
Total general fund	\$ 11,259	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 11,259
FTE	148.5	1.5					1.5	150

The amendment also adds a section requiring the bureau to report to the Budget Section on the expenditure of the \$350,000 provided for critical salary adjustments.

The amendment also adds a section directing the Workers Compensation Bureau and Job Service North Dakota to develop a uniform electronic reporting system for employers.

REPORT OF STANDING COMMITTEE

SB 2030, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2030 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation for capital projects of various state departments and institutions; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for capital projects; to authorize the industrial commission to issue and sell bonds for capital projects; to amend and reenact section 54-17.2-23 of the North Dakota Century Code, relating to the limitation on state building authority lease payments; and to provide guidelines on the contents of future capital construction bills.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES.

The state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating, tax-exempt bonds in an amount not exceeding \$4,430,000, for the purpose of capital projects at institutions under the control of the board, including an amount not exceeding \$430,000 for a parking lot at Bismarck state college and \$4,000,000 for campus networking at the institutions of higher education. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota.

Bonds for campus networking may only be issued after the board of higher education has approved a student technology fee. The use of income generated through a student technology fee is not limited to campus networking; however, the technology fee income may be the only source of funds used for the retirement of bonds issued for campus networking.

Based upon campus master plans, updated cost estimates, and a study that includes projected technology fee income by campus, the board shall determine the necessary amount of revenue bonds to be issued by campus. The total issue for networking may not exceed \$4,000,000 for the university system. The technology fee paid by students at a campus may only be used for networking or technology purposes at that campus.

SECTION 2. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 1, or so much of the sum as may be necessary, are hereby appropriated for a parking lot at Bismarck state college, in the amount of \$430,000, and for campus networking, in the amount of \$4,000,000.

Any unexpended balance from the sale of bonds must be placed in a sinking fund for the retirement of the authorized bonds.

SECTION 3. PROJECT AUTHORIZATIONS. The industrial commission, acting as the North Dakota building authority, shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of evidences of

indebtedness under chapter 54-17.2, during the biennium beginning July 1, 1995, and ending June 30, 1997. The proceeds of the evidences of indebtedness and other available funds are hereby appropriated during the biennium beginning July 1, 1995, and ending June 30, 1997, for the following projects:

Bismarck state college	Science and mathematics center	\$8,060,000
University of North Dakota	Abbott hall	2,371,769
North Dakota state university	Power plant	2,145,000
Dickinson state university	Klinefelter hall	2,750,000

The industrial commission shall issue evidences of indebtedness under this section with the condition that lease rental payments need not begin until July 1, 1997. This authority of the industrial commission to issue evidences of indebtedness ends June 30, 1997, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

The university of North Dakota may obtain and utilize federal funds to assist in remodeling Abbott hall at the university of North Dakota. There is hereby appropriated to the university of North Dakota the sum of \$1,771,769, or so much of the sum as may be necessary, from any federal or other funds that may become available for this project for the biennium beginning July 1, 1995, and ending June 30, 1997.

Grand total special funds appropriation \$21,528,538

SECTION 4. BOND ISSUANCE REPAYMENT RESPONSIBILITY. Of the total amount of evidences of indebtedness issued under the provisions of section 3 of this Act, a total of \$2,206,769 must be available from nongeneral fund sources to assist in the retirement of the evidences of indebtedness, issued for the project costs associated with construction of the projects authorized by this Act:

Bismarck state college project	\$1,060,000
University of North Dakota project	871,769
Dickinson state university project	275,000

Payments must be made in six equal annual installments beginning after fiscal year 1997. Prepayment may be made on any or all of these amounts. Such payments of local matching amounts must be deposited in a special industrial commission account from which the industrial commission, acting as the North Dakota building authority, shall use the funds in making principal and interest payments.

SECTION 5. AMENDMENT. Section 54-17.2-23 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-17.2-23. State building authority lease payments - Limitation. The general fund amount of lease payments for a biennium associated with capital construction projects financed by the industrial commission acting as the state building authority may not exceed the amount equal to a portion of sales, use, and motor vehicle excise tax collections equal to ~~twelve and one-half~~ eleven percent of an amount, determined by multiplying the quotient of one percent divided by the general sales tax rate that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3.

SECTION 6. CONTENTS OF CAPITAL CONSTRUCTION BILL. The office of management and budget shall continue to prepare capital construction budgets and a capital construction bill. All future capital construction bills may only include projects involving bonding. All other capital projects funded with general fund moneys or special funds must be included in the appropriate agency's appropriation bill."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

HOUSE - This amendment provides for the issuance of up to \$4 million of revenue bonds for campus networking at the institutions of higher education and \$430,000 of revenue bonds for a parking lot at Bismarck State College. The parking lot was already in the bill as \$430,000 of special funds, not revenue bonds.

The campus networking bond issuance is contingent upon the Board of Higher Education approving a student technology fee. The student technology fee is to be sufficient to provide for the retirement of all bonds issued for campus networking.

The amendment also reduces the building authority lease payment guideline from an amount equivalent to 12.5 percent of a one percent sales, use, and motor vehicle excise tax to 11 percent of a one percent sales, use, and motor vehicle excise tax. The amendment also removes the provisions requiring Budget Section review and a two-thirds vote to change the lease payment guidelines.

The following schedule shows the bill as introduced, the Senate version, the House version, and amounts to be added to other appropriation bills:

	BILL AS INTRODUCED	SENATE VERSION	HOUSE VERSION	VARIANCE BETWEEN HOUSE AND SENATE VERSIONS	AMOUNTS INCLUDED IN OTHER BILLS
General fund appropriations					
Office of Management and Budget	\$ 400,000	\$ 400,000		\$ (400,000)	
Forest Service	73,267	73,267		(73,267)	\$ 40,000
Department of Human Services - State Hospital	1,000,000	1,000,000		(1,000,000)	1,000,000
NDSU Main Research Station	40,000	40,000		(40,000)	40,000
State Historical Society	407,586	407,586		(407,586)	407,586
North Dakota University System	500,000	2,500,000		(2,500,000)	1,200,000
North Dakota State University		2,145,000		(2,145,000)	
State Industrial School		311,300		(311,300)	300,000
State Penitentiary		188,000		(188,000)	47,000
Adjutant General		336,000		(336,000)	
North Central Research Center		600,000		(600,000)	300,000
Parks and Recreation		325,000		(325,000)	260,000
State College of Science					500,000
Minot State University					300,000
Valley City State University					300,000
Total general fund appropriations	<u>\$ 2,420,853</u>	<u>\$ 8,326,153</u>	<u>\$ 0</u>	<u>\$ (8,326,153)</u>	<u>\$ 4,694,586</u>
Special funds appropriations					
Office of Management and Budget	\$ 1,000,000	\$ 1,000,000		\$ (1,000,000)	
Bismarck State College	430,000	430,000		(430,000)	
University of North Dakota	4,316,769	4,316,769	\$ 1,771,769	(2,545,000)	\$ 2,545,000
UND Rehabilitation Hospital	125,000				
North Dakota State University	200,000	200,000		(200,000)	200,000
State College of Science	900,000	900,000		(900,000)	500,000
State Penitentiary					141,000
Veterans Home	606,400	606,400		(606,400)	606,400
Highway Patrol	1,400,000	1,400,000		(1,400,000)	1,400,000
State Seed Department	350,000	350,000		(350,000)	350,000
Northern Crops Institute	1,500,000	1,500,000		(1,500,000)	1,500,000
Agronomy Seed Farm	205,000	205,000		(205,000)	205,000
Game and Fish Department	210,000	210,000		(210,000)	210,000
Parks and Recreation	1,120,000	1,120,000		(1,120,000)	1,120,000
Department of Transportation	5,557,000	5,557,000		(5,557,000)	5,557,000

	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>300,000</u>
North Central Research Center					
Total special funds appropriations	<u>\$17,920,169</u>	<u>\$17,795,169</u>	<u>\$ 1,771,769</u>	<u>\$(16,023,400)</u>	<u>\$14,634,400</u>
Projects financed through bonding					
North Dakota University System	\$ 5,000,000		\$ 4,000,000	\$ 4,000,000 ¹	
Bismarck State College	8,060,000	\$ 8,060,000	8,490,000	430,000	
University of North Dakota	2,371,769	2,371,769	2,371,769		
North Dakota State University	2,145,000		2,145,000	2,145,000	
State College of Science	1,300,000	1,300,000		(1,300,000)	
Dickinson State University	2,750,000	2,750,000	2,750,000		
Minot State University	422,000	422,000		(422,000)	
Valley City State University	514,000	514,000		(514,000)	
Department of Human Services - State Hospital	580,500				
State Industrial School	311,300				
State Penitentiary	188,000				
Adjutant General	336,000				
North Central Research Center	600,000				
Parks and Recreation	<u>325,000</u>				
Total financed projects	<u>\$24,903,569</u>	<u>\$15,417,769</u>	<u>\$19,756,769</u>	<u>\$ 4,339,000</u>	<u>\$ 0</u>
Total all projects	\$45,244,591	\$41,539,091	\$21,528,538	\$(20,010,553)	\$19,328,986

¹ The \$4 million is for campus networking at the institutions of higher education and bonds issued are to be retired from the proceeds of a student technology fee.

REPORT OF STANDING COMMITTEE

SB 2179: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). SB 2179 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and" and after "the" insert "Bathgate"

Page 1, line 4, after "property" insert "; to authorize the board of university and school lands to convey certain state-owned land to Stark County, North Dakota; and to repeal section 2 of chapter 188 of the 1987 Session Laws, relating to lands conveyed to Stark County for the development of a county fairgrounds"

Page 1, after line 22, insert:

"SECTION 3. Transfer of land authorized.

1. The board of university and school lands may convey to Stark County, North Dakota, land owned by the state which is located in Stark County and described as follows:

A tract of land in Stark County located in Section 5, Township 139 North, Range 96 West, described as the State Addition less the following tracts: (1) Lot 1 of Block 34; (2) A tract of land consisting of Lots 1-10 of Block 1; Lots 1-26 of Block 2; Lots 1-30 of Block 3; and all of 18th Ave. West and 19th Ave. West lying between the north property line of Fairway Street and the south property line of Empire Road, all of the above lots, blocks and avenues described in tract (2) being located in the State Addition of Dickinson, North Dakota, and being more particularly described as follows, to wit:

Beginning at a point 40 feet west and 40 south of the northeast corner of said Section 5, said point also being the northeast property corner of Lot 1, Block 1 of said State Addition; thence South 00 15'34" East along the east property line of said Block 1 a distance of 1,225.49 feet to the southeast property corner of Lot 10 of said Block 1; thence westerly on a bearing of South 89 49'34" West along the south property lines of said Blocks 1, 2, and 3 a distance of 785.00 feet to the southwest property corner of Lot 16 of said Block 3; thence northerly along the west property line of said Block 3 on a bearing of North 00 15'34" West a distance of 1,225.64 feet to the northwest property corner of Lot 30 of said Block 3; thence easterly along the north property lines of said Blocks 3, 2, and 1 on a bearing of North 89 49'04" East a distance of 785.00 feet to the True Point of Beginning.

2. The property may not be sold for less than the fair market value, based upon two independent appraisals.
3. The state shall reserve all mineral rights in and under the premises conveyed as are now held by the state.
4. The conveyance authorized by this section is not subject to section 54-01-05.5.
5. The attorney general shall review and approve as to form and legality all legal documents required for the conveyance authorized by this section, including title opinions.

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2202, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 13, after "1." insert "If the compensable injury causes permanent impairment and the permanent impairment award payable by the bureau is at least two thousand dollars, the injured employee may defer payment of the permanent impairment award for a period of time not to exceed the date the employee reaches age sixty-five. A permanent impairment award payable by the bureau under this subsection must be paid to the employee in a lump sum that consists of the amount of the award plus any interest that has accrued at the actuarial discount rate in use by the bureau. The actuarial discount rate applied to the award is the average actuarial discount rate in effect for the period of deferment of the employee's award. The bureau shall adopt rules implementing any necessary procedures for award payments made under this subsection.

2."

Page 1, line 14, remove "pay a lump sum to the"

Page 1, line 15, remove "injured employee. The bureau shall"

Page 1, line 16, after "sum" insert "payable under subsection 1"

Page 1, line 19, replace "14" with "15"

Page 1, line 20, remove "this" and after "subsection" insert "1"

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

Page 2, line 11, replace "3" with "4"

Page 2, line 17, replace "4. Except for total losses, an" with "5. An"

Page 2, line 18, replace "award" with "evaluation"

Page 2, line 25, replace "5" with "6"

Page 3, line 6, replace "6" with "7"

Page 3, line 7, after "given" insert "or calculated"

Page 3, line 8, remove "The bureau shall deduct any"

Page 3, remove lines 9 through 11

Page 3, line 12, replace "7" with "8"

Page 3, line 16, replace "8" with "9"

Page 3, line 24, replace "9" with "10"

Page 4, line 3, replace "10" with "11"

Page 4, line 6, replace "11" with "12"

Page 4, line 9, replace "12" with "13"

Page 4, line 11, replace "13" with "14"

Page 4, line 23, replace "14" with "15"

Page 4, line 27, replace "twenty" with "fifteen"

Page 4, after line 27, insert:

"For sixteen percent impairment	5 weeks
For seventeen percent impairment	5 weeks
For eighteen percent impairment	10 weeks
For nineteen percent impairment	10 weeks
For twenty percent impairment	15 weeks"

Page 4, line 28, replace "5" with "15"

Page 4, line 29, replace "10" with "20"

Page 5, line 1, replace "15" with "20"

Page 7, line 11, replace "15" with "16"

Page 7, line 28, replace "16" with "17"

Page 8, line 10, replace "17" with "18"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2350, as reengrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Reengrossed SB 2350 was placed on the Sixth order on the calendar.

Page 1, line 2, after "land" insert "to the city of Jamestown, North Dakota"

Page 1, line 5, after "convey" insert "to the city of Jamestown, North Dakota,"

Page 2, line 6, after the period insert "The conveyance authorized by this Act is exempt from sections 54-01-05.2 and 54-01-05.5.

4. All moneys realized from the sale must be deposited in the general fund in the state treasury.

5."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2355, as engrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2355 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "convey" with "sell"

Page 1, line 2, replace "to BHS Long Term Care, Inc" with "; and to amend and reenact sections 54-01-05.2 and 54-01-05.5 of the North Dakota Century Code, relating to the sale or exchange of state-owned land"

Page 1, line 5, replace "convey to BHS Long Term" with "sell"

Page 1, line 6, remove "Care, Inc.,"

Page 2, line 10, replace "The sale price must be at least ninety percent of the" with "At the public auction the property may not be sold for less

than the minimum appraised value. If no bid which equals or exceeds the minimum appraised value is received at the auction, the board may negotiate a price for the land with a purchaser. The price negotiated may not be less than greater of the highest bid received at the public auction or ninety percent of the minimum appraised value. All moneys realized from the sale must be deposited in the general fund in the state treasury."

Page 2, remove lines 11 through 13

Page 2, after line 16, insert:

"SECTION 2. AMENDMENT. Section 54-01-05.2 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-01-05.2. Sale of state-owned land —~~Notice.~~ Except as provided by section 54-01-05.5, whenever any department or agency of the state other than the board of university and school lands, the housing finance agency, ~~and~~ or the Bank of North Dakota is authorized to sell ~~such~~ real property, the property must be sold for cash by the county auditor or other person designated by the department or agency concerned at public auction at the front door of the courthouse in the county in which the property lies. A However, if in the opinion of the administrative head of the agency or department concerned a higher price can be obtained, the real property may be sold, by direct sale, by a licensed real estate broker engaged by the administrative head of the agency or department to sell the property, or by public auction conducted by a licensed auctioneer. If the property is sold by direct sale, through a real estate broker, or by public auction conducted by a licensed auctioneer, the property must be made available to the general public. If the property is sold at public auction other than a public auction conducted by a licensed auctioneer, a notice of sale must have been published in the official newspaper of the county in which the property lies for three successive weeks, with the last publication not less than ten days before the day of sale. The notice must be given in the name of the administrative head of the department or agency concerned, and must state the place, day, and hour of the sale, the description of the real property to be sold, the appraised value, and that the state reserves the right to reject any and all bids. No land may be sold at public auction, other than a public auction conducted by a licensed auctioneer, for less than the appraised value. In addition to the purchase price at auction, the buyer must pay the cost of preparing the land for sale. For a land sale or exchange when the value of the land is not more than one hundred thousand dollars, one appraisal must be obtained, and when the value of the land is in excess of one hundred thousand dollars, two appraisals must be obtained. If more than one appraisal is obtained, the appraised value of the land is the average of the two appraisals. If no bid is received on the land at public auction, the land may be sold for not less than ninety percent of the appraised value. If the land is sold by direct sale, through a real estate broker, or by public auction conducted by a licensed auctioneer, the land may be sold for not less than eighty-five percent of the appraised value.

SECTION 3. AMENDMENT. Section 54-01-05.5 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-01-05.5. ~~Bills authorizing sale~~ Sale or exchange of state-owned land ~~—Written report—Opinion.~~

- 1- The Upon approval by the budget section of the legislative council, the supervising agency, board, commission, department, or institution owning or controlling land proposed appraised by a certified appraiser at less than one

hundred thousand dollars may sell or exchange that land. Land appraised by a certified appraiser at a value of at least one hundred thousand dollars may not be sold or exchanged except by authority of a bill introduced in the legislative assembly to be sold or exchanged shall prepare. No sale or exchange may be proposed without a written report that includes:

- a. ~~An analysis of the type of land involved.~~
 - b. ~~A determination whether the land is needed for present or future uses of the agency, board, commission, department, or institution.~~
 - c. ~~A description of the party or parties, if known, who are interested in the land and the purposes for which the land is desired.~~
 - d. ~~A map showing the boundaries of the land proposed to be sold or exchanged and a description of the purposes for which the adjacent lands are used.~~
2. ~~The commissioner of university and school lands shall review each legislative bill proposing the sale or exchange of state-owned land and the written report from the supervising agency, board, commission, department, or institution. The commissioner shall then issue a written opinion to the standing committee of the legislative assembly to which the bill is initially referred concerning the proposed land sale or exchange and, in doing so, shall consider the "highest and best use" of the land as defined by section 15-02-05.1.~~
3. ~~The commissioner may adopt rules to provide for administration of this section; a description of the type of land involved; and an explanation of the disposition of the proceeds generated by the sale or exchange."~~

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2358, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2358 was placed on the Sixth order on the calendar.

In lieu of the amendments to Engrossed Senate Bill No. 2358 as printed on pages 1117 and 1118 of the House Journal, Engrossed Senate Bill No. 2358 is amended as follows:

Page 1, line 19, replace "Any" with "The court shall order any"

Page 2, line 6, replace "must" with "to"

Page 2, line 7, after "blood" insert "and other body fluids"

Page 2, line 9, after the period insert "Notwithstanding any other provision of law, if the sentencing court has not previously ordered a sample of blood and other body fluids to be taken, the court retains jurisdiction and authority to enter an order that the convicted person provide a sample of blood and other body fluids as required by this section."

Page 2, line 10, remove "blood" and after "sample" insert "of blood and other body fluids"

Page 2, line 11, after "sentence" insert "or probation"

Page 2, line 14, remove "blood"

Page 2, line 15, after "samples" insert "of blood and other body fluids"

Page 2, line 20, after "blood" insert "and other body fluids"

Page 2, line 21, after "blood" insert "and other body fluids"

Page 2, line 22, replace "was" with "and other body fluids were"

Page 2, line 23, after "blood" insert "or other body fluids"

Page 4, line 2, after "blood" insert "and other body fluids"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2359, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2359 was placed on the Sixth order on the calendar.

Page 2, line 17, remove "fencing,"

Page 2, line 18, after "activities" insert ", unless any of these activities disturbs the soil to a depth of eighteen inches [45.72 centimeters] or more"

Page 2, line 26, remove "commercial"

Page 2, line 27, remove "activities and public entities conducting excavating activities"

Page 3, line 1, after the first comma insert "Martin Luther King Day," and after the second comma insert "Good Friday,"

Page 3, line 3, after the period insert "When a holiday falls on a Saturday, it is observed on the preceding Friday as if the Friday were the holiday, and when a holiday falls on a Sunday, it is observed on the following Monday as if the Monday were the actual holiday."

Page 3, line 13, after "facilities" insert ", or a state or local government entity. The department of transportation is not considered an operator for the department's facilities buried on the department's rights of way"

Page 3, line 16, replace the comma with a period

Page 3, remove line 17

Page 3, after line 27, insert:

"17. "Water" includes potable water, wastewater, and storm water."

Page 4, line 3, remove "of sections 3 through 8"

Page 4, line 6, remove "sections 3 through 8 of"

Page 4, line 8, remove "sections 3 through 8 of"

Page 5, line 6, replace "board" with "initial incorporators of the corporation"

- Page 5, line 11, replace "governed by a board of" with "incorporated by seventeen initial incorporators, with one member representing the house of representatives and one member representing the senate appointed by the legislative council"
- Page 5, line 12, remove "directors of up to thirteen members"
- Page 5, line 14, replace "less" with "fewer"
- Page 5, line 21, replace "municipalities" with "cities with a population of fewer than five thousand, one member representing cities with a population of at least five thousand, one member representing counties"
- Page 5, line 24, remove "and"
- Page 5, line 26, after "services" insert ", and one member representing the production sector of the American petroleum institute", replace "board members" with "initial incorporators", and replace "elected" with "designated"
- Page 5, line 28, after the period insert "The legislative members are entitled to the same compensation and expenses as provided for members of committees of the legislative council under section 54-35-10. The legislative council shall pay the compensation for the legislative members."
- Page 6, line 1, replace "board" with "initial incorporators" and after "establish" insert ", before August 1, 1996, a board of directors of the nonprofit corporation which consists of eight members representing the participants in the center. The board shall establish"
- Page 6, line 21, replace "In addition to the civil penalties provided" with "The"
- Page 6, line 22, remove "by this chapter, the"
- Page 6, line 25, replace "January 9," with "August 1, 1997"
- Page 6, line 26, remove "1996"
- Page 7, line 1, replace "seventy-two" with "forty-eight"
- Page 7, line 3, after the period insert "If an operator determines more time is necessary for location, the operator may request a twenty-four-hour extension of the excavation or location notice by notifying the notification center. The notification center shall notify the excavator of the extension."
- Page 8, line 9, replace "seventy-two" with "forty-eight" and after "hours" insert ", or any extension of that period,"
- Page 8, line 18, replace "organized" with "underground facility to convey water"
- Page 8, line 19, remove "rural water system"
- Page 8, after line 19, insert:
- "c. When an operator cannot establish the exact location of the underground facility to convey water, the operator shall mark the location as accurately as possible and the excavator may proceed with caution. When excavation operations approach the estimated location of the underground facility to convey water, the exact location of the facility must be determined by safe and acceptable

means. The uncovered facility must be supported and protected to prevent damage."

Page 8, line 20, replace "c" with "d"

Page 8, line 23, replace "d" with "e"

Page 8, line 27, replace "e" with "f"

Page 9, line 2, replace "seventy-two" with "forty-eight"

Page 9, line 3, after "hours" insert ", or any extension of that period,"

Page 9, line 10, replace "f" with "g" and after "hours" insert ", or any extension of that period,"

Page 9, line 13, replace "g" with "h"

Page 9, line 18, replace "h" with "i"

Page 12, remove lines 4 through 7

Page 12, remove lines 13 through 26

Page 13, line 1, replace "This" with "Sections 2, 4, 6, 7, and 8 of this", replace "becomes" with "become", and replace "January 9," with "August 1, 1997. Beginning August 1, 1995, operators and excavators shall plat locations and provide information to the board and the one-call notification center to enable the one-call notification center to begin operating on August 1, 1997"

Page 13, line 2, remove "1996"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2505, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2505 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the duties of the board of animal health; to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to the membership of the board of animal health; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 36-01-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

36-01-01. State board of animal health - Appointment - Terms - Qualifications.

1. The state board of animal health consists of seven nine members appointed by the.
2. The governor shall appoint seven members for terms of seven years each with their terms of office so arranged that one term, and only one, expires on the first day of August in each year. No person may be appointed The governor may not appoint any person to more than two 7-year terms on the board. Each member of such board must be a qualified elector

of this state. Each member of the board, immediately after his appointment shall take the oath of office required of civil officers. One member of said board must be a person actively engaged and financially interested in the commercial beef cattle industry and shall represent said industry on said board; one member of said board must be a person actively engaged and financially interested in the registered purebred beef cattle industry and shall represent said industry on said board; one member of said board must be a person actively engaged and financially interested in the dairy cattle industry and shall represent said industry on said board; one member of said board must be a person actively engaged and financially interested in the swine industry and shall represent said industry on said board; one member of said board must be a person actively engaged and financially interested in the sheep industry and shall represent said industry on said board; and two members of said board must be competent veterinarians who are graduates of a veterinary course in a recognized college or university. Vacancies occurring prior to the expiration of ~~the~~ terms of ~~office~~ these seven members must be filled by appointment by the governor and must be for the balance of the unexpired term. Recommendations for appointment of members ~~to said board as constituted~~ under this section subsection may be made to the governor by the following associations, to wit: by the North Dakota stockmen's association for the members representing commercial beef cattle, by the various registered purebred beef cattle associations for the member representing the registered purebred beef cattle, by the various dairy breed associations for the member representing dairy cattle, by the North Dakota swine breeders' association for the member representing swine, by the North Dakota wool growers' association for the member representing sheep, by the state veterinary medical association for the two veterinarian members, and by such other associations within this state representing livestock industries as the governor may permit. Two recommendations must be submitted for each office to be filled.

3. The chairman of the legislative council shall appoint two members for terms of two years, beginning August 1, 1995. One appointee must be a member of the house of representatives and one appointee must be a member of the senate. Both appointees may not represent the same political party.

SECTION 2. A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:

Duties of board - Evaluations - Report. The board shall conduct performance evaluations of the state veterinarian and any assistant state veterinarians, review the short-term and the long-term role and mission of the board and its employees, review alternatives for the enhancement of, and the efficient delivery of, services provided by the board and its employees, and include options for future consolidation or cooperation with other governmental entities. The board shall report to the governor and the legislative council before September 1, 1996.

SECTION 3. EXPIRATION DATE. This Act is effective through December 31, 1996, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2519, as reengrossed: Education Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2519 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15-40.1 and a new section to chapter 57-38 of the North Dakota Century Code, relating to additional payments for small but necessary schools, increased weighting factors for students attending school out of state, and an optional contribution from individual and corporate income taxpayers to the elementary and secondary education support fund; to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, and 15-40.1-09 of the North Dakota Century Code, relating to per student payments and the school district equalization factor, high school weighting factors, elementary weighting factors, and the computation of foundation aid; to provide for a legislative council study; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Per student payments for small but necessary schools. Per student payments made in accordance with sections 15-40.1-07 and 15-40.1-08 must be adjusted as follows:

1. For each elementary school that has less than fifty students and in which fifteen percent or more of the elementary students enrolled would have to travel beyond a ten-mile [16.10-kilometer] radius from their residences in order to attend another school, the weighting factor provided under section 15-40.1-08 must be increased by twenty percent for the first fifteen students. If the school has fewer than fifteen students, the payment received must be for fifteen students.
2. For each high school that has less than thirty-five students and in which fifteen percent or more of the high school students enrolled would have to travel beyond a fifteen-mile [24.15-kilometer] radius from their residences in order to attend another school, the weighting factor provided under section 15-40.1-07 must be increased by twenty percent for the first twenty students. If the school has fewer than twenty students, the payment received must be for twenty students.

SECTION 2. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Per student payments for students attending school out of state. For each student attending school out of state in accordance with section 15-40.2-09, the weighting factors provided in sections 15-40.1-07 and 15-40.1-08 must be increased by twenty percent.

SECTION 3. AMENDMENT. Section 15-40.1-06 of the North Dakota Century Code is amended and reenacted as follows:

15-40.1-06. Declaration of legislative intent - Educational support per student - School district equalization factor - Limitations.

1. It is the intent of the legislative assembly, not considering any separate and supplemental payments as may be provided by law, to support elementary and secondary education in this state from state funds based on the educational cost per student. In determining the educational cost per student, the following criteria may not be used:
 - a. Expenditures for capital outlay for buildings and sites, or debt service.
 - b. Expenditures from school activities and school lunch programs.
 - c. Expenditures for the cost of transportation, including the cost of schoolbuses.
2. a. The educational support per student during the first year of the ~~1993-95~~ 1995-97 biennium must be one thousand ~~five~~ seven hundred ~~seventy~~ seventy-eight dollars and for the second year of the biennium the educational support per student must be one thousand ~~six~~ nine hundred ~~thirty-six~~ one dollars and is the basis for calculating grants-in-aid on a per student basis as provided in sections 15-40.1-07 and 15-40.1-08.
 - b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 must be supported in the amount of two hundred twenty dollars, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07.
 - c. School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the 1991-92 school year or for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid a school district is entitled to under this subsection for each high school that is not accredited must be reduced by two hundred dollars times the number of students in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per student in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-07 for the entire school year in which the school becomes accredited.
 - d. School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the 1992-93 school year or for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as

provided in section 15-40.1-08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of students in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-08 for the entire school year in which the school becomes accredited.

3. In determining the amount of payments due school districts for tuition apportionment provided in section 15-44-03, and per student and transportation aid under this section, the amount of tuition apportionment, per student aid, and transportation aid for which a school district is eligible must be added together, and from that total, the following amounts must be subtracted:
 - a. The product of ~~twenty-three~~ thirty mills for the ~~1993-94~~ 1995-96 school year and ~~twenty-four~~ thirty-six mills for ~~each year thereafter~~ the 1996-97 school year times the latest available net assessed and equalized valuation of property of the school district. For succeeding school years, the number of mills to be used in the computation must be determined as follows:
 - (1) The superintendent of public instruction shall determine the percentage resulting from dividing the number of mills used in the computation the previous year by the state average school district general fund mill levy.
 - (2) The superintendent of public instruction shall determine the amount of foundation aid estimated to be distributed during the current year and subtract from that the amount of foundation aid that was distributed during the prior year, and divide the result by the amount of foundation aid distributed during the prior year.
 - (3) The superintendent of public instruction shall multiply the quotient determined under paragraph 2 by fifty percent and shall add this product to the percentage obtained in paragraph 1. This sum shall be multiplied times the state average school district general fund mill levy to determine the number of mills to be used in the computation provided in subdivision a. However, the number of mills used may not fall below thirty-six mills, nor rise above twenty-five percent of the state average school district general fund mill levy.
 - b. The amount that the unobligated general fund balance of a school district on the preceding June thirtieth is in excess of three-fourths of the actual expenditures, plus an additional twenty thousand dollars.
4. No school district may receive foundation payments beyond the October payment unless the following reports have been filed with the superintendent of public instruction:
 - a. Annual average daily membership report.
 - b. Annual school district financial report.

- c. The September tenth fall enrollment report.
 - d. The personnel report forms for certified and noncertified employees.
5. No school district may receive the January foundation payment unless the taxable valuation and mill levy certifications are on file with the department of public instruction by December fifteenth.

SECTION 4. AMENDMENT. Section 15-40.1-07 of the North Dakota Century Code is amended and reenacted as follows:

15-40.1-07. High school per student payments - Amount - Proportionate payments. Payments must be made each year from state funds to each school district operating a high school and to each school district contracting to educate high school students in a federal school, subject to adjustment as provided in section 15-40.1-09, as follows:

1. For each high school district having under seventy-five students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor 1.625 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.625 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per student as provided in section 15-40.1-06. Beginning July 1, ~~1994~~ 1996, the factor is ~~1.625 adjusted by fifty percent of the difference between 1.625 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.~~
2. For each high school district having seventy-five or more, but less than one hundred fifty students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor 1.335 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.335 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per student provided in section 15-40.1-06. Beginning July 1, ~~1994~~ 1996, the factor is ~~1.335 adjusted by fifty percent of the difference between 1.335 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.~~
3. For each high school district having one hundred fifty or more, but less than five hundred fifty students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor 1.24 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.24 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per

student provided in section 15-40.1-06. Beginning July 1, 1994 1996, the factor is ~~1.24 adjusted by fifty percent of the difference between 1.24 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.~~

4. For each high school district having a total high school enrollment of five hundred fifty or more students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor 1.14 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.14 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per student provided in section 15-40.1-06. Beginning July 1, 1994 1996, the factor is ~~1.14 adjusted by fifty percent of the difference between 1.14 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.~~
5. For high schools having an approved alternative education program, the amount of money resulting from multiplying the factor in:
 - a. Subsection 1 times the number of students registered in the alternative education program, times the educational support per student provided in section 15-40.1-06, if the alternative education program has less than seventy-five students in average daily membership.
 - b. Subsection 2 times the number of students registered in the alternative education program, times the educational support per student provided in section 15-40.1-06, if the alternative education program has seventy-five or more, but less than one hundred fifty students in average daily membership.
 - c. Subsection 3 times the number of students registered in the alternative education program, times the educational support per student provided in section 15-40.1-06, if the alternative education program has one hundred fifty or more, but less than five hundred fifty students in average daily membership.
 - d. Subsection 4 times the number of students registered in the alternative education program times the educational support per student as provided in section 15-40.1-06 if the alternative education program has five hundred fifty or more students in average daily membership.

Every high school district must receive at least as much in total payments as it would have received if it had the highest number of students in the next lower category. Payments may not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this chapter have been met. Payments must be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school

district must be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation or students enrolled in less than four units of standard high school work who are in their fourth year of high school coursework and who are enrolled in approved alternative high school curriculum programs, proportionate payments must be made to the public school district in which the student is enrolled for specific courses. School districts offering high school summer school programs are eligible for proportionate payments provided each course offered satisfies requirements for graduation, comprises at least as many clock hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction. The superintendent may adopt rules regarding eligibility for school districts to receive proportionate payments for summer education programs.

SECTION 5. AMENDMENT. Section 15-40.1-08 of the North Dakota Century Code is amended and reenacted as follows:

15-40.1-08. Elementary per student payments - Amount. Payments must be made from state funds to each school district operating an elementary school and to each school district contracting to educate elementary students in a federal school, employing teachers holding valid certificates or permits in accordance with section 15-47-46 and chapter 15-36, adjusted as provided in section 15-40.1-09, as follows:

1. ~~For each one room rural school, the amount of money resulting from multiplying the factor 1.28 adjusted by twenty five percent of the difference between 1.28 and the factor representing the five year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through eight in average daily membership, up to a maximum of sixteen students, times the educational support per student provided in section 15 40.1 06. There must be paid .9 times each additional student in its school in grades one through eight in average daily membership times the educational support per student provided in section 15 40.1 06, except that no payment may be made for more than twenty students in average daily membership. If the one room rural school is located in a school district with another elementary school, the weighting factor for the students in grades one through six must be based on the average daily membership in the district in grades one through six as provided in subsections 2 through 4. If the one room rural school is located in a school district with another school that has students in grade seven or eight, the weighting factor for the students in grade seven or eight must be the same as that provided for in subsection 5. Beginning July 1, 1994, the factor is 1.28 adjusted by fifty percent of the difference between 1.28 and the five year average cost of education per student for this category, as determined by the superintendent of public instruction.~~
2. For each elementary school in school districts having under one hundred students in average daily membership in grades one through six, the amount of money resulting from multiplying the factor 1.09 adjusted by twenty five seventy-five percent of the difference between 1.09 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher, ~~up to~~

~~a maximum of twenty students per classroom or per teacher, times the educational support per student provided in section 15-40.1-06. There must be paid .9 times each additional student in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than twenty-five students in average daily membership in each classroom or for each teacher. Beginning July 1, 1994 1996, the factor is 1.09 adjusted by fifty percent of the difference between 1.09 and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.~~

- ~~3- 2.~~ For each elementary school in school districts having one hundred or more students in average daily membership in grades one through six, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary students in grades one through six, the amount of money resulting from multiplying the factor .905 adjusted by twenty-five seventy-five percent of the difference between .905 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. Beginning July 1, 1994 1996, the factor is ~~.905 adjusted by~~ seventy-five percent of the difference between ~~.905~~ and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
- ~~4- 3.~~ For each elementary school in school districts having an average daily membership of one thousand or more elementary students in grades one through six, the amount of money resulting from multiplying the factor .95 adjusted by twenty-five seventy-five percent of the difference between .95 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. Beginning July 1, 1994 1996, the factor is ~~.95 adjusted by~~ seventy-five percent of the difference between ~~.95~~ and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction. Beginning July 1, 1995, the factor is ~~.95 adjusted by~~ seventy-five percent of the difference between ~~.95~~ and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction. Beginning July 1, 1996, the superintendent of public instruction shall establish the factor that reflects the five-year average cost of education per student for this category.
- ~~5- 4.~~ For each of the above classes of elementary schools, ~~except for one room rural schools that are not located in a district with another school having students in grade seven or eight,~~

there must be paid to each school the amount of money resulting from multiplying the factor 1.01 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.01 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades seven and eight in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. Beginning July 1, ~~1994~~ 1996, the factor is ~~1.01 adjusted by fifty percent of the difference between 1.01 and~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

~~6-~~ 5. For each elementary school having students under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, the amount of money resulting from multiplying the factor 1.01 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.01 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of special education students in that school under the compulsory age for school attendance in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06. Beginning July 1, ~~1994~~ 1996, the factor is ~~1.01 adjusted by fifty percent of the difference between 1.01 and~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

~~7-~~ 6. For each elementary school providing a kindergarten that is established according to provisions of section 15-45-01, the amount of money resulting from multiplying the factor .50 adjusted by ~~twenty-five~~ seventy-five percent of the difference between .50 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in average daily membership in each classroom or for each teacher times the educational support per student, as provided under section 15-40.1-06, except that no payment may be made for more than twenty-five students in average daily membership in each classroom or for each teacher. The full per student payment may be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period must receive a proportionately smaller per student payment. Beginning July 1, ~~1994~~ 1996, the factor is ~~.50 adjusted by fifty percent of the difference between .50 and~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

The superintendent of public instruction shall make proportionate payments to each public school district educating students who are also enrolled in nonpublic schools.

Every school district must receive at least as much in total payments for elementary students as it would have received if it had the highest number of students in the next lower category.

SECTION 6. AMENDMENT. Section 15-40.1-09 of the North Dakota Century Code is amended and reenacted as follows:

15-40.1-09. Application for payments - Verification and determination of payments for high school students - Report of county superintendent of schools - Appeal. Immediately upon the completion of the registration of students at the beginning of each school term and in no event later than September tenth of each year, the business manager of each school district within or without this state which is claiming payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a claim on a form prescribed by the superintendent of public instruction stating the number of students registered in high school and elementary grades for which payments are claimed, and such other information as may be reasonably requested by the superintendent of public instruction. Not later than December first, the superintendent of public instruction shall certify to the office of management and budget a list of the school districts and schools not operated by school districts entitled to payments from state funds, together with the amounts to which the several districts and schools are entitled. Per student aid as provided under sections 15-40.1-06, 15-40.1-07, and 15-40.1-08 must be computed on the basis of the previous year's average daily membership less the number of students attending school during the current school year in another district under the provisions of open enrollment or the current year's fall enrollment, whichever ~~is greater~~ provides the greatest payment, for all current grade levels. Adjustments must be made in the subsequent year according to a comparison between the average daily membership for the year for which the adjusted payment is being made and the year preceding the year for which the adjusted payment is being made, whichever is greater, for grade levels that existed in both years. The greater of the two preceding years' average daily membership must be used in computing any adjustment in a district's foundation aid payments. For purposes of this chapter, "average daily membership" shall mean the total days all students in a given school are in attendance, including days set aside for the North Dakota education association convention, plus any three holidays selected from those listed in subsections 2 through 10 of section 15-38-04.1 which have been decided upon after consultation with the teachers, the total days all students are absent, and the two parent-teacher conference days authorized in section 15-47-33, divided by one hundred eighty days. School districts educating children of agricultural migratory workers or offering high school summer school programs during the months of June, July, and August shall not be restricted to payments for a one hundred eighty-day school term.

Immediately upon the termination of the school term and in no event later than July fifteenth of each year, the business manager of each school district within or without this state which has received payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a verified statement of the name, residence, and membership of elementary and high school students as provided for in this section, and number of units of high school work taken by each high school student enrolled during the previous school year. The statement shall be attested to by the county superintendent of schools. The county superintendent shall investigate the validity of the statement and shall determine the residence and other qualifications of each student named in the statement. The county superintendent shall certify to the superintendent of public instruction on or before September first of each year the number of enrolled students in each district in the county for the previous school year upon which any adjustment may be based as provided in this

section. If any statement is disallowed in whole or in part, notice of the disallowance and the names of students who are disallowed shall be reported to the superintendent of public instruction and to the district filing the statement. Any district may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before September fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final.

SECTION 7. A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

Optional contributions to elementary and secondary education support fund. An individual or corporate taxpayer may designate on the tax return a contribution to the elementary and secondary education support fund in any amount of one dollar or more to be added to the tax liability or deducted from any refund that would otherwise be payable by or to the individual or corporation. On all state income tax returns the tax commissioner shall notify the taxpayer of this optional contribution. The amount of optional contributions under this section must be transferred by the tax commissioner to the state treasurer for deposit in the elementary and secondary education support fund.

SECTION 8. LEGISLATIVE COUNCIL STUDY OF EDUCATION FINANCE. The legislative council shall appoint a committee consisting of fourteen members to study the financing of elementary and secondary schools. The house and senate majority leaders shall each recommend four members, and the house and senate minority leaders shall each recommend three members. The legislative council shall ensure that the committee contains a balanced representation. During the 1995-96 interim, the committee shall review the formulas used to equalize state aid including formulas for student transportation and special education, funding sources that would be alternatives to property tax, and any other issues related to the financing of elementary and secondary schools. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-fifth legislative assembly.

SECTION 9. EFFECTIVE DATE. Section 7 of this Act is effective for taxable years beginning after December 31, 1994."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1076, HB 1276, HB 1344.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HB 1325.

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

MADAM PRESIDENT: The House accedes to the Senate request for the return of: HB 1194.

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2101: Reprs. Maragos; Kliniske; Christenson

SCR 4049: Reprs. Price; Gunter; Sandvig

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4065: A concurrent resolution directing the Legislative Council to study the state employee classification system and the benefits provided to state employees.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

SCR 4066: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating functions of the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

SCR 4067: A concurrent resolution expressing support for the Grand Forks Air Force Base and the Minot Air Force Base.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

The House stood adjourned pursuant to Representative Freier's motion.

ROY GILBREATH, Chief Clerk