

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, April 5, 1995

The House convened at 8:00 a.m., with Speaker Martin presiding.

The prayer was offered by Representative Glassheim.

The roll was called and all members were present except Representatives Koppelman, Laughlin, Retzer, Rydell, and Wentz.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 4, 1995

I am returning HB 1435, which I am vetoing for the reasons set forth below. The bill allows the legislature to reconvene at the call of the legislative council, after adjournment from the traditional session. I am vetoing the legislation for three reasons.

1. I have serious questions of the constitutionality of the bill. Our Constitution provides that the Legislature will meet in December for orientation and organization, and will reconvene not later than January 11th. Article IV, section 7, continues that the "regular session" will not exceed 80 days; that the days need not be consecutive, and that the Legislature may authorize its committees to meet anytime during the interim. But, there is no express authority to reconvene during the biennium. Finally, Article V, section 5, of the Constitution provides that the Governor "shall have power to convene the legislative assembly on extraordinary occasions." Over the course of many decades, this authority has been used by Governors to call for special sessions when they were appropriate. History will show that Governors have been sensitive to the interests and wishes of legislators. I intend to follow suit, and would consider the request of the Legislature to call a special session when the assembly or its members felt it necessary.
2. Secondly, the bill may impinge upon traditional executive branch authority. Our Constitution provides for a carefully balanced separation of powers, where each branch of government is held in check by the dispersion of power between the other two branches of government. In that division, the Legislature is to establish public policy, and the executive branch is charged with executing those policies. I fully intend to faithfully execute the laws established by the legislature. However, I believe that HB 1435 begins to erode the carefully crafted separation of powers in the North Dakota Constitution, so I will not approve of any legislation for that reason alone.
3. Finally, I believe the bill advances a public policy that does not reflect the wishes of the People, by permitting the extension of a legislative session beyond its traditional time period. The people of North Dakota do not approve of annual legislative sessions, and this bill begins that process. I cannot approve a bill that begins to allow Legislature to hold sessions outside the usual period during which the session has been held for over a hundred years.

For these reasons, I must veto HB 1435, and respectfully return it to the House of Representatives.

MOTION

REP. DORSO MOVED that HB 1435 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto, and that HB 1435 be placed on the Eleventh order of business on the calendar, which motion prevailed.

MOTION

REP. DORSO MOVED that HB 1435 be placed at the top of the Eleventh order, which motion prevailed.

RECONSIDERATION OF VETOED MEASURE

HB 1435: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the authority of the legislative council; and to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code, relating to reconvened sessions of the legislative assembly.

ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 70 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dorso; Freier; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleston; Hagle; Hanson; Hausauer; Henegar, D.; Howard; Huether; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Poolman; Price; Retzer; Rydell; Sandvig; Schimke; Schmidt; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Thompson; Thoreson; Timm; Wald; Wardner; Wentz; Speaker Martin

NAYS: Boehm; Brown; Delzer; Dobrinski; Drovdal; Froseth; Glassheim; Gunter; Henegar, K.; Holm; Jacobs; Johnson; Klein; Kliniske; Lloyd; Martinson; Nicholas; Olson; Payne; Rennerfeldt; Sabby; Shide; Sveen; Tollefson; Torgerson; Walker; Wilkie

ABSENT AND NOT VOTING: Koppelman

The House overrode the Governor's veto on HB 1435.

RECONSIDERATION OF VETOED MEASURE

HB 1180: A BILL for an Act to amend and reenact subdivision c of subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to the issuance of local permits by a governing body to conduct raffles, sports pools, or bingo.

ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 42 YEAS, 55 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Boehm; Brown; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Dobrinski; Dorso; Gerntholz; Gorman; Grosz; Grumbo; Hagle; Hanson; Henegar, D.; Howard; Kaldor; Kelsch; Kretschmar; Kroeber; Laughlin; Maragos; Martinson; Mickelson; Mutzenberger; Nichols; Nottestad; Sabby; Sandvig; Schmidt; Sitz; Soukup; Thoreson; Timm

NAYS: Berg; Bernstein; Boucher; Byerly; Christenson; Clayburgh; Delzer; DeWitz; Drovdal; Freier; Froseth; Galvin; Glassheim; Gorder; Gulleston; Gunter; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Keiser; Kempenich; Kerzman; Klein; Kliniske; Kunkel; Lloyd; Mahoney; Monson;

Nicholas; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Schimke; Shide; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Koppelman

The House sustained the Governor's veto on HB 1180.

RECONSIDERED OF VETOED MEASURE

HB 1251: A BILL for an Act to amend and reenact section 65-02-09 of the North Dakota Century Code, relating to the inclusion of advertisements in publications of the workers compensation bureau.

ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 35 YEAS, 62 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Berg; Boucher; Byerly; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Dorso; Freier; Gorder; Grosz; Grumbo; Gunter; Hagle; Hanson; Howard; Kroeber; Laughlin; Martinson; Mickelson; Poolman; Sandvig; Schmidt; Sitz; Skarphol; Soukup; Svedjan; Thompson; Torgerson; Wardner; Speaker Martin

NAYS: Austin; Bernstein; Boehm; Brown; Carlisle; Christenson; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Gulleon; Hausauer; Henegar, D.; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Stenehjem; Sveen; Thoreson; Timm; Tollefson; Wald; Walker; Wentz; Wilkie

ABSENT AND NOT VOTING: Koppelman

The House sustained the Governor's veto on HB 1251.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1124, HB 1014, and HB 1002.

REPORT OF CONFERENCE COMMITTEE

REP. KELSCH MOVED that the conference committee report on Engrossed HB 1089 as printed on HJ pages 1722-1728 be adopted, which motion failed on a verification vote.

MOTION

REP. DORSO MOVED that the conference committee on Engrossed HB 1089 be dissolved, that the same members be appointed to a new conference committee on Engrossed HB 1089, and that Engrossed HB 1089 be rereferred to the conference committee, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. KOPPELMAN MOVED that the conference committee report on HCR 3017 as printed on HJ pages 1728-1729 be adopted.

REQUEST

REP. WALD REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on HCR 3017, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on HCR 3017, the roll was called and there were 60 YEAS, 35 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gordier; Gorman; Grosz; Gunter; Hausauer; Henegar, D.; Holm; Howard; Huether; Jacobs; Kempenich; Klein; Kretschmar; Kunkel; Lloyd; Martinson; Monson; Olson; Payne; Price; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

NAYS: Aarsvold; Austin; Boucher; Christenson; Coats; Delmore; Dobrinski; Glassheim; Grumbo; Gulleson; Hagle; Hanson; Henegar, K.; Johnson; Kaldor; Keiser; Kerzman; Kliniske; Kroeber; Laughlin; Mahoney; Maragos; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Poolman; Rydell; Schmidt; Sitz; Sveen; Wentz; Wilkie

ABSENT AND NOT VOTING: Dalrymple; Kelsch; Koppelman

The motion to adopt the conference committee report on HCR 3017 prevailed and HCR 3017, as amended, was placed on the Eleventh order on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3017: A concurrent resolution urging Congress and the President to consider carefully the burden, consequences, and impact of federal legislation upon states and political subdivisions and to immediately cease all mandates.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 62 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gordier; Gorman; Grosz; Gunter; Hausauer; Henegar, D.; Holm; Howard; Huether; Jacobs; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Lloyd; Martinson; Monson; Olson; Payne; Price; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

NAYS: Aarsvold; Austin; Boucher; Christenson; Coats; Delmore; Dobrinski; Glassheim; Grumbo; Gulleson; Hagle; Hanson; Henegar, K.; Johnson; Kaldor; Keiser; Kerzman; Kliniske; Kroeber; Laughlin; Mahoney; Maragos; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Poolman; Rydell; Schmidt; Sitz; Wentz; Wilkie

ABSENT AND NOT VOTING: Dalrymple; Koppelman

HCR 3017 was declared adopted on a roll call vote.

ANNOUNCEMENT

SPEAKER MARTIN ANNOUNCED that Rep. Mahoney would replace Rep. Delmore on the conference committee on Engrossed HB 1089.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1089 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1089: Reprs. Kelsch; DeKrey; Mahoney

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1178.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2017, SB 2066, SB 2115, SB 2181, SB 2264, SB 2355, SB 2403, SB 2466, SCR 4026.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HCR 3017.

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

MADAM PRESIDENT: The House has overridden the Governor's veto on HB 1435. The vote was 70 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING, and your favorable consideration is requested.

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

MR. SPEAKER: The President has signed: HB 1005, HB 1009, HB 1016, HB 1138, HB 1168, HB 1317, HB 1423, HB 1439, HB 1488.

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

MR. SPEAKER: The President has signed: HB 1131, HB 1152, HB 1155, HB 1210, HB 1362, HB 1386, HB 1489.

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 2332, SB 2338.

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

MR. SPEAKER: The President has appointed Sen. Krebsbach to replace Sen. Grindberg on the Conference Committee on HB 1284.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1006, HB 1392.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2067.

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 2035, SB 2349, SB 2391, SB 2430, SB 2439, SB 2442, SB 2453, SB 2463, SB 2480, SB 2520, SB 2524, SCR 4046, SCR 4049, SCR 4063.

MOTION

REP. FREIER MOVED that the House be on the Fourth, Seventh, and Twelfth orders of business and at the conclusion of those orders, the House stand in recess until 1:00 p.m., which motion prevailed.

VETO CERTIFICATION

The following bills were delivered to the legislative council for veto certification: HB 1180, HB 1251.

REPORT OF CONFERENCE COMMITTEE

HB 1001, as engrossed: Your conference committee (Sens. Goetz, Lips, Mushik and Reprs. Payne, Martinson, Wilkie (refused to sign)) recommends that

the SENATE RECEDE from the Senate amendments on HJ pages 1393-1394, adopt amendments as follows, and place HB 1001 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1393 and 1394 of the House Journal and pages 1194 and 1195 of the Senate Journal and that Engrossed House Bill No. 1001 be amended as follows:

Page 1, line 2, replace "create and enact sections 23-12-10.4" with "amend and reenact section 54-03-20 of the North Dakota Century Code and the new section to chapter 54-35 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2395, as approved by the fifty-fourth legislative assembly, relating to compensation and expense reimbursement of members of the legislative assembly and the authority of the legislative council to appoint or retain legal counsel to protect the interests of the legislative branch in actions and proceedings"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "committee rooms"

Page 1, line 6, after the semicolon insert "to provide for a legislative council study; to provide an effective date;"

Page 2, replace lines 19 through 29 with:

"SECTION 3. AMENDMENT. Section 54-03-20 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-03-20. Compensation and expense reimbursement of members of the legislative assembly. Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of ninety dollars for each calendar day during any organizational, special, or regular legislative session. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred dollars per calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may not exceed thirty-five cents per mile based upon air mileage. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed six hundred dollars per month. The amount to which each legislator is entitled must be paid following the organizational session in December and following each month during a regular or special session.

A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session must be included as a calendar day during a legislative session for the purposes of this section.

In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of ~~one~~ two hundred ~~eighty~~ fifty dollars a month, which is payable every six months. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.

Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].

SECTION 4. AMENDMENT. The new section to chapter 54-35 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2395, as approved by the fifty-fourth legislative assembly, is amended and reenacted as follows:

Retention of legal counsel. When the legislative assembly is in session, either house by resolution may authorize, or both houses by concurrent resolution may direct, the legislative council to appoint or retain legal counsel to appear in, commence, prosecute, defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency when deemed necessary or advisable to protect the official interests of the legislative branch. When the legislative assembly is not in session, the legislative council, by a two-thirds vote, may appoint or retain legal counsel to appear in, commence, or prosecute, or by a majority vote, may appoint or retain legal counsel to defend, or intervene in, any action, suit, matter, cause, or proceeding in any court or agency when deemed necessary or advisable to protect the official interests of the legislative branch. Section 54-12-08 does not apply to a person appointed or retained under this section."

Page 3, remove lines 1 through 7

Page 3, after line 13, insert:

"SECTION 6. LEGISLATIVE COUNCIL STUDY OF BOARDS AND COMMISSIONS. The legislative council may study the membership, duties, and responsibilities of all boards, councils, committees, and commissions of state government. The study should include consideration of whether any of the boards, councils, committees, and commissions have overlapping powers and duties, whether any boards, councils, committees, and commissions should be eliminated or consolidated, whether each board, council, committee, and commission presently performs the functions for which it was originally created, and whether the membership of each board, council, committee, and commission is responsive to the people of the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-fifth legislative assembly.

SECTION 7. EFFECTIVE DATE. Section 3 of this Act becomes effective on January 1, 1997."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 150 - LEGISLATIVE ASSEMBLY

CONFERENCE COMMITTEE - This amendment removes provisions added by the House prohibiting smoking in buildings owned or leased by the state and designating the legislative study room located west of the Senate chamber as a Senate committee room and the Red River Room as a House committee room during legislative sessions, the same as the Senate version.

A section is added increasing legislators' monthly compensation by \$70, from \$180 to \$250 per month, beginning January 1997, the same as the Senate version.

A section is added authorizing the Legislative Council to study the membership, duties, and responsibilities of all boards, councils, committees, and commissions of state governments. The Senate version required the Legislative Council to conduct this study.

A section is added authorizing by a majority vote rather than by a two-thirds vote the Legislative Council to appoint or retain legal counsel to defend or intervene in any court or agency matter when necessary to protect legislative interests.

Engrossed HB 1001 was placed on the Seventh order of business on the calendar.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1246, HB 1249, and HB 1289.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1249, HB 1289.

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 1249, HB 1289.

REPORT OF CONFERENCE COMMITTEE

HB 1013, as engrossed: Your conference committee (Sens. Nething, Nalewaja, Tallackson and Reps. Bernstein, Kunkel, Laughlin) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1453-1455, adopt amendments as follows, and place HB 1013 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1453-1455 of the House Journal and pages 1261-1263 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 9, replace "1,599,382" with "1,639,115"

Page 1, line 10, replace "17,797,238" with "18,264,623"

Page 1, line 11, replace "770,204" with "1,985,888"

Page 1, remove line 12

Page 1, line 13, replace "special" with "all" and replace "20,689,626" with "21,889,626"

Page 1, after line 13, insert:

"Less estimated income	<u>20,689,626</u>
Total general fund appropriation	\$ 1,200,000"

Page 1, line 14, after "FUNDS" insert "TRANSFER" and replace "There is hereby appropriated in the special" with "The estimated income"

Page 1, line 15, remove "funds", replace the first "of" with "in", and after "Act" insert "includes"

Page 1, line 16, after "fund" insert "that may be transferred at the direction of the superintendent of the highway patrol"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

CONFERENCE COMMITTEE - This amendment makes the following object-code changes:

	HOUSE VERSION	ADD CAPITAL IMPROVEMENTS ¹	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Salaries and wages	\$16,479,654			\$16,479,654	\$16,479,654	
Operating expenses	3,919,972			3,919,972	3,919,972	
Equipment	158,000			158,000	158,000	
Capital improvements	32,000	\$1,200,000	\$1,200,000	1,232,000	1,432,000	\$ (200,000)
Grants	<u>100,000</u>	<u> </u>	<u> </u>	<u>100,000</u>	<u>100,000</u>	<u> </u>
Total	\$20,689,626	\$1,200,000	\$1,200,000	\$21,889,626	\$22,089,626	\$ (200,000)
General fund		\$1,200,000	\$1,200,000	\$ 1,200,000		\$ 1,200,000
Special funds	<u>\$20,689,626</u>	<u> </u>	<u> </u>	<u>20,689,626</u>	<u>\$22,089,626</u>	<u>(1,400,000)</u>
Total	\$20,689,626	\$1,200,000	\$1,200,000	\$21,889,626	\$22,089,626	\$ (200,000)
FTE	200		0	200	200	0

¹ Provides funding for the Law Enforcement Training Academy building addition. The House did not provide funding for the addition and the Senate provided \$1.4 million of special funds for the addition, \$630,000 from the public transportation fund, \$250,000 from the abandoned motor vehicle disposal fund, and \$520,000 from the highway fund.

Other sections added by the Senate relating to the public transportation fund and abandoned motor vehicle disposal fund are not included in the conference committee amendments.

The funding provided for each Highway Patrol program is as follows:

	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION
Administration	\$ 1,599,382	\$ 39,733	\$ 1,639,115
Field operations	17,797,238	467,385	18,264,623
Law enforcement	770,204	1,215,684	1,985,888
training academy			
Salary and benefit adjustment	<u>522,802</u>	<u>(522,802)*</u>	<u> </u>
Total	\$20,689,626	\$1,200,000	\$21,889,626

* Funding in the salaries and benefit adjustment line item is allocated to the appropriate program line items to reflect each program's funding level.

Engrossed HB 1013 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1256, as engrossed: Your conference committee (Sens. B. Stenehjem, Schobinger, O'Connell and Reps. Price, Mutzenberger, Christopherson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1389-1390, adopt amendments as follows, and place HB 1256 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1389 and 1390 of the House Journal and page 1212 of the Senate Journal and that Engrossed House Bill No. 1256 be amended as follows:

Page 1, line 6, after "dentistry" insert "; to direct the board of dental examiners and the board of medical examiners to study the licensing and practice of oral and maxillofacial and related surgical procedures; to provide an effective date and an expiration date; and to declare an emergency"

Page 5, line 4, overstrike "means and"

Page 5, line 8, overstrike the second "the" and after "surgical" insert an underscored comma

Page 5, after line 10, insert:

"SECTION 6. AMENDMENT. Subsection 6 of section 43-28-01 of the North Dakota Century Code is amended and reenacted as follows:

6. For the purposes of this chapter, the term "practice of dentistry" ~~means and~~ includes examination, diagnosis, treatment, repair, administration of local or general anesthetics, prescriptions, or surgery of or for any disease, disorder, deficiency, deformity, condition, lesion, injury, or pain of the human oral cavity, teeth, gingivae and soft tissues, and the diagnosis, ~~the~~ surgical, and adjunctive treatment of the diseases, injuries, and defects of the human jaw and associated structures. However, no dentist licensed in this state may perform oral maxillofacial surgery unless the licensee also is certified or board-eligible for

certification by the American board of oral and maxillofacial surgeons."

Page 9, after line 11, insert:

"SECTION 15. STUDY OF LICENSING ORAL AND MAXILLOFACIAL PROCEDURES. During the 1995-96 legislative interim, the board of dental examiners and the board of medical examiners shall study the licensing and practice of oral and maxillofacial and related surgical procedures and present any recommendations to the fifty-fifth legislative assembly.

SECTION 16. EFFECTIVE DATE - EXPIRATION DATE. Section 6 of this Act expires on July 31, 1997. Section 5 of this Act becomes effective on August 1, 1997.

SECTION 17. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1256 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1003, as engrossed: Your conference committee (Sens. Solberg, Nething, Tallackson and Reps. Wald, Freier, Wilkie) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1587-1593, adopt amendments as follows, and place HB 1003 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1587-1593 of the House Journal and pages 1312-1317 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 4, remove "and"

Page 1, line 6, after "gallery" insert "; to amend and reenact section 15-10-12 of the North Dakota Century Code, relating to higher education special funds; and to declare an emergency"

Page 3, line 19, replace "95,513,204" with "95,973,564"

Page 3, line 22, replace "1,225,000" with "3,770,000"

Page 3, line 24, replace "125,894,160" with "128,899,520"

Page 3, line 25, replace "47,522,227" with "50,067,227"

Page 3, line 26, replace "78,371,933" with "78,832,293"

Page 4, line 1, replace "76,963,362" with "77,385,337"

Page 4, line 4, replace "929,950" with "1,129,950"

Page 4, line 5, replace "103,072,264" with "103,694,239"

Page 4, line 6, replace "41,224,964" with "41,424,964"

Page 4, line 7, replace "61,847,300" with "62,269,275"

Page 5, line 20, replace "475,000" with "525,000"

Page 5, line 22, replace "13,033,541" with "13,083,541"

Page 5, line 24, replace "9,395,252" with "9,445,252"

Page 6, line 7, replace "1,510,732" with "1,554,977"

Page 6, line 12, replace "2,142,634" with "2,186,879"

Page 6, line 14, replace "1,332,108" with "1,376,353"

Page 6, line 17, replace "55,586,409" with "55,659,829"

Page 6, line 20, replace "75,318,818" with "75,392,238"

Page 6, line 22, replace "25,769,427" with "25,842,847"

Page 6, line 23, replace "266,663,743" with "267,863,743"

Page 6, line 24, replace "187,937,903" with "193,582,903"

Page 6, line 25, replace "454,601,646" with "461,446,646"

Page 7, line 7, remove "or so"

Page 7, line 8, replace "much of the sum as may be necessary" with "from special funds derived from federal funds, the sum of \$900,000"

Page 7, line 9, replace the second "sum" with "sums"

Page 7, line 15, after "funds" insert "derived from other income"

Page 7, line 19, after "treasury" insert "up to the following amounts is hereby appropriated and may be spent subject to board of higher education approval:

INSTITUTION	AMOUNT
North Dakota university system office	\$ 80,052
Bismarck state college	202,800
University of North Dakota - Lake Region	42,744
University of North Dakota - Williston	66,857
University of North Dakota	1,425,667
North Dakota state university	1,236,749
North Dakota state college of science	241,733
Dickinson state university	156,371
Mayville state university	78,369
Minot state university	429,663
Valley City state university	109,149
North Dakota state university - Bottineau	42,186
North Dakota state forest service	24,316
University of North Dakota medical school	<u>1,486,482</u>
Total	\$5,623,138

Any additional excess estimated income"

Page 8, line 10, replace "Funds" with "Up to \$1,350,000 of funds"

Page 8, line 24, remove "to a nonprofit corporation or similar entity"

Page 8, after line 28, insert:

"SECTION 10. 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 \$2,000,000, for the purpose of constructing an addition to and remodeling of the student union at Dickinson state university for the biennium beginning July 1, 1995, and ending June 30, 1997. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota.

SECTION 11. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 10, or so much of the sum as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the purpose of constructing an addition to and remodeling of the student union at Dickinson state university and providing equipment for the facility for the biennium beginning July 1, 1995, and ending June 30, 1997. Any unexpended balance from the sale of bonds must be placed in sinking funds for the retirement of the authorized bonds.

SECTION 12. LEGISLATIVE INTENT - HASTINGS HALL PURCHASE. It is the intent of the legislative assembly that North Dakota state university enter into an agreement to purchase the Hastings hall facility from the state seed department for \$350,000 for the biennium beginning July 1, 1995, and ending June 30, 1997. The source of funds used to purchase the facility is to be determined by North Dakota state university.

SECTION 13. VALLEY CITY STATE UNIVERSITY - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to Valley City state university, for the purpose of defraying its expenses resulting from lower than estimated 1993-95 revenue collections, for the period beginning with the effective date of this Act and ending June 30, 1997.

SECTION 14. AMENDMENT. Section 15-10-12 of the North Dakota Century Code is amended and reenacted as follows:

15-10-12. Board may accept gifts and bequests - State treasurer to have custody of school funds. The state board of higher education may, subject to the limitations of section 15-10-12.1, receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests must be used for the specific purpose for which they are donated or given. A special revenue fund, for each institution of higher education under the control of the board or subject to its administration, must be maintained within the state treasury and all institutional income ~~and institutional collections of public funds of each institution, except institutional funds received as donations, gifts, grants, and bequests, from tuition collections~~ must be placed in the special fund for the use of the institution for which the money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the Constitution of North Dakota must be deposited in the special revenue fund of each institution and expended in accordance with section 1 of article IX of the Constitution of North Dakota. Moneys in the special revenue fund are subject to legislative appropriations. All other funds, unless restricted by the terms of a grant, donation, or bequest, received by the institutions from federal, state, and local grants and contracts, indirect cost recoveries, special student fees, room and board fees and other auxiliary enterprise fees, student activity fees, continuing education program fees, internal service fund revenues, and all other revenues must be deposited in the Bank of North Dakota. Biennial estimates of revenue and expenditures of the other funds by source of funds must be presented at the same time biennial budget requests for appropriations from the special revenue fund and state general fund are prepared and submitted to the office of the budget pursuant to section 15-10-15. Payments from each institution's general fund appropriation must be made in amounts as may be necessary for the operation and maintenance of each institution, except that at the close of the

biennium the balance of funds not paid from the general fund appropriation must be deposited in the special revenue funds of the institutions. All such appropriations are subject to proration in the same manner as other appropriations are prorated if insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds must be deposited pursuant to section 15-55-06.

SECTION 15. EMERGENCY. Section 13 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment makes the following changes:

GENERAL FUND CHANGES

	HOUSE VERSION	ADD CAPITAL IMPROVEMENTS	RESTORE VACANT POSITIONS ²	OTHER CHANGES	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
System Office	\$ 10,180,461					\$ 10,180,461	\$ 10,180,461	
Bismarck State College	11,274,522					11,274,522	11,274,522	
UND-Lake Region	3,843,958					3,843,958	3,843,958	
UND-Williston	3,871,612					3,871,612	3,871,612	
University of North Dakota	78,371,933		\$ 460,360		\$ 460,360	78,832,293	78,693,761	\$138,532
North Dakota State University	61,847,300		421,975		421,975	62,269,275	62,142,270	127,005
State College of Science	19,953,849					19,953,849	19,953,849	
Dickinson State University	10,788,145					10,788,145	10,788,145	
Mayville State University	6,885,779					6,885,779	6,885,779	
Minot State University	19,914,362					19,914,362	19,914,362	
Valley City State University	9,395,252	\$50,000 ¹		\$150,000 ³	200,000	9,595,252	9,595,252	
NDSU-Bottineau	3,235,035					3,235,035	3,235,035	
Forest Service	1,332,108		44,245		44,245	1,376,353	1,363,424	12,929
UND Medical School	25,769,427		73,420		73,420	25,842,847	25,821,313	21,534
UND Rehabilitation Hospital								
Total general fund - HB1003	\$266,663,743	\$50,000	\$1,000,000	\$150,000	\$1,200,000	\$267,863,743	\$267,563,743	\$300,000

¹ Provides funding which was included in Senate Bill No. 2030 for the following projects:

University of North Dakota:

Building connection	\$ 750,000 other funds
Medical School animal quarters	750,000 federal funds
Apartment storage facility	420,000 other funds
Auxiliary storage facility	250,000 other funds
Plant services storage and recycling facility	375,000 other funds
Total	\$2,545,000 other and federal funds

North Dakota State University - President residence - \$200,000 other funds

Valley City State University - Additional funding for McFarland Hall project - \$50,000 general fund. (The executive budget provided \$514,000 of bond proceeds and other funds for the project. The House provided \$250,000 from the general fund for the project.)

² Restores \$1,000,000 of the \$2,282,859 removed by the House relating to vacant positions as follows:

University of North Dakota	Restores six of the 13.44 FTE positions removed - The Senate restored four FTE positions
North Dakota State University	Restores five of the 11.3 FTE positions removed - The Senate restored three FTE positions
Forest Service	Restores the one FTE position removed, the same as the Senate version
UND Medical School	Restores one of the two FTE positions removed, the same as the Senate version

The Senate had restored \$700,000 of the \$2,282,859 removed by the House.

³ Provides \$900,000 of federal funds relating to the Bute Gym remodeling project at North Dakota State College of Science.

⁴ Authorizes the Board of Higher Education to issue revenue bonds in the amount of \$2 million to remodel, construct an addition to, and equip the student union at Dickinson State University.

GENERAL FUND CHANGES

⁵ Provides additional operating funds for Valley City State University for the remainder of the 1993-95 biennium as a result of lower than estimated revenue collections during the 1993-95 biennium.

Section 3 of the bill is amended to authorize each higher education institution to spend excess estimated income of up to three percent of its estimated income line item subject to Board of Higher Education approval. Any additional excess estimated income may be spent only upon Emergency Commission approval. Previously, this section provided that all excess income may be spent upon Emergency Commission approval.

A section is added amending North Dakota Century Code Section 15-10-12 clarifying the definition of institutional income as it relates to higher education and providing that the Board of Higher Education submit to the Office of Management and Budget at the time the budget is submitted biennial estimates of all other fund revenues and expenditures, by source.

A section of legislative intent is added providing that North Dakota State University enter into an agreement to purchase Hastings Hall from the Seed Department for \$350,000 from funding sources to be determined by North Dakota State University.

Section 9 of the bill is amended to remove provisions that the Forest Service provide centennial trees grants to a nonprofit corporation or similar entity. The amendment provides no restrictions on grant recipients.

This amendment includes all of the Senate changes except that an additional \$300,000 from the general fund is added to restore vacant positions and funding of \$3,422,515 from additional tuition income from higher education tuition increases of two percent the first year and one percent the second year of the 1995-97 biennium added by the Senate is removed. The section of legislative intent regarding the the use of the tuition income which was added by the Senate is also removed.

REPORT OF CONFERENCE COMMITTEE

HB 1501, as engrossed: Your conference committee (Sens. Krebsbach, W. Stenehjem, Scherber (refused to sign) and Reps. Stenehjem, Clark, Sandvig (refused to sign)) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1357-1358, adopt amendments as follows, and place HB 1501 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1357 and 1358 of the House Journal and pages 1161 and 1162 of the Senate Journal and that Engrossed House Bill No. 1501 be amended as follows:

Page 1, line 16, remove the overstrike over "~~one member~~" and remove "three members"

Page 2, line 3, remove the overstrike over "~~member~~" and remove "members"

Page 2, line 10, remove the overstrike over "~~member~~" and remove "members"

Page 2, line 11, overstrike "two" and remove ", four, and"

Page 3, line 3, remove the overstrike over "~~The~~" and remove "Each"

Page 4, line 5, remove the overstrike over "~~Hear, consider, and determine appeals by nonprobationary employees~~"

Page 4, line 6, remove the overstrike over "~~in the classified service~~"

Page 4, line 7, remove the overstrike over "~~related to position classifications~~", after the overstruck comma insert "and", and remove the overstrike over "~~pay grade~~"

Page 4, line 8, remove the overstrike over "~~assignments~~"

Page 4, line 19, remove the overstrike over the period

Page 4, line 20, after "~~4-~~" insert "3."

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

Re-number accordingly

Engrossed HB 1501 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1007, as engrossed: Your conference committee (Sens. Streibel, Solberg, Robinson (refused to sign)) and Reps. Carlisle, DeWitz, Wilkie (refused to sign)); recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1380, adopt amendments as follows, and place HB 1007 on the Seventh order:

That the Senate recede from its amendments as printed on page 1380 of the House Journal and page 1198 of the Senate Journal and that Engrossed House Bill No. 1007 be amended as follows:

Page 1, line 13, replace "250,000" with "100,000"

Page 1, remove lines 14 and 15

Page 1, line 16, replace "227,983" with "327,983"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 316 - INDIAN AFFAIRS COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	ENGROSSED BILL	REDUCE GRANTS AND CHANGE FUNDING SOURCE	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$195,099			\$195,099
Operating expenses	31,884			31,884
Equipment	1,000			1,000
Grants	<u>250,000</u>	<u>\$(150,000)</u>	<u>\$(150,000)</u>	<u>100,000</u>
Total all funds	\$477,983	\$(150,000)	\$(150,000)	\$327,983
Less estimated income	<u>250,000</u>	<u>(250,000)</u>	<u>(250,000)</u>	<u> </u>
Total general fund	\$227,983	\$ 100,000	\$ 100,000	\$327,983
FTE	2.5		0	2.5

Engrossed HB 1007 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1019, as engrossed: Your conference committee (Sens. Holmberg, Naaden, Lindaas and Reps. Byerly, DeWitz, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1396-1400, adopt amendments as follows, and place HB 1019 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1396-1400 of the House Journal and pages 1202-1206 of the Senate Journal and that Engrossed House Bill No. 1019 be amended as follows:

Page 1, line 2, after "Dakota" insert "; to amend and reenact subsection 11 of section 1 and section 2 of chapter 493 of the 1993 Session Laws, relating to the new jobs training program; to repeal section 6 of chapter 493 of the 1993 Session Laws, relating to the expiration date of the new jobs training program; and to declare an emergency"

Page 1, line 10, replace "31,867,366" with "32,873,476"

Page 1, line 12, replace "345,000" with "445,000"

Page 1, line 15, replace "555,000" with "1,500,000"

Page 1, line 16, replace "50,576,534" with "52,627,644"

Page 1, line 17, replace "50,021,534" with "51,127,644"

Page 1, line 18, replace "555,000" with "1,500,000"

Page 2, line 4, replace "\$46,000,000" with "\$40,000,000"

Page 2, line 5, replace "\$46,000,000" with "\$40,000,000"

Page 2, line 10, replace "\$46,000,000" with "\$40,000,000"

Page 2, line 14, after "common" insert "reporting" and replace the comma with "and"

Page 2, line 15, after "transmission" insert "of the wage information" and remove the second "or"

Page 2, line 16, after "communications" insert ", or any other method of transmission deemed appropriate"

Page 2, after line 17, insert:

"SECTION 5. WORK FORCE 2000 ALLOCATIONS. For the year beginning July 1, 1995, a minimum of \$125,000, of the \$1,500,000 provided for work force 2000, is to be available for projects in areas in the state which are not within five miles [8.05 kilometers] of any city with a population of more than eight thousand. Any work force 2000 funds remaining after June 30, 1996, may be used for projects in any area of the state.

SECTION 6. AMENDMENT. Subsection 11 of section 1 of chapter 493 of the 1993 Session Laws is amended and reenacted as follows:

11. "Primary sector business" means an employer engaged in locating to or in this state which previously had no presence in this state, or in expanding its operations within this state, which through the employment of knowledge or labor, adds value to a product, process, or export service that results in the creation of new wealth, excluding production agriculture, if it meets the following eligibility criteria:
 - a. An employer entering into an agreement, and increasing its base employment level by ~~ten percent, or two employees, whichever is greater,~~ at least one employee, or in the case of an employer without an established base employment level in this state creating a ~~minimum of~~ at least five employees, within the time set in the agreement, is entitled to the new jobs credit from withholding.
 - b. An employer must have an economically productive and socially desirable purpose within the state.
 - c. An employer must not be closing or reducing its operation in one area of the state and relocating substantially the same operation in another area.

SECTION 7. AMENDMENT. Section 2 of chapter 493 of the 1993 Session Laws is amended and reenacted as follows:

SECTION 2. Job service North Dakota - Agreements. Program services developed and coordinated by job service North Dakota must be provided to primary sector businesses found eligible for loans or grants under this Act. Job service North Dakota may enter into an agreement to establish a project with an employer which meets the following conditions:

1. Sets a date of commencement of the project.
2. Identifies program costs, including deferred costs, which are to be paid from available sources including new jobs credit from withholding to be received or derived from new jobs resulting from the project.
3. Provides for a guarantee by the employer of payment for program costs.
4. Provides that any deferral of program cost payments may not exceed ten years from the date of commencement of the project.

5. Provides that on-the-job training costs for employees may not exceed fifty percent of the annual gross payroll costs of the new jobs in the first full year after the date of commencement of the project. For purposes of this subsection, "gross payroll" is the gross wages and salaries for the new jobs.
6. Provides the maximum amount of new jobs credit from withholding, or tuition and fee payments, allowed for a project.
7. Provides that every employee participating in the new jobs training program must be paid an income of at least equal to one hundred twenty percent of the federal poverty level for a family of four as determined at the date of commencement of the project seven dollars and fifty cents per hour, plus benefits, by the end of the first year of employment under the project and for the remaining life of the loan.

A project requiring a loan from the department or a community may not be approved, and an agreement may not be executed by job service North Dakota, until notification from the department or community that the employer has qualified for a loan. Upon execution of the agreement, job service North Dakota shall notify the state tax commissioner of the agreement and the identity of the employer. Job service North Dakota may adopt rules to implement this Act. Job service North Dakota shall prepare an annual report for the governor and the legislative assembly with respect to the new jobs training program.

SECTION 8. REPEAL. Section 6 of chapter 493 of the 1993 Session Laws is repealed.

SECTION 9. EMERGENCY. Section 8 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 480 - JOB SERVICE NORTH DAKOTA

CONFERENCE COMMITTEE - This amendment makes the following changes:

	ENGROSSED BILL	RESTORE VACANT POSITIONS	RESTORE EQUIPMENT	RESTORE WORK FORCE 2000 ¹	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$31,867,366	\$1,006,110			\$1,006,110	\$32,873,476
Operating expenses	8,108,168					8,108,168
Equipment	345,000		\$100,000		100,000	445,000
Capital improvements	190,000					190,000
Grants	9,511,000					9,511,000
Work Force 2000	<u>555,000</u>	<u> </u>	<u> </u>	<u>\$945,000</u>	<u>945,000</u>	<u>1,500,000</u>
Total all funds	\$50,576,534	\$1,006,110	\$100,000	\$945,000	\$2,051,110	\$52,627,644
Less estimated income	<u>50,021,534</u>	<u>1,006,110</u>	<u>100,000</u>	<u> </u>	<u>1,106,110</u>	<u>51,127,644</u>
Total general fund	\$ 555,000	\$ 0	\$ 0	\$945,000	\$ 945,000	\$ 1,500,000
FTE	391	29.5			29.5	420.5

¹ Job Service North Dakota may spend up to \$20,000 of the Work Force 2000 appropriation for the administration of the program.

The amendment also decreases the minimum balance guideline for the job insurance trust fund from \$46 million to \$40 million.

The amendment also repeals the expiration of the new jobs training program, changes the wage requirement of the new jobs training program from 120 percent of the federal poverty level, for a family of four, to \$7.50 per hour plus benefits, and reduces the increase in base employment requirement from 10 percent or two employees to at least one employee.

The amendment also adds a section providing that at least \$125,000 of the Work Force 2000 funding is to be available for rural areas during the first year of the biennium. Any funds left after the first year could go to projects in any area.

The following agencies are to continue to cooperate and work together on all jobs training programs in an effort to continue to maximize the delivery of services while minimizing any duplication of services between the agencies:

1. Job Service North Dakota.
2. State Board for Vocational and Technical Education.
3. North Dakota University System.
4. Workers Compensation Bureau.
5. Department of Economic Development and Finance.
6. Governor's Work Force Development Council.
7. Other appropriate agencies.

Engrossed HB 1019 was placed on the Seventh order of business on the calendar.

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

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1002, HB 1014, HB 1124, HB 1246.

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 1002, HB 1014, HB 1124, HB 1246.

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

MR. SPEAKER: The President has signed: HB 1249, HB 1289.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 1:05 p.m., April 5, 1995: HB 1249, HB 1289.

REPORT OF CONFERENCE COMMITTEE

REP. PAYNE MOVED that the conference committee report on Engrossed HB 1001 be adopted.

REQUEST

REP. PAYNE REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1001, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1001, the roll was called and there were 22 YEAS, 73 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Austin; Bernstein; Carlson; Christopherson; Clayburgh; DeKrey; Dorso; Gerntholz; Gorder; Gorman; Hausauer; Kretschmar; Kunkel; Maragos; Martinson; Nicholas; Payne; Stenehjem; Sveen; Timm; Wardner; Wentz

NAYS: Aarsvold; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Clark; Coats; Delmore; Delzer; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Kroeber; Laughlin; Lloyd; Mahoney; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wald; Walker; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dalrymple; Henegar, D.; Koppelman

The motion to adopt the conference committee report on Engrossed HB 1001 failed.

REPORT OF CONFERENCE COMMITTEE

REP. BERNSTEIN MOVED that the conference committee report on Engrossed HB 1013 be adopted.

REQUEST

REP. KUNKEL REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1013, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1013, the roll was called and there were 31 YEAS, 64 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bernstein; Brown; Carlisle; Clark; Dalrymple; DeKrey; Freier; Froseth; Galvin; Gorman; Grumbo; Gunter; Hausauer; Henegar, K.; Holm; Howard; Keiser; Kelsch; Kretschmar; Mahoney; Martinson; Price; Retzer; Rydell; Stenehjem; Timm; Wald; Wardner; Speaker Martin

NAYS: Belter; Berg; Boehm; Boucher; Byerly; Carlson; Christenson; Christopherson; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Gerntholz; Glassheim; Gorder; Grosz; Gulleston; Hagle; Hanson; Huether; Jacobs; Johnson; Kaldor; Kempenich; Kerzman; Klein; Kliniske; Kroeber; Kunkel; Laughlin; Lloyd; Maragos; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Rennerfeldt; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Walker; Wentz; Wilkie

ABSENT AND NOT VOTING: Bateman; Henegar, D.; Koppelman

The motion to adopt the conference committee report on Engrossed HB 1013 failed.

MOTION

REP. DORSO MOVED that the House Conference Committee on Engrossed HB 1001 be dissolved and that a new conference committee be appointed, which motion prevailed.

THE SPEAKER APPOINTED as a new Conference Committee on Engrossed HB 1001: Reps. Bateman, DeWitz, Wilkie.

MOTION

REP. DORSO MOVED that Engrossed HB 1013 be rereferred to the same conference committee, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed HB 1013 was rereferred.

REPORT OF CONFERENCE COMMITTEE

REP. PRICE MOVED that the conference committee report on Engrossed HB 1256 be adopted, which motion prevailed.

Engrossed HB 1256, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1256: A BILL for an Act to amend and reenact sections 43-20-03, 43-20-07, 43-20-12, 43-20-12.1, subsection 6 of section 43-28-01, subsections 1 and 3 of section 43-28-04, section 43-28-05, subsection 5 of section 43-28-06, sections 43-28-11, 43-28-12.2, subsections 1 and 2 of section 43-28-15, sections 43-28-19, and 43-28-23 of the North Dakota Century Code, relating to dental hygienists and the practice of dentistry; to direct the board of dental examiners and the board of medical examiners to study the licensing and practice of oral and maxillofacial and related surgical procedures; to provide an effective date and an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; 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: Henegar, D.; Koppelman

Engrossed HB 1256, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

REP. WALD MOVED that the conference committee report on Engrossed HB 1003 be adopted.

REQUEST

REP. POOLMAN REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1003, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1003, the roll was called and there were 69 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; DeWitz;

Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kempenich; Kerzman; Klein; Kroeber; Kunkel; Lloyd; Mahoney; Martinson; Monson; Mutzenberger; Nicholas; Olson; Payne; Price; Rennerfeldt; Retzer; Sabby; Schimke; Schmidt; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Austin; Boucher; Christenson; Clayburgh; Coats; Delmore; Dobrinski; Glassheim; Gorman; Kaldor; Keiser; Kelsch; Kliniske; Kretschmar; Laughlin; Maragos; Mickelson; Nichols; Nottestad; Oban; Poolman; Rydell; Sandvig; Shide; Stenehjem; Wilkie

ABSENT AND NOT VOTING: Henegar, D.; Koppelman

The conference committee report on Engrossed HB 1003 was adopted. Engrossed HB 1003, as amended, was placed on the Eleventh order on the calendar.

SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education; to provide an exemption to the provisions of section 54-44.1-11; to authorize an agreement for the operation and leasing of the North Dakota state art gallery; to amend and reenact section 15-10-12 of the North Dakota Century Code, relating to higher education special funds; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Henegar, D.; Koppelman

Engrossed HB 1003, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1001 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1001: Reps. Bateman; DeWitz; Wilkie

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

MADAM PRESIDENT: The House has not adopted the conference committee report on: HB 1013.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1003, HB 1256, HB 1501.

REPORT OF CONFERENCE COMMITTEE

REP. STENEHJEM MOVED that the conference committee report on Engrossed HB 1501 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1501, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1501: A BILL for an Act to create and enact a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to exceptions from categories of positions in the state service; and to amend and reenact sections 54-44.3-03, 54-44.3-07, and 54-44.3-12.2 of the North Dakota Century Code, relating to the composition and duties of the state personnel board and appeal procedures for state employee complaints.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 68 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; DeImore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grosz; Gunter; Hagle; Hausauer; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Kretschmar; Kunkel; Laughlin; Lloyd; Maragos; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Rennerfeldt; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Boucher; Carlisle; Christenson; Coats; Dobrinski; Glassheim; Gorder; Gorman; Grumbo; Gulleson; Hanson; Henegar, K.; Kaldor; Kerzman; Kroeber; Mahoney; Martinson; Mutzenberger; Nichols; Oban; Price; Retzer; Sandvig; Schmidt; Sitz; Thompson; Wilkie

ABSENT AND NOT VOTING: Henegar, D.; Koppelman

Engrossed HB 1501, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that all legislative action taken this afternoon be messaged to the Senate immediately, which motion prevailed.

MOTION

REP. FREIER MOVED that the House be on the Fifth and Seventh orders of business and at the conclusion of those orders, the House stand in recess until 4:00 p.m., which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1021, as engrossed: Your conference committee (Sens. Goetz, Streibel, Robinson (refused to sign) and Reps. Dalrymple, Clayburgh, Kroeber (refused to sign)) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1458-1459, adopt amendments as follows, and place HB 1021 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1266 and 1267 of the Senate Journal and pages 1458 and 1459 of the House Journal and that Engrossed House Bill No. 1021 be amended as follows:

Page 1, replace line 19 with:

"Salaries and wages	\$2,148,838
Operating expenses	1,382,035
Equipment	24,500
Grants	1,365,400
General allocation grants	500,000
Technology transfer, incorporated	1,454,000
Development fund	<u>2,218,750</u>
Total all funds	\$9,093,223"

Page 1, line 20, replace "6,071,339" with "95,000"

Page 1, line 21, replace "9,364,123" with "8,998,523"

Page 2, line 2, replace "\$3,218,750" with "2,218,750"

Page 2, line 3, remove "for nonrural projects"

Page 2, replace lines 8 through 13 with "All moneys in the regional rural development revolving loan fund totaling approximately \$6,000,000 and any investment, contract, partnership, or any other business transaction of the regional rural development revolving loan fund is transferred to the North Dakota development fund on the effective date of this Act and is deemed to be an asset of the North Dakota development fund."

Page 2, line 15, replace "\$9,218,750" with "\$8,218,750"

Page 2, line 22, replace "\$3,218,750" with "\$2,218,750"

Page 7, after line 25, insert:

"SECTION 10. LEGISLATIVE INTENT - TECHNOLOGY TRANSFER, INC. - PROJECT FUNDS. It is the intent of the legislative assembly that project funds be distributed by technology transfer, inc., consistent with the mission and policies established by the technology transfer, inc., board and that project funds be distributed, to the extent practical and efficient, directly to businesses and individuals receiving project funding approval. Funding recipients may use the project funds to purchase services, on a fee for service basis, from business and industry development centers located on the campuses of the institutions of higher education."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT AND FINANCE

CONFERENCE COMMITTEE - The following is a summary of the conference committee changes:

	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$ 2,014,438	\$ 134,400 ¹	\$2,148,838
Operating expenses	1,358,374	23,661 ²	1,382,035
Equipment	24,500		24,500

Grants	1,365,400		1,365,400
Technology transfer, incorporated	1,454,000		1,454,000
General allocation grants		500,000	500,000
Development fund	<u>9,218,750</u>	<u>(7,000,000)</u> ³	<u>2,218,750</u>
Total all funds	\$15,435,462	\$(6,341,939)	\$9,093,523
Less estimated income	<u>6,071,339</u>	<u>(5,976,339)</u>	<u>95,000</u>
Total general fund	\$ 9,364,123	\$ (365,600)	\$8,998,523
FTE positions	26	2	28

¹ Restores data processing center specialist II (\$68,098 - general fund) also restored by the Senate and credit review analyst (\$66,302 - general fund) removed by the House and not restored by the Senate.

² Adds \$23,661 of income from the sale of research reports also added by the Senate.

³ Removes \$1 million from the general fund for the development fund. Also, the \$6 million of other funds is removed from the specific appropriation line item as it is appropriated subject to Section 8 of the bill. These changes are consistent with the Senate changes.

This amendment also:

- Restores object code-based line items. (Senate restored.)
- Provides a general allocation of \$500,000. (Senate also provided.)
- Provides \$2,218,750 from the general fund for the development fund for projects.
- Adds a section of legislative intent providing that Technology Transfer, Inc., project funds be provided directly to businesses or individuals receiving project funding approval and allowing recipients to purchase services from business and development centers at the institutions of higher education.

Although the line item contained in the bill is changed to object code-based line items, the agency is expected to monitor and strive to achieve its performance measure goals and objectives.

In summary these amendments reflect the Senate action except for the addition of one FTE credit review analyst and the removal of the requirement that \$2,218,750 of the development fund be specifically allocated to certain types of projects during the first year of the 1995-97 biennium.

Engrossed HB 1021 was placed on the Seventh order of business on the calendar.

REPORT OF STANDING COMMITTEE

SB 2136: Finance and Taxation Committee (Rep. Timm, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2136 was placed on the Fourteenth order on the calendar.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2003, SB 2009, SB 2231.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1178.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HCR 3017.

REPORT OF CONFERENCE COMMITTEE

SB 2231, as engrossed: Your conference committee (Sens. W. Stenehjem, Watne, C. Nelson and Reps. Kelsch, Koppelman, Christenson) recommends that the HOUSE RECEDE from the House amendments on SJ page 1165, adopt amendments as follows, and place SB 2231 on the Seventh order:

That the House recede from its amendments as printed on page 1165 of the Senate Journal and pages 1085 and 1086 and 1182 of the House Journal and that Engrossed Senate Bill No. 2231 be amended as follows:

Page 3, line 3, remove the overstrike over "~~The coroner or~~", after "his" insert "the coroner's", and remove the overstrike over "~~medical deputy shall notify the~~"

Page 3, line 4, remove the overstrike over "~~parent or guardian of~~", after "~~the~~" insert "a", remove the overstrike over "~~child~~" and insert immediately thereafter "under the age of one year", remove the overstrike over the second "~~of~~", after "his" insert "the", and remove the overstrike over "~~right to the performance of~~"

Page 3, remove the overstrike over line 5

Page 3, line 12, remove "~~or the state department of health and consolidated laboratories~~"

Page 3, line 15, after "suspected" insert "by the child's parent or guardian or the coroner or the coroner's medical deputy"

Page 3, line 16, after "deputy" insert ", after consultation with the parent or guardian,"

Page 3, line 18, after "pathologist" insert ", unless the county coroner, sheriff, state's attorney, and the parent or guardian all agree that an autopsy is unnecessary"

Page 7, line 3, after "siblings" insert ", and offer the same"

Page 7, after line 16, insert:

"11. Information that apprises a parent or guardian of the parent's or guardian's rights and the procedures taken after the death of a child."

Page 8, line 27, after the comma insert "except for criminal liability as provided by section 50-25.1-13,"

Renumber accordingly

Engrossed SB 2231 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2003, as engrossed: Your conference committee (Sens. Naaden, Nalewaja, Lindaas and Reps. Clayburgh, Tollefson, Kroeber) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1331-1333, adopt amendments as follows, and place SB 2003 on the Seventh order:

That the House recede from its amendments as printed on pages 1331-1333 of the Senate Journal and pages 1427 and 1428 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 13, replace "12,530,694" with "11,785,066"

Page 1, line 14, replace "4,568,498" with "4,113,498"

Page 1, line 15, replace "482,697" with "887,697"

Page 2, line 2, replace "22,496,483" with "21,700,855"

Page 2, line 3, replace "10,509,462" with "9,588,834"

Page 2, line 4, replace "11,987,021" with "12,112,021"

Page 3, line 25, after "fund" insert "up to a total of fifty thousand dollars each biennium. Any collections from fifteen dollars of this fee in excess of the fifty thousand dollars credited to the attorney general's operating fund each biennium must be credited to the state general fund"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

CONFERENCE COMMITTEE - This amendment makes the following changes:

	SENATE VERSION	EFFECT OF HOUSE BILL NO. 1439 ¹	AUTOMATED FINGERPRINT SYSTEM ²	POSITION TURNOVER AND EFFICIENCIES ³	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$12,530,694	\$ (587,005)		\$ (158,623)	\$ (745,628)	\$11,785,066	\$11,760,066	\$25,000
Operating expenses	4,568,498		\$ (405,000)	(50,000)	(455,000)	4,113,498	4,113,498	
Equipment	482,697		405,000		405,000	887,697	887,697	
Grants	4,175,567					4,175,567	4,175,567	
Arrest and return of fugitives	19,376					19,376	19,376	
Controlled substance	4,000					4,000	4,000	
ARC legal fees	91,027					91,027	91,027	
Litigation fees	143,324					143,324	143,324	
Gaming Commission	20,000					20,000	20,000	
State employee defense	250,000					250,000	250,000	
Racing Commission	211,300					211,300	211,300	
Total	\$22,496,483	\$ (587,005)	\$ 0	\$ (208,623)	\$ (795,628)	\$21,700,855	\$21,675,855	\$25,000
General fund	\$11,987,021	\$ 333,623		\$ (208,623)	\$ 125,000	\$12,112,021	\$12,087,021	\$25,000
Special funds	<u>10,509,462</u>	<u>(920,628)</u>			<u>(920,628)</u>	<u>9,588,834</u>	<u>9,588,834</u>	
Total	\$22,496,483	\$ (587,005)	\$ 0	\$ (208,623)	\$ (795,628)	\$21,700,855	\$21,675,855	\$25,000
FTE	154	(6)			(6)	148	148	0

¹ Removes five FTE assistant attorneys general relating to Workers Compensation and one FTE assistant attorney general relating to Department of Transportation. These agencies will be hiring their own legal counsel.

² Reflects funding in the appropriate line items for funding added in the Senate for the automated fingerprint system.

³ Reductions relating to anticipated savings during the 1995-97 biennium resulting from employee vacancies and turnover and agency efficiencies. The House had reduced funding for this item by \$233,623, \$25,000 more than the conference committee reduction of \$208,623.

Section 8 of the bill is amended to limit the amount of funds deposited into the Attorney General's operating fund from concealed weapons permit fee collections to \$50,000 each biennium. Additional collections are deposited in the general fund. An estimated \$17,500 of additional general fund revenues will be collected during the 1995-97 biennium as a result of the \$50,000 limit.

This amendment includes all of the House changes with the exception of the change noted in footnote 3 above.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 2:50 p.m., April 15, 1995.

This is to inform you that on April 5, 1995, I signed the following: HB 1015, HB 1017, HB 1018, HB 1032, HB 1129, HB 1149, HB 1151, HB 1326, HB 1360, HB 1376, HB 1378, and HB 1249.

REPORT OF CONFERENCE COMMITTEE

SB 2009, as reengrossed: Your conference committee (Sens. Solberg, Naaden, Redlin and Reps. Gerntholz, Martinson, Laughlin) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1334-1337, adopt amendments as follows, and place SB 2009 on the Seventh order:

That the House recede from its amendments as printed on pages 1334-1337 of the Senate Journal and pages 1429-1432 of the House Journal and that Reengrossed Senate Bill No. 2009 be amended as follows:

Page 1, line 2, after the semicolon insert "to provide for a report to the budget section;"

Page 1, line 15, replace "3,148,157" with "2,807,321"

Page 1, line 16, replace "1,373,652" with "1,465,418"

Page 1, line 17, replace "29,006" with "22,900"

Page 1, after line 18, insert:

"Board of animal health 445,456"

Page 1, line 19, replace "1,198,571" with "1,328,571"

Page 1, line 22, replace "142,500" with "150,000"

Page 2, line 2, replace "921,438" with "971,438"

Page 2, line 3, replace "8,514,044" with "8,891,824"

Page 2, line 4, replace "4,120,876" with "4,330,876"

Page 2, line 5, replace "4,393,168" with "4,560,948"

Page 2, line 12, replace "5,408,483" with "5,576,263"

Page 2, line 13, replace "4,120,876" with "4,330,876"

Page 2, line 14, replace "9,529,359" with "9,907,139"

Page 2, line 17, replace "\$1,412,156" with "\$1,462,156"

Page 2, line 21, after the first comma insert "\$34,000 is for spotted knapweed control,", replace "\$633,110" with "\$649,110", replace the first "the" with "other", and replace "weeds program" with "weed control"

Page 2, after line 22, insert:

"SECTION 3. LEGISLATIVE INTENT - REGISTRATION PROGRAM ADMINISTRATIVE COSTS. It is the intent of the legislative assembly that the environment and rangeland protection fund not be used to

provide funding for registration program administrative costs beyond the biennium beginning July 1, 1995, and ending June 30, 1997, and that the agriculture commissioner request funding for the registration program administrative costs from a source other than the environment and rangeland protection fund for the 1997-99 biennium.

SECTION 4. SOIL CONSERVATION COMMITTEE CONSOLIDATION - REPORT TO BUDGET SECTION. The executive secretary of the soil conservation committee shall present a report to the budget section by April 1, 1996, containing at least two options to integrate the functions of the soil conservation committee with another state agency. The report must include plans to consolidate the soil conservation committee with the state water commission and plans to consolidate the committee with the North Dakota state university extension service, and may include, with prior emergency commission approval, plans to consolidate with any other state agency. The budget section shall review the report and make a recommendation to the director of the office of management and budget regarding consolidation of the soil conservation committee with another state agency by July 1, 1996."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE COMMISSIONER

CONFERENCE COMMITTEE - This amendment makes the following changes:

	SENATE VERSION	BOARD OF ANIMAL HEALTH LINE ITEM ¹	BOARD OF ANIMAL HEALTH CHANGES ²	NOXIOUS WEED FUNDING	OTHER CHANGES	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$3,148,157	\$ (340,836)				\$ (340,836)	\$2,807,321	\$2,807,321	
Operating expenses	1,373,652	(108,234)			\$200,000 ⁴	91,766	1,465,418	1,465,418	
Equipment	29,006	(6,106)				(6,106)	22,900	22,900	
Grants	811,720						811,720	811,720	
Ag mediation	1,198,571				130,000 ⁵	130,000	1,328,571	1,198,571	\$ 130,000
Ag in the classroom	25,000						25,000	25,000	
Waterbank	214,000						214,000	214,000	
Pride of Dakota	142,500				7,500 ⁶	7,500	150,000	150,000	
Safe Send	650,000						650,000	650,000	
Noxious weeds	921,438			\$50,000 ³		50,000	971,438	971,438	
Board of Animal Health		455,176	\$ (9,720)			445,456	445,456	559,145	(112,689)
Total	\$8,514,044	\$ 0	\$ (9,720)	\$50,000	\$337,500	\$ 377,780	\$8,891,824	\$8,874,513	\$ 17,311
General fund	\$4,393,168		\$ (39,720)		\$207,500	\$ 167,780	\$4,560,948	\$4,643,637	\$ (82,689)
Special funds	4,120,876		30,000	\$50,000	130,000	210,000	4,330,876	4,230,876	100,000
Total	\$8,514,044	\$ 0	\$ (9,720)	\$50,000	\$337,500	\$ 377,780	\$8,891,824	\$8,874,513	\$ 17,311
FTE	50		0		1	1	51	51	0

¹ Provides a separate line item for the Board of Animal Health, the same as the House version.

² One FTE accountant position is removed (\$65,637) and one FTE administrative position is added at \$55,917, the same as the House version. General fund support is reduced by \$30,000 and \$30,000 is added from the Game and Fish Department for a portion of the costs associated with the deputy state veterinarian position's responsibilities relating to nontraditional livestock. This amendment does not include funding for a third veterinarian position, which the Senate did not include and the House added at \$112,689, \$52,689 of which was from the general fund and \$60,000 from the Game and Fish Department.

³ Provides additional funding from the environment and rangeland protection fund for the noxious weeds program, \$34,000 is provided for spotted knapweed control and \$16,000 for other noxious weed control, the same as the House version.

⁴ Provides \$200,000 from the general fund to restore operating expense reductions made by the Senate. The House also restored this funding.

⁵ Provides additional federal funds for Agricultural Mediation Services.

⁶ Provides \$7,500 from the general fund for the Pride of Dakota program, the same as the House version.

Authorizes one FTE support position without funding for providing additional administrative support for Board of Animal Health and Agriculture Department duties. The Agriculture Commissioner may provide funding for the position within the funding level provided for the 1995-97 biennium.

A section of legislative intent is added providing that except for the 1995-97 biennium, funding from the environment and rangeland protection fund is not to be provided for registration program administrative costs and that the Agriculture Commissioner request funding for those costs from a different funding source for the 1997-99 biennium. The House also included this section.

This amendment includes all changes made by the House except for the funding changes relating to the Agricultural Mediation Services, the Board of Animal Health, and the additional unfunded support position.

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

CONFERENCE COMMITTEE - The section added by the House is included providing that the Soil Conservation Committee present to the Budget Section by April 1, 1996, options for consolidating the agency with the Water Commission or the North Dakota State University Extension Service. The committee may also present options for consolidating with different state agencies if Emergency Commission approval is received to prepare such a proposal. The Budget Section will review the report and make its recommendation on consolidating the Soil Conservation Committee with another state agency by July 1, 1996.

Reengrossed SB 2009 was placed on the Seventh order of business on the calendar.

THE HOUSE RECONVENED, with Speaker Martin presiding.

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2081 and wishes to inform you that the Senate does now concur with the House amendments to SB 2081 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2081.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2085.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2035, SB 2332, SB 2338, SB 2349, SB 2391, SB 2430, SB 2439, SB 2442, SB 2453, SB 2463, SB 2480, SB 2520, SB 2524, SCR 4046, SCR 4049, SCR 4063.

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

MADAM PRESIDENT: The Speaker has signed: SB 2035, SB 2332, SB 2338, SB 2349, SB 2391, SB 2430, SB 2439, SB 2442, SB 2453, SB 2463, SB 2480, SB 2520, SB 2524, SCR 4046, SCR 4049, SCR 4063.

MOTION

REP. DORSO MOVED that Engrossed HB 1019 and Engrossed HB 1021 be placed at the top of the Seventh order, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. BYERLY MOVED that the conference committee report on Engrossed HB 1019 be adopted, which motion prevailed.

Engrossed HB 1019, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; to amend and reenact subsection 11 of section 1 and section 2 of chapter 493 of the 1993 Session Laws, relating to the new jobs training program; to repeal section 6 of chapter 493 of the 1993 Session Laws, relating to the expiration date of the new jobs training program; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Dobrinski; 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; Kretschmar; Kroeber; Kunkel; 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: Bateman; Boehm; DeKrey; Delzer; DeWitz; Laughlin

ABSENT AND NOT VOTING: Henegar, D.; Koppelman; Lloyd

Engrossed HB 1019, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

REP. DALRYMPLE MOVED that the conference committee report on Engrossed HB 1021 be adopted, which motion prevailed.

Engrossed HB 1021, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act making an appropriation for defraying the expenses of the department of economic development and finance; providing for transfers of funds; providing for the reallocation of funds; to provide for wage requirements for economic development projects; to create and enact a new chapter to title 10 of the North Dakota Century Code, relating to the establishment of the North Dakota development fund; to amend and reenact section 54-34.3-08 of the North Dakota Century Code, relating to patent and royalty rights of the North Dakota development fund; and to repeal chapter 10-30.3 of the North Dakota Century Code, relating to the North Dakota future fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Coats; DeKrey; Delzer; DeWitz; Dobrinski; Grosz; Kerzman; Kroeber; Nichols; Sandvig; Schimke; Skarphol

ABSENT AND NOT VOTING: Henegar, D.; Koppelman

Engrossed HB 1021, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. CARLISLE MOVED that the conference committee report on Engrossed HB 1007 be adopted, which motion failed on a verification vote.

MOTION

REP. DORSO MOVED that Engrossed HB 1007 be rereferred to the same conference committee, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed HB 1007 was rereferred.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on: HB 1007.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1019, HB 1021.

MOTION

REP. FREIER MOVED that the House be on the Seventh order of business and at the conclusion of that order, the House stand in recess until 6:00 p.m., which motion prevailed.

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

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

HB 1013: Sens. Goetz; Lips; Lindaas

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1006 and HB 1392.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1003, HB 1256, HB 1501.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2455.

REPORT OF CONFERENCE COMMITTEE

SB 2455, as engrossed: Your conference committee (Sens. Watne, W. Stenehjem, C. Nelson (refused to sign) and Reps. Maragos, Kretschmar, Mahoney (refused to sign)) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1122, adopt amendments as follows, and place SB 2455 on the Seventh order:

That the House recede from its amendments as printed on page 1122 of the Senate Journal and page 1120 of the House Journal and that Engrossed Senate Bill No. 2455 be amended as follows:

Page 1, line 1, replace "section" with "sections" and remove "subsections 1 and"

Page 1, line 2, remove "2 of section 16.1-01-09, sections"

Page 2, remove lines 19 through 29

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 23

Renumber accordingly

Engrossed SB 2455 was placed on the Seventh order of business on the calendar.

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

MR. SPEAKER: The President has signed: HB 1002, HB 1014, HB 1124, HB 1246.

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 2006, SB 2016, SB 2029, SB 2305, SB 2313, SB 2425, SB 2428, SB 2475, SB 2505, SCR 4012.

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

REPORT OF CONFERENCE COMMITTEE

REP. CLAYBURGH MOVED that the conference committee report on Engrossed SB 2003 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2003, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; and to amend and reenact section 54-12-11 and subsection 3 of section 62.1-04-03 of the North Dakota Century Code, relating to the salary of the attorney general and concealed weapons license fees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boucher; Christenson; Coats; Delmore; Delzer; Glassheim; Grumbo; Gulleston; Hanson; Kaldor; Kerzman; Kroeber; Mahoney; Oban; Sandvig

ABSENT AND NOT VOTING: Henegar, D.; Koppelman

Engrossed SB 2003, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. GERNTHOLZ MOVED that the conference committee report on Reengrossed SB 2009 be adopted, which motion prevailed.

Reengrossed SB 2009, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the

expenses of the commissioner of agriculture and soil conservation committee; to provide for a report to the budget section; and to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the commissioner of agriculture.

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, 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; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; 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: Henegar, K.

ABSENT AND NOT VOTING: Henegar, D.; Koppelman

Reengrossed SB 2009, as amended, passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Jennifer Ring.

REPORT OF CONFERENCE COMMITTEE

REP. KELSCH MOVED that the conference committee report on Engrossed SB 2231 be adopted, which motion prevailed.

Engrossed SB 2231, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to create and enact a new subsection to section 11-19.1-01 and four new sections to chapter 50-25.1 of the North Dakota Century Code, relating to definitions and to the duty of the state child protection team to serve as a child fatality review panel; to amend and reenact subsection 2 of section 11-19.1-07, sections 11-19.1-11, 11-19.1-13, 23-02.1-27, 50-25.1-01, 50-25.1-03, 50-25.1-04.1, 50-25.1-05.4, 50-25.1-05.5, 50-25.1-09, 50-25.1-09.1, 50-25.1-10, and 50-25.1-13 of the North Dakota Century Code, relating to reporting the death of a child which may have resulted from child abuse or neglect; 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 94 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.;

Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; 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: Bateman; Delzer

ABSENT AND NOT VOTING: Henegar, D.; Koppelman

Engrossed SB 2231, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2136: A BILL for an Act to repeal section 57-39.2-03.4 of the North Dakota Century Code, relating to sales taxes on carpet and drapes.

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 92 YEAS, 4 NAYS, 0 EXCUSED, 2 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; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; 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: Boucher; Gorder; Henegar, K.; Monson

ABSENT AND NOT VOTING: Henegar, D.; Koppelman

SB 2136 passed and the title was agreed to.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2136.

REPORT OF CONFERENCE COMMITTEE

REP. MARAGOS MOVED that the conference committee report on Engrossed SB 2455 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2455, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2455: A BILL for an Act to amend and reenact section 16.1-01-07, subsection 2 of section 16.1-01-09, sections 16.1-01-10, 16.1-06-09, and 44-08-21 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions; and to repeal section 16.1-06-09.1 of the North Dakota Century Code, relating to statements of intent on constitutional amendments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 63 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; Dorso; Freier; Galvin; Gerntholz; Gorder; Grosz; Gunter; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kempenich; Klein; Kliniske; Kretschmar; Kroeber; Kunkel; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Bernstein; Carlisle; Christenson; Coats; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Drovdal; Froseth; Glassheim; Gorman; Grumbo; Gullerson; Hagle; Hanson; Kaldor; Keiser; Kelsch; Kerzman; Laughlin; Mahoney; Nichols; Nottestad; Oban; Retzer; Sandvig; Schmidt; Sitz; Wilkie

ABSENT AND NOT VOTING: Henegar, D.; Koppelman; Lloyd

Engrossed SB 2455, as amended, passed and the title was agreed to.

MOTION

REP. FREIER MOVED that all legislative action taken this afternoon be messaged to the Senate immediately, which motion prevailed.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2003, SB 2009, SB 2231, SB 2455.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Seventh and Twelfth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Thursday, April 6, 1995, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1001, as engrossed: Your conference committee (Sens. Goetz, Lips, Mushik (refused to sign) and Reps. Bateman, DeWitz, Wilkie) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1393-1394, adopt amendments as follows, and place HB 1001 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1393 and 1394 of the House Journal and pages 1194 and 1195 of the Senate Journal and that Engrossed House Bill No. 1001 be amended as follows:

Page 1, line 2, replace "create and enact sections 23-12-10.4" with "amend and reenact the new section to chapter 54-35 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2395, as approved by the fifty-fourth legislative assembly, relating to the authority of the legislative council to appoint or retain legal counsel to protect the interests of the legislative branch in actions and proceedings"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "committee rooms"

Page 1, line 6, after the semicolon insert "to provide for a legislative council study;"

Page 2, replace lines 19 through 29 with:

"SECTION 3. AMENDMENT. The new section to chapter 54-35 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2395, as approved by the fifty-fourth legislative assembly, is amended and reenacted as follows:

Retention of legal counsel. When the legislative assembly is in session, either house by resolution may authorize, or both houses by concurrent resolution may direct, the legislative council to appoint or retain legal counsel to appear in, commence, prosecute, defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency when deemed necessary or advisable to protect the official interests of the legislative branch. When the legislative assembly is not in session, the legislative council, by a two-thirds vote, may appoint or retain legal counsel to appear in, commence, or prosecute, or by a majority vote, may appoint or retain legal counsel to defend, or intervene in, any action, suit, matter, cause, or proceeding in any court or agency when deemed necessary or advisable to protect the official interests of the legislative branch. Section 54-12-08 does not apply to a person appointed or retained under this section."

Page 3, remove lines 1 through 7

Page 3, after line 13, insert:

"SECTION 5. LEGISLATIVE COUNCIL STUDY OF BOARDS AND COMMISSIONS. The legislative council may study the membership, duties, and responsibilities of all boards, councils, committees, and commissions of state government. The study should include consideration of whether any of the boards, councils, committees, and commissions have overlapping powers and duties, whether any boards, councils, committees, and commissions should be eliminated or consolidated, whether each board, council, committee, and commission presently performs the functions for which it was originally created, and whether the membership of each board, council, committee, and commission is responsive to the people of the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-fifth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 150 - LEGISLATIVE ASSEMBLY

CONFERENCE COMMITTEE - This amendment removes provisions added by the House prohibiting smoking in buildings owned or leased by the state and designating the legislative study room located west of the Senate chamber as a Senate committee room and the Red River Room as a House committee room during legislative sessions, the same as the Senate version.

A section is added authorizing the Legislative Council to study the membership, duties, and responsibilities of all boards, councils, committees, and commissions of state governments. The Senate version required the Legislative Council to conduct this study.

A section is added authorizing by a majority vote rather than by a two-thirds vote the Legislative Council to appoint or retain legal counsel to defend or

intervene in any court or agency matter when necessary to protect legislative interests.

Engrossed HB 1001 was placed on the Seventh order of business on the calendar.

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

ROY GILBREATH, Chief Clerk