

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, March 24, 1995

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

The prayer was offered by the Rev. Jim Pearson, Bethel Evangelical Free Church, Fargo.

The roll was called and all members were present except Representatives Dobrinski, Glassheim, Hagle, and Payne.

A quorum was declared by the Speaker.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1012, HB 1020, HB 1052, HB 1055, HB 1145, HB 1177, HB 1217.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills and resolution were engrossed and enrolled: HB 1346, HB 1368, HB 1388, HB 1469, HB 1474, HB 1496, HCR 3002.

HOUSE ENROLLING REPORT

The following resolution was enrolled: HCR 3047.

MOTION

REP. DORSO MOVED that Engrossed SB 2350 and Reengrossed SB 2519, which are on the Sixth order, be considered separately, which motion prevailed.

MOTION

REP. DORSO MOVED that Reengrossed SB 2519 be placed directly after Engrossed SB 2350 on the Sixth order on the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

SB 2350, as engrossed: REP. SOUKUP (Political Subdivisions Committee) MOVED that the amendments on HJ page 1320 be adopted and then be REREFERRED to the Appropriations Committee, which motion prevailed.

SIXTH ORDER OF BUSINESS

SB 2519, as reengrossed: REP. RYDELL (Education Committee) MOVED that the amendments on HJ pages 1327-1336 be adopted and then be REREFERRED to the Appropriations Committee, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1009 as printed on HJ pages 1271-1273 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 1009: Reps. Byerly, Carlisle, Huether.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. RYDELL MOVED that the House do not concur in the Senate amendments to Engrossed HB 1041 as printed on HJ pages 1214-1215 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 1041: Reps. Holm, Drovdal, Nichols.

MOTION

REP. DORSO MOVED that Engrossed SB 2014 and Engrossed SB 2030, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. DORSO MOVED that Engrossed SB 2202 and Engrossed SB 2359, which are on the Sixth order, be rereferred to the Industry, Business and Labor Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed SB 2202 and Engrossed SB 2359 were rereferred.

SIXTH ORDER OF BUSINESS

The amendments on the Sixth order of business to Engrossed SB 2010, Engrossed SB 2011, Engrossed SB 2022, Engrossed SB 2023, Engrossed SB 2025, Engrossed SB 2027, SB 2179, Engrossed SB 2355, Engrossed SB 2358, and Engrossed SB 2505 were adopted.

Engrossed SB 2010, Engrossed SB 2011, Engrossed SB 2022, Engrossed SB 2023, Engrossed SB 2025, Engrossed SB 2027, SB 2179, Engrossed SB 2355, Engrossed SB 2358, and Engrossed SB 2505, as amended, were placed on the Fourteenth order of business on today's calendar.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to provide for DNA analysis and a DNA data base; 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 95 YEAS, 1 NAY, 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; Gertholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; 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

NAYS: Galvin

ABSENT AND NOT VOTING: Dobrinski; Hagle

Engrossed SB 2358, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

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 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; Gulleston; Gunter; 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; Hagle

Engrossed SB 2010, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the securities commissioner.

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

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

NAYS: Aarsvold; Delmore; Gulleston

ABSENT AND NOT VOTING: Dobrinski; Hagle

Engrossed SB 2011, as amended, passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Patricia DeMers.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; and to declare an emergency.

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; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; 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; 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; Hagle; Maragos

Engrossed SB 2022, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department.

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 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; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; 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: Coats; Dobrinski; Hagle; Maragos; Nicholas

Engrossed SB 2023, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions of the state water commission; 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.

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; 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; 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: Byerly; Dobrinski; Hagle

Engrossed SB 2025, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions; to provide for an electronic reporting system; and to provide authorization to expend funds from the workers' compensation contingency line item.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; Gulleon; Gunter; 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

NAYS: Aarsvold; Glassheim

ABSENT AND NOT VOTING: Dobrinski; Hagle

Engrossed SB 2027, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2179: A BILL for an Act to amend and reenact section 1 of chapter 367 of the 1963 Session Laws, relating to the deed to property formerly owned by the state at Bathgate, North Dakota; to provide for issuance of a new deed for the Bathgate property; and to authorize the board of university and school lands to convey certain state-owned land to Stark County, North Dakota.

ROLL CALL

The question being on the final passage of the amended bill, which has been

read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 2 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; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gulleston; Gunter; 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; 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

NAYS: Coats; Payne

ABSENT AND NOT VOTING: Dobrinski; Grosz; Hagle

SB 2179, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to authorize the state board of higher education to sell certain land; 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.

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; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gulleston; Gunter; 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; Grosz; Hagle

Engrossed SB 2355, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2505: A BILL 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.

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 87 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; 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: Christenson; Delmore; Grumbo; Gulleeson; Kroeber; Mahoney; Oban; Schimke

ABSENT AND NOT VOTING: Dobrinski; Grosz; Hagle

Engrossed SB 2505, as amended, passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to SB 2478, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2478: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to direct insurance reimbursements for advanced registered nurse practitioners; to amend and reenact subsection 9 of section 26.1-17-01, subsection 1 of section 26.1-36-04, and section 26.1-36-05 of the North Dakota Century Code, relating to the definition of practitioner and benefits for services performed by registered nurses; and to repeal section 26.1-17-12.1 of the North Dakota Century Code, relating to reimbursement of nurses for services.

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 36 YEAS, 59 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Carlisle; Christenson; Delmore; Froseth; Galvin; Glassheim; Gorder; Grumbo; Gulleeson; Hanson; Henegar, D.; Henegar, K.; Kaldor; Keiser; Kerzman; Kliniske; Koppelman; Kroeber; Laughlin; Mahoney; Martinson; Mickelson; Mutzenberger; Nottestad; Oban; Olson; Poolman; Retzer; Sandvig; Schmidt; Svedjan; Thompson; Wald; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovda; Freier; Gerntholz; Gorman; Gunter; Hausauer; Holm; Howard; Huether; Jacobs; Johnson; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Lloyd; Maragos; Monson; Nicholas; Nichols; Payne; Price; Rennerfeldt; Rydell; Sabby; Schimke; Shide; Sitz; Skarphol; Soukup; Stenehjem; Sveen; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Grosz; Hagle

SB 2478 was declared lost.

POINT OF PERSONAL PRIVILEGE

REP. KELSCH: Mr. Speaker: I rise on a point of personal privilege.

REMARKS OF REPRESENTATIVE RAEANN KELSCH

March has been dedicated as national music month in our schools. Music education brings a focus to K-12 and beyond. Every child in K-6 is involved in some type of general music course. We see these young people in their Christmas concerts, marching bands, jazz bands, and choir concerts. Music is an integral part of these young people's lives throughout the state of North Dakota. Music is a very important part of the development of our young people. Music develops intellectual stimulation, as well as emotional growth. Music is a part of everyone's life. We wake up to music, sing, and dance to music, exercise to music, and relax to music.

On Saturday evening the All-State Band, Choir, and Orchestra concert will be held. This event is the culmination of the hard work and dedication of young musicians from all over our state. Approximately 1600 high school musicians auditioned earlier this year for the three all-state performing groups. Only 110 students are selected each for orchestra, band, and choir for a total of 330.

Representative Coats and I would like to invite each of you to attend the 29th annual all-state orchestra, band, and choir concert to be held on Saturday at 7:30 p.m. at the Mandan high school gymnasium. Conducting the All-State Band will be Robert A. Winslow from the University of North Texas; David E. Becker, from the University of Wisconsin-Madison, will conduct the orchestra, and David Greenlee from eastern Kentucky University will direct the choir.

We would like to welcome all of these outstanding musicians, their parents, and relatives to Mandan for the annual state event. We applaud the music educators in North Dakota for their time and dedication to the betterment of our young people. Music--what a beautiful art!

MOTION

REP. COATS MOVED that the remarks of Representative Kelsch be printed in the Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation to the tax commissioner for payment of state reimbursement under the homestead tax credit.

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 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; Drowdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gullerson; Gunter; 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; Grosz; Hagle

Engrossed SB 2018 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2177: A BILL for an Act to amend and reenact section 54-16-04.2 of the North Dakota Century Code, relating to budget section authorization for acceptance and expenditures of money.

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

YEAS: DeWitz; Schmidt; Sveen

NAYS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordor; Gorman; Grumbo; Gulleson; Gunter; 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; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Grosz; Hagle

Engrossed SB 2177 was declared lost.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to Engrossed HB 1168 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 Engrossed HB 1168: Reps. Stenehjelm, Kretschmar, Mahoney.

SECOND READING OF SENATE BILL

SB 2335: A BILL for an Act to amend and reenact section 50-24.1-02.2 of the North Dakota Century Code, relating to a community spouse asset allowance; and to provide an appropriation.

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 41 YEAS, 54 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brown; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; Delmore; Dobrinski; Galvin; Glassheim; Gordor; Grumbo; Gulleson; Hanson; Henegar, D.; Henegar, K.; Kaldor; Keiser; Kerzman; Koppelman; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Mutzenberger; Nichols; Nottestad; Oban; Poolman; Rydell; Sandvig; Schmidt; Sitz; Svedjan; Thompson; Tollefson; Walker; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gorman; Gunter; Hausauer; Holm; Howard; Huether;

Jacobs; Johnson; Kelsch; Kempenich; Klein; Kliniske; Kunkel; Maragos; Martinson; Mickelson; Monson; Olson; Payne; Price; Rennerfeldt; Retzer; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Sveen; Thoreson; Timm; Torgerson; Wald; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Grosz; Hagle; Nicholas

Reengrossed SB 2335 was declared lost.

REQUEST

REP. CHRISTENSON REQUESTED that SCR 4067 be removed from the Consent Calendar, which request was granted.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

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

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.

ROLL CALL

The question being on the final adoption of the engrossed resolutions which have been read, the roll was called and there were 93 YEAS, 2 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; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grumbo; Gullerson; Gunter; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; 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

NAYS: Hanson; Kroeber

ABSENT AND NOT VOTING: Grosz; Hagle; Nicholas

Engrossed SCR 4065 and Engrossed SCR 4066 were declared adopted on a roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

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

ROLL CALL

The question being on the final adoption of the resolution, 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;

Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gulleston; Gunter; 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; 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: Grosz; Hagle; Nicholas

SCR 4067 was declared adopted on a roll call vote.

MOTION

REP. DORSO MOVED that all bills and resolutions acted upon this morning be messaged to the Senate immediately, which motion prevailed.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1009, HB 1041, HB 1168, and HB 1392 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1009: Reps. Byerly; Carlisle; Huether
HB 1041: Reps. Holm; Drovdal; Nichols
HB 1168: Reps. Stenehjem; Kretschmar; Mahoney
HB 1392: Reps. Timm; Price; Grumbo

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

MADAM PRESIDENT: The House has passed unchanged: SB 2005, SB 2187, SB 2538, SCR 4014, SCR 4034.

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

MADAM PRESIDENT: The House has failed to pass: SB 2236, SB 2378, SB 2422, SB 2423, SB 2476, SCR 4054.

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

MADAM PRESIDENT: The House has amended and failed to pass: SB 2038, SB 2045, SB 2061, SB 2392, SB 2443.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2085, SB 2239, SB 2466.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2068, SB 2096, SB 2369, SB 2377, SB 2380, SB 2382, SB 2395, SB 2492, SB 2496, SB 2501, SB 2511, SB 2522, SB 2527, SB 2532, SCR 4045, SCR 4055, SCR 4056, SCR 4057, SCR 4060, SCR 4061.

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

MR. SPEAKER: The Senate has failed to pass: HB 1146, HB 1171, HB 1273, HB 1290, HB 1320, HB 1389, HB 1398, HB 1399, HB 1415, HB 1426.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1176, HB 1225, HB 1227, HB 1235, HB 1245, HB 1254, HB 1257, HB 1313, HB 1339, HB 1342, HB 1343, HB 1349, HB 1356, HB 1366, HB 1373, HB 1374, HB 1385, HB 1394, HB 1419, HB 1435, HB 1459.

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

MADAM PRESIDENT: The House has reconsidered its action whereby it did not

concur in the Senate amendments to HB 1223 as printed on page 1064 of the House Journal. The House has now concurred in the Senate amendments, dissolved the conference committee, and subsequently passed the same.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1018.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1018

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

Page 2, line 10, replace "5,917,956" with "6,141,310"

Page 2, line 11, replace "1,350,386" with "1,337,886"

Page 2, line 15, replace "8,047,142" with "8,257,996"

Page 2, line 16, replace "3,581,166" with "2,192,020"

Page 2, line 17, replace "4,465,976" with "6,065,976"

Page 2, line 26, replace "2,825,864" with "2,778,864"

Page 2, line 27, replace "18,525,383" with "18,572,383"

Page 3, line 8, replace "1,674,226" with "1,682,291"

Page 3, line 9, replace "352,900" with "365,338"

Page 3, line 10, replace "4,855,510" with "4,971,693"

Page 3, remove line 11

Page 3, line 15, replace "30,770,366" with "32,587,366"

Page 3, line 16, replace "19,910,263" with "18,474,117"

Page 3, line 17, replace "50,680,629" with "51,061,483"

Page 3, after line 27, insert:

"SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$170,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of defraying the expenses of the state industrial school, for the period beginning January 1, 1995, and ending June 30, 1995.

SECTION 5. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 533 - INDUSTRIAL SCHOOL

SENATE - This amendment makes the following changes:

	1995-97	"D'A. HOUSE COMMENTS"	HOUSE VERSION	FTE CHANGE ¹	TRANSFER FROM	FUNDING SOURCE CHANGE ²	"FUNDING SOURCE CHANGE" ³	"D'A. SENATE FTE" ⁴	"D'A. SENATE VERSION" ⁵	DEFICIENCY APPROPRIATION COMMENTS IN SECTION 4 ⁶	"D'A. SENATE" ⁷ VERSION
	FISCAL YEAR COMMENTS				OPERATING EXPENSES TO SALARIES AND WAGES ⁸						
Salaries and wages	\$6,187,641	\$ (204,685)	\$5,982,956	\$210,854	\$ 17,580		\$ 773,354		\$6,141,310		
Operating expenses	1,350,396		1,350,396		(17,580)		(17,580)		1,332,816		
Equipment	80,419		80,419						80,419		
Capital improvements	798,371	388,000	598,371						598,371		
Institutional	<u>188,000</u>		<u>188,000</u>						<u>188,000</u>		
Medical fees											
Total	\$8,811,827	\$ 35,315	\$8,847,142	\$210,854	\$ 0	\$ 0	\$ 0	\$ 773,354	\$9,757,936	\$170,000	\$8,477,936
General fund	\$3,847,770	\$ 818,795	\$4,666,565		\$ 0	\$ 1,388,000	\$ 388,000	\$ 1,838,000	\$6,865,876	\$170,000	\$6,735,876
Special funds	<u>4,964,057</u>	<u>(507,880)</u>	<u>3,586,166</u>	<u>210,854</u>		<u>(1,388,000)</u>	<u>(388,000)</u>	<u>(1,388,148)</u>	<u>7,182,070</u>		<u>7,182,070</u>
Total	\$8,811,827	\$ 35,315	\$8,847,142	\$210,854	\$ 0	\$ 0	\$ 0	\$ 773,354	\$9,757,936	\$170,000	\$8,477,936
FTE	86.77	(4)	82.77	3				3	85.77		85.77

¹ This amendment restores the FTE authority removed by the House and a portion of the related funding as follows:

	General Fund	Special Funds	Total
Teacher I [The House removed a human services program administrator (1)]		\$ 60,414	\$ 60,414
Carpenter II [The House removed a human relations counselor (1)]		49,580	49,580
Director of education		<u>188,000</u>	<u>188,000</u>
Total	\$ 0	\$210,854	\$210,854

² Increases salaries and wages and reduces operating expenses by \$17,580 to pay part-time temporary secretarial staff.

³ General fund authority is increased by \$1,388,000 and special funds authority is reduced by \$1,388,000 to reflect the federal IV A emergency assistance funds that were included in the Industrial School budget but are not anticipated to be received during the 1995-97 biennium. A total of \$1,434,678 federal IV A funds were included in the Industrial School budget for the 1995-97 biennium.

⁴ This amendment replaces \$388,000 federal funds authority with \$388,000 general fund authority for capital improvements to reflect federal funds not anticipated to be available for the 1995-97 biennium. The capital projects for which the general fund authority is provided are electronic door locks in the Pine and Maple cottages, fire suppression sprinklers in the Hickory cottage, and lavatory facilities in the Brown cottage sleeping rooms.

⁵ Senate changes not including the \$170,000 deficiency appropriation contained in Section 4 of House Bill No. 1818.

⁶ A deficiency appropriation of \$170,000 is contained in Section 4 of the bill. The deficiency is the result of an unanticipated reduction in the number of Bureau of Indian Affairs (BIA) students enrolled at the Industrial School and a corresponding reduction in the reimbursements received from the BIA. Reimbursements from the BIA were included in the agency budget as anticipated income and were to be used to pay operating expenses during the 1995-96 biennium. The agency had anticipated using federal IV A funds to replace the funds not received from the BIA, but these funds will not be available, as described in footnote 3.

DEPARTMENT 534 - STATE PENITENTIARY

SENATE - This amendment replaces \$47,000 federal funds authority with \$47,000 general fund authority to provide the required 25 percent match for \$141,000 of federal corrections facility improvement funds, if they become available. The capital project for which the authority is provided is the construction of a west guard tower. The agency has requested \$200,000 for housing Penitentiary inmates in county jails during the remainder of the 1993-95 biennium to reduce overcrowding at the Penitentiary and \$80,000 to replace a boiler. The committee did not recommend appropriation of funds for these items but supports the expenditure of funds that may become available and can be approved for expenditure pursuant to law during the 1993-95 biennium. The amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	MATCHING FUNDS PROVIDED FOR FEDERAL CAPITAL IMPROVEMENT FUNDS	TOTAL SENATE CHANGES	SENATE VERSION
Salaries and wages	\$13,765,642		\$13,765,642			\$13,765,642
Operating expenses	6,274,605		6,274,605			6,274,605
Equipment	60,300		60,300			60,300
Capital improvements	362,700	\$188,000	550,700			550,700
Institutional medical fees	<u>700,000</u>	<u> </u>	<u>700,000</u>	<u> </u>	<u> </u>	<u>700,000</u>
Total	\$21,163,247	\$188,000	\$21,351,247	\$ 0	\$ 0	\$21,351,247
General fund	\$18,525,383		\$18,525,383	\$ 47,000	\$ 47,000	\$18,572,383
Special funds	<u>2,637,864</u>	<u>\$188,000</u>	<u>2,825,864</u>	<u>(47,000)</u>	<u>(47,000)</u>	<u>2,778,864</u>
Total	\$21,163,247	\$188,000	\$21,351,247	\$ 0	\$ 0	\$21,351,247
FTE		200				200

DEPARTMENT 536 - PAROLE AND PROBATION

SENATE - This amendment allocates the salary and benefit adjustment to the program line items. This amendment makes the following changes:

(By program-based line items)

	1995-97 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	ALLOCATION OF SALARY ADJUSTMENT LINE ITEM TO PROGRAMS	SENATE VERSION
Victim services	\$1,674,226		\$1,674,226	\$ 8,065	\$1,682,291
Institutional offender services	352,900		352,900	12,438	365,338
Community offender services	4,660,510	\$195,000	4,855,510	116,183	4,971,693
Salary and benefit adjustment	<u>136,686</u>	<u> </u>	<u>136,686</u>	<u>(136,686)</u>	<u> </u>
Total	\$6,824,322	\$195,000	\$7,019,322	\$ 0	\$7,019,322
General fund	\$4,010,722		\$4,010,722		\$4,010,722
Special funds	<u>2,813,600</u>	<u>\$195,000</u>	<u>3,008,600</u>	<u> </u>	<u>3,008,600</u>
Total	\$6,824,322	\$195,000	\$7,019,322	\$ 0	\$7,019,322
FTE	46.75		46.75		46.75

(By object code-based line items)

	1995-97 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	SENATE VERSION
Salaries and wages	\$3,484,526		\$3,484,526	\$3,484,526
Operating expenses	1,880,093	\$195,000	2,075,093	2,075,093
Equipment	15,000		15,000	15,000
Grants	<u>1,444,703</u>		<u>1,444,703</u>	<u>1,444,703</u>
Total	\$6,824,322	\$195,000	\$7,019,322	\$7,019,322
General fund	\$4,010,722		\$4,010,722	\$4,010,722
Special funds	<u>2,813,600</u>	<u>\$195,000</u>	<u>3,008,600</u>	<u>3,008,600</u>
Total	\$6,824,322	\$195,000	\$7,019,322	\$7,019,322
FTE	46.75		46.75	46.75

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1016, HB 1260, HB 1326, HB 1423, HB 1488, HB 1501.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

Page 1, line 2, remove "; to repeal chapter 54-56 of the"

Page 1, remove line 3

Page 1, line 4, remove "committee; and to provide an effective date"

Page 1, line 16, replace "3,550.00" with "3,550,000"

Page 2, replace lines 15 through 18 with:

"SECTION 5. LEGISLATIVE INTENT - FUNCTION OF REGIONAL AND TRIBAL CHILDREN'S SERVICES COORDINATING COMMITTEES. It is the intent of the legislative assembly that each regional and tribal children's services coordinating committee function as a regional planning committee to monitor and coordinate children's services in each region and that the regional and tribal children's services coordinating committees do not directly provide services or programs unless the services or programs were being provided on January 1, 1995, for the biennium beginning July 1, 1995, and ending June 30, 1997."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

SENATE - A section of legislative intent is added providing that the regional and tribal children's services coordinating committees function as a regional planning committee to monitor and coordinate children's services in each region and precluding the committees from directly providing services or programs unless the services or programs were being provided on January 1, 1995.

The section added by the House eliminating the Children's Services Coordinating Committee on July 1, 1997, is removed.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1260

Page 1, line 11, replace "at the request of a lessee." with "upon suggestion by" and after "board" insert "and with approval from the lessee, a lease"

Page 1, line 12, replace "modify any oil and gas lease" with "be modified"

Page 2, line 19, replace "at the request of a lessee, the lessor may modify any oil and gas" with "upon suggestion by the board and with approval from the lessee, a lease may be modified"

Page 2, line 20, remove "lease"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1326

Page 1, line 7, replace ", operate, manage, or conduct" with "more than forty-nine percent of"

Page 1, line 8, after the first comma insert "dental"

Re-number accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1423

Page 1, line 2, remove "54-44.2-01,"

Page 1, line 4, remove "the director of the"

Page 1, line 5, remove "information services division,"

Page 2, remove lines 21 through 29

Page 3, remove lines 1 through 22

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1488

Page 1, line 20, replace "thirtieth" with "fiftieth"

Page 2, line 2, replace "thirtieth" with "fiftieth"

Page 3, line 15, after the first underscored comma insert "four,"

Page 3, line 22, after "normed" insert "standardized achievement"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1501

Page 1, line 1, remove "to create and enact a new subsection to section 54-44.3-20"

Page 1, remove line 2

Page 1, line 3, remove "positions in the state service; and" and remove "54-44.3-03,"

Page 1, line 4, remove the first comma

Page 1, line 5, remove "composition and"

Page 1, remove lines 8 through 20

Page 2, remove lines 1 through 28

Page 3, remove lines 1 through 14

Page 3, line 25, remove the overstrike over "~~Review and hear comments from any concerned individuals,~~"

Page 3, remove the overstrike over lines 26 through 29

Page 4, remove the overstrike over lines 1 through 4

Page 4, line 5, remove the overstrike over "3-"

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

Page 5, line 7, after "to" insert "position classifications, pay grade assignments."

Page 5, remove lines 18 through 21

Renumber accordingly

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

MADAM PRESIDENT: The House has failed to pass: SB 2177, SB 2335, SB 2478.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2018, SCR 4065, SCR 4066, SCR 4067.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2010, SB 2011, SB 2022, SB 2023, SB 2025, SB 2027, SB 2179, SB 2355, SB 2358, SB 2505.

MOTION

REP. FREIER MOVED that the House be on the Fifth, Seventh, and Twelfth orders of business and at the conclusion of those orders, the House stand in recess until 3:00 p.m., which motion prevailed.

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

SEVENTH ORDER OF BUSINESS

MOTION

REP. GLASSHEIM MOVED that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2420.

REQUEST

REP. GLASSHEIM REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2420, which request was granted.

ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2420, the roll was called and there were 25 YEAS, 64 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glassheim; Grumbo; Hanson; Holm; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz; Sveen; 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; Gorman; Gunter; Hausauer; Henegar, K.; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Svedjan; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Gorder; Grosz; Gulleeson; Hagle; Henegar, D.; Nicholas; Stenehjem; Thompson; Wald

The motion that the report of the Minority be substituted for the report of the Majority failed.

SIXTH ORDER OF BUSINESS

SB 2420, as engrossed: REP. SOUKUP (Political Subdivisions Committee) MOVED that the Majority Report amendments to Engrossed SB 2420 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2420: A BILL for an Act to provide for political committee registration and corporate political contributions, to limit campaign contributions to candidates for the legislative assembly, and to provide for the use of unexpended campaign contributions; to amend and reenact sections 15-28-10, 16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-06, and 16.1-08.1-07 of the North Dakota Century Code, relating to campaign contribution statements; to repeal chapter 16.1-08 of the North Dakota Century Code, relating to political committee registration and corporate political contributions; 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 34 **YEAS**, 55 **NAYS**, 0 **EXCUSED**, 9 **ABSENT AND NOT VOTING**.

YEAS: Aarsvold; Boucher; Byerly; Christenson; Clayburgh; Coats; Dalrymple; Delmore; Dobrinski; Froseth; Glassheim; Grumbo; Hanson; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kerzman; Koppelman; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Mickelson; Mutzenberger; Nichols; Oban; Poolman; Rydell; Sandvig; Schmidt; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Carlisle; Carlson; Christopherson; Clark; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Galvin; Gerntholz; Gorman; Gunter; Hausauer; Henegar, K.; Holm; Howard; Johnson; Kempenich; Klein; Kliniske; Kunkel; Lloyd; Martinson; Monson; Nottestad; Olson; Payne; Price; Rennerfeldt; Retzer; Sabby; Schimke; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Gorder; Grosz; Gulleeson; Hagle; Henegar, D.; Nicholas; Stenehjem; Thompson; Wald

Engrossed SB 2420, as amended, was declared lost.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SOUKUP MOVED that the House do not concur in the Senate amendments to HB 1138 as printed on HJ pages 1274-1275 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 1138: Reps. Koppelman, Jacobs, Glassheim.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. OLSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1260 as printed on HJ pages 1356-1357 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 1260: Reps. Carlson, Torgerson, Mutzenberger.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Seventh, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Monday, March 27, 1995, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1027: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Maragos, Nottestad, Delmore) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1143 and place HB 1027 on the Seventh order.

HB 1027 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1064, as engrossed: Your conference committee (Sens. B. Stenehjem, Mutch, O'Connell and Reps. Belter, Keiser, Mahoney) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 999-1000, adopt amendments as follows, and place HB 1064 on the Seventh order:

That the Senate recede from its amendments as printed on pages 999 and 1000 of the House Journal and pages 852 and 853 of the Senate Journal and that Engrossed House Bill No. 1064 be amended as follows:

Page 3, line 2, after the underscored period insert "The credit may not extend beyond the original expiration of the registration."

Page 4, line 3, remove the overstrike over "or", remove the first underscored comma, and remove ", or when the vehicle"

Page 4, remove line 4

Page 4, line 5, remove "registration card"

Page 4, line 20, replace "January" with "December"

Renumber accordingly

Engrossed HB 1064 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1082: Your conference committee (Sens. Traynor, Watne, LaFountain and Reps. Klein, Koppelman, Christenson) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1063 and place HB 1082 on the Seventh order.

HB 1082 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1094, as engrossed: Your conference committee (Sens. Tennefos, Kringstad, Tomac and Reps. Timm, Grosz, Dobrinski) recommends that the SENATE RECEDE from the Senate amendments on HJ page 903, adopt amendments as follows, and place HB 1094 on the Seventh order:

That the Senate recede from its amendments as printed on page 903 of the House Journal and page 791 of the Senate Journal and that Engrossed House Bill No. 1094 be amended as follows:

Page 1, line 18, replace "eighty-one" with "seventy-eight"

Page 3, line 14, replace "eighty-one" with "seventy-eight"

Renumber accordingly

Engrossed HB 1094 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1100: Your conference committee (Sens. Grindberg, Sand, Scherber and Reps. Kelsch, Stenehjem, Sandvig) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 885 and place HB 1100 on the Seventh order.

HB 1100 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1163, as engrossed: Your conference committee (Sens. B. Stenehjem, Mutch, Kelsh and Reps. Skarphol, Monson, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1092 and place HB 1163 on the Seventh order.

Engrossed HB 1163 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1165, as engrossed: Your conference committee (Sens. W. Stenehjem, Traynor, LaFountain and Reps. Kelsch, Stenehjem, Mahoney) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1092-1096 and place HB 1165 on the Seventh order.

Engrossed HB 1165 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1207, as engrossed: Your conference committee (Sens. Sand, Andrist, Langley and Reps. Soukup, Carlson, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1018, adopt amendments as follows, and place HB 1207 on the Seventh order.

That the Senate recede from its amendments as printed on page 1018 of the House Journal and page 863 of the Senate Journal and that Engrossed House Bill No. 1207 be amended as follows:

Page 2, line 7, replace "three" with "two"

Renumber accordingly

Engrossed HB 1207 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1298: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Kretschmar, Stenehjem, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 869, adopt amendments as follows, and place HB 1298 on the Seventh order:

That the Senate recede from its amendments as printed on page 869 of the House Journal and pages 762 and 763 of the Senate Journal and that House Bill No. 1298 be amended as follows:

Page 1, line 12, replace "1998" with "2000"

Renumber accordingly

HB 1298 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1300, as engrossed: Your conference committee (Sens. Urlacher, Thane, Mathern and Reps. Poolman, Jacobs, Delmore) recommends that the SENATE RECEDE from the Senate amendments on HJ page 969, adopt amendments as follows, and place HB 1300 on the Seventh order:

That the Senate recede from its amendments as printed on page 969 of the House Journal and page 842 of the Senate Journal and that House Bill No. 1300 be amended as follows:

Page 1, line 14, replace "a" with "the interested"

Page 1, line 15, replace "director" with "directors", remove "a", and replace "home" with "homes"

Renumber accordingly

Engrossed HB 1300 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1353, as engrossed: Your conference committee (Sens. Kringstad, Urlacher, Heitkamp and Reps. Lloyd, Brown, Dobrinski) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1018 and place HB 1353 on the Seventh order.

Engrossed HB 1353 was placed on the Seventh order of business on the calendar.

REPORT OF STANDING COMMITTEE

SB 2350, as reengrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2350 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2192, as reengrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2192 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "and"

Page 1, line 9, after "nurses" insert "; to provide for a joint rulemaking committee; and to provide an expiration date"

Page 2, line 24, after "who" insert "holds a current license to practice in this state as an advanced practice registered nurse and either"

Page 2, line 25, replace "and holds a current license to" with "or has completed the educational requirements in effect when the person was initially licensed."

Page 2, remove line 26

Page 2, line 28, after "who" insert "holds a current license to practice in this state as a licensed practical nurse and either"

Page 2, line 29, remove "an associate degree with a major in"

Page 3, line 1, remove "nursing" and overstrike "and holds a current license to practice in this state as a"

Page 3, line 2, overstrike "licensed practical nurse" and insert immediately thereafter "an associate degree with a major in nursing or has completed the educational requirements in effect when the person was initially licensed"

Page 5, line 14, after "who" insert "holds a current license to practice in this state as a registered nurse and either"

Page 5, line 15, remove "a baccalaureate degree with a major in"

Page 5, line 16, remove "nursing" and overstrike "and holds a current license to practice in this state as a"

Page 5, line 17, overstrike "registered nurse" and insert immediately thereafter "a baccalaureate degree with a major in nursing or has completed the educational requirements in effect when the person was initially licensed"

Page 7, after line 7, insert:

"9. A person who is not licensed under this chapter and who provides medication administration according to individual needs and as part of an individual habilitation or case plan:

a. Within a developmental disabilities provider agency licensed under chapter 25-16;

b. Within a foster care provider agency licensed under chapter 50-11; or

c. Through, or under contract with, a human service center licensed under chapter 50-06.

A licensed nurse may delegate medication administration to a person exempt under this section."

Page 12, line 17, replace ". The scope of practice statement must" with "and"

Page 12, line 18, replace "for the" with an underscored period

Page 12, remove lines 19 through 26

Page 25, line 2, remove "because of failure to renew,"

Page 25, line 3, remove "under the provisions of this Act"

Page 25, line 4, remove "conditions and"

Page 25, after line 5, insert:

SECTION 19. JOINT RULEMAKING COMMITTEE. A joint rulemaking committee consisting of three members of the board of nursing and three members of the board of medical examiners shall develop rules governing the prescriptive practice described in subdivision b of subsection 6 of section 43-12.1-08. The board of nursing shall implement the rules.

SECTION 20. EXPIRATION DATE. Subsection 9 of section 5 and section 19 of this Act are effective through July 31, 1997, and after that date are ineffective."

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.

In lieu of the amendments printed on pages 1319 and 1320 of the House Journal, Engrossed Senate Bill No. 2202 is amended as follows:

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" and after the period insert "An amputation of a finger or toe at the level of the distal interphalangeal joint or proximal to that joint, or the thumb or the great toe at the interphalangeal joint or proximal to that joint, which is determined by the American medical association's "Guides to the Evaluation of Permanent Impairment" to result in a whole body impairment of less than sixteen percent is payable as a sixteen percent impairment.

17."

Page 7, line 28, replace "16" with "18"

Page 8, line 10, replace "17" with "19"

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.

In lieu of the amendments printed on pages 1323-1325 of the House Journal, Engrossed Senate Bill No. 2359 is amended as follows:

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, 1996, 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"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2499, as engrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2499 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "23" with "26.1"

Page 1, line 2, after "cooperatives" insert "; and to provide a penalty"

Page 1, line 4, replace "23" with "26.1"

Page 1, line 9, after "provide" insert "health care"

Page 1, remove lines 10 and 11

Page 1, line 12, replace "4" with "3"

Page 1, line 13, replace "market" with "provide"

Page 1, line 15, replace "5" with "4" and after "or" insert "an"

Page 2, line 12, remove "- Network limitations - Restraint of trade"

Page 2, line 13, remove "marketing and"

Page 2, line 18, remove "any other purchaser, including" and replace ", state agencies and institutions," with "medical assistance program. Each purchaser may execute contracts for the purchase of health"

Page 2, remove line 19

Page 2, line 20, remove "purchase of health care", remove "care", and after "provider" insert "cooperative in accordance with this section. A contract between a health provider cooperative and a purchaser must provide for payment by the purchaser"

Page 2, line 21, after the period insert:

1. Every contract between a health provider cooperative and a purchaser must be in writing and must provide that if the purchaser fails to pay for health care services as set forth in the contract, the enrollee is not liable to the provider for any sums owed by the purchaser.
2. A member provider, agent, trustee, or assignee thereof, may not maintain any action at law against an enrollee to collect sums owed by the purchaser.

Contract filing - Approval."

Page 2, line 23, remove "may not approve more than two"

Page 2, line 24, remove "contracts before July 1, 1997, and" and replace "in" with ":

1. In"

Page 2, line 26, after the period insert:

2. That fails to include evidence of the specific procedures used to inform prospective enrollees of any limitations imposed on the enrollee's right to receive care from a health provider of the enrollee's choice.
3. Under which a health provider cooperative assumes a corridor of risk greater than fifteen percent in its first year of operation, or greater than thirty percent in any year thereafter."

Page 2, line 27, replace "A health provider" with "The commissioner may adopt rules implementing this section."

Page 2, remove lines 28 and 29

Page 3, remove lines 1 and 2

Page 3, line 3, replace "care" with "provider"

Page 3, line 15, replace "care" with "provider"

Page 3, line 16, remove "care"

Page 3, line 18, remove "care"

Page 3, line 20, remove "care"

Page 3, line 21, remove "care" and remove "state"

Page 3, line 22, replace "health council" with "commissioner"

Page 3, line 24, replace "health council" with "commissioner"

Page 3, line 25, remove "care"

Page 3, line 28, replace "health council" with "commissioner"

Page 4, line 3, after "practices" insert "- Penalty"

Page 4, after line 20, insert:

"4. It is unlawful for any health provider cooperative to refuse membership to any licensed health care provider or organization that applies for membership and that otherwise agrees to the membership requirements of the health provider cooperative.

5. Any person violating subsections 1 through 4 is deemed to have committed a violation of chapter 51-08.1 and is subject to the provisions, procedures, and penalties of that chapter."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2506, as reengrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2506 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and after the second "and" insert "subsection 13 of section"

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

Page 1, remove line 4

Page 1, line 5, remove "protection and advocacy project;" and remove "; and"

Page 1, line 6, remove "to provide an effective date"

Page 1, line 14, replace ", one on July first" with "on August 1, 1995"

- Page 1, line 15, remove "of each year" and replace "two members" with "one member from each house"
- Page 1, line 16, replace "July first of each odd-numbered year" with "August 1, 1995" and remove "The members"
- Page 1, remove line 17
- Page 1, line 18, remove "political parties and both houses of the legislative assembly."
- Page 1, line 20, replace "July first of each even-numbered year" with "August 1, 1995"
- Page 1, line 21, replace "the" with "people first of" and remove "mental health association"
- Page 1, line 22, replace "July first of each even-numbered year" with "August 1, 1995"
- Page 2, line 2, replace "July first of each even-numbered year" with "August 1, 1995"
- Page 2, line 3, replace "the mental health" with "people first of North Dakota"
- Page 2, line 4, remove "association"
- Page 2, line 7, after "member" insert "appointed by the governor and the legislative council"
- Page 2, line 8, after the underscored period insert "The remaining three members shall serve a term of three years and until a successor is appointed."
- Page 2, line 9, replace "two" with "six" and replace "terms" with "years"
- Page 2, line 12, replace "legislative council" with "original appointing body"
- Page 2, line 14, replace "No later than January 1, 1996, the committee shall" with "Any vacancy on the committee must be filled within sixty days after the date on which the vacancy occurs"
- Page 2, remove lines 15 and 16
- Page 2, line 17, remove "50-26-04, and 57-27-03"
- Page 2, line 24, after the period insert "The governor, upon compliance with federal law and regulations, may redesignate the agency responsible for carrying out the responsibilities of the project under this chapter."
- Page 2, line 25, replace "Section" with "Subsection 13 of section"
- Page 2, remove lines 27 through 29
- Page 3, remove lines 1 through 29
- Page 4, remove lines 1 through 29
- Page 5, remove lines 1 through 9
- Page 5, remove the overstrike over lines 10 and 11

Page 5, line 12, remove the overstrike over "~~25-01-01.1, 50-26-01, 50-26-03, 50-26-04, and~~", after "~~57-27-03~~" insert "50-27-03", and remove the overstrike over the period

Page 5, replace lines 13 and 14 with:

"SECTION 3. REPORT TO BUDGET SECTION. During the 1995-96 interim, the committee on protection and advocacy shall address the concerns raised in the 1995 performance audit report of the North Dakota protection and advocacy project and the report of the panel of special masters. The committee shall report its progress in addressing these issues to the budget section of the legislative council at the request of the chairman."

Page 5, line 16, replace "July" with "August"

Page 5, line 17, remove "Each person or entity given"

Page 5, remove lines 18 through 24

Re-number accordingly

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1138 and HB 1260 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1138: Reps. Koppelman; Jacobs; Glassheim

HB 1260: Reps. Carlson; Torgerson; Mutzenberger

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2068, SB 2096, SB 2369, SB 2377, SB 2380, SB 2382, SB 2395, SB 2492, SB 2496, SB 2501, SB 2511, SB 2522, SB 2527, SB 2532, SCR 4045, SCR 4055, SCR 4056, SCR 4057, SCR 4060, SCR 4061.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: HB 1346, HB 1368, HB 1388, HB 1469, HB 1474, HB 1496, HCR 3002.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1346, HB 1368, HB 1388, HB 1469, HB 1474, HB 1496, HCR 3002.

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

MADAM PRESIDENT: The Speaker has signed: SB 2068, SB 2096, SB 2369, SB 2377, SB 2380, SB 2382, SB 2395, SB 2492, SB 2496, SB 2501, SB 2511, SB 2522, SB 2527, SB 2532, SCR 4045, SCR 4055, SCR 4056, SCR 4057, SCR 4060, SCR 4061.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: HB 1012, HB 1020, HB 1052, HB 1055, HB 1145, HB 1177, HB 1217, HCR 3047.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1012, HB 1020, HB 1052, HB 1055, HB 1145, HB 1177, HB 1217, HCR 3047.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: 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 amended and failed to pass: SB 2420.

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

ROY GILBREATH, Chief Clerk