

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, April 3, 1995

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

The prayer was offered by Karen Sechser, Chaplain, North Dakota State Penitentiary, Bismarck.

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

A quorum was declared by the President.

## MOTION

SEN. GOETZ MOVED that SB 2081 be moved to the bottom of the Seventh order, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SEN. GRINDBERG MOVED that the conference committee report on Engrossed SB 2181 as printed on SJ pages 1517-1520 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2181, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2181: A BILL for an Act to create and enact section 50-06-05.6, a new section to chapter 50-06.1, a new section to chapter 54-34.3, and a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to the commission on aging, the committee on employment of people with disabilities, the commission on the status of women, and positions exempt from the central personnel system; to amend and reenact subsection 5 of section 39-01-15, sections 50-06-01.4, 50-27-01, and 50-27-03, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to parking certificates for the mobility impaired and to the children's trust fund administration; and to repeal chapter 50-26 of the North Dakota Century Code, relating to the governor's council on human resources.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik; Tomac

Engrossed SB 2181, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on Engrossed

SB 2264 as printed on SJ pages 1451-1452 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2264, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

SB 2264: A BILL for an Act to create and enact a new chapter to title 12.1, a new subsection to section 12.1-34-02, a new section to chapter 26.1-40, four new sections to chapter 27-20, a new subsection to section 27-20-31, and a new section to chapter 39-06 of the North Dakota Century Code, relating to criminal street gangs and street crime, fair treatment of victims and witnesses in juvenile court proceedings, a juvenile's suspension of driving privileges, suspension of driving privileges by delinquent children, juvenile court's exercise of contempt authority over parents ordered to participate in the treatment of a child, authority of the juvenile court to order the parents of a juvenile adjudicated delinquent to make restitution to the victim, disclosure of identifying information about a juvenile, disposition of a delinquent child, and a juvenile delinquent's suspension of driving privileges; to amend and reenact subsections 1 and 2 of section 12.1-06.1-01, sections 12.1-06.1-02 and 12.1-06.1-03, subsection 1 of section 12.1-32-02, subsection 5 of section 27-20-02, sections 27-20-26, 27-20-34, 27-20-51, 27-20-52, 27-20-53, and 62.1-02-01 of the North Dakota Century Code, relating to criminal associations and racketeering, leading a criminal association, illegal control of an enterprise, sentencing alternatives, definition of a deprived child, right to counsel for juveniles under the Uniform Juvenile Court Act, transfer of juveniles to other courts, inspection of court files and records, law enforcement records, fingerprinting and photographing of juveniles, and possession of firearms; to repeal section 29-01-28 of the North Dakota Century Code, relating to exclusion of spectators from trials of minors; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Heitkamp; O'Connell

ABSENT AND NOT VOTING: Mushik; Tomac

Engrossed SB 2264, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. STREIBEL MOVED that the conference committee report on SB 2006 as printed on SJ page 1515 be adopted.

#### REQUEST

SEN. MATHERN REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2006, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the conference committee report on

SB 2006, the roll was called and there were 28 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzenk; Watne

**NAYS:** DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Wogsland; Yockim

The conference committee report on SB 2006 was adopted. SB 2006 was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner; and to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzenk; Watne

**NAYS:** DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Scherber; Wogsland; Yockim

SB 2006, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. SOLBERG MOVED** that the conference committee report on SB 2305 as printed on SJ page 1520 be adopted, which motion prevailed, on a voice vote.

SB 2305, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2305:** A BILL for an Act to amend and reenact sections 6-09.10-02.1, 6-09.10-03, and subsection 1 of section 6-09.10-06 of the North Dakota Century Code, relating to funding of a coordinated farm management delivery system and extension of the expiration date of the agricultural mediation service; to provide a continuing appropriation; and to declare an emergency.

#### ROLL CALL

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn;

Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2305, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. SAND MOVED that the conference committee report on Engrossed HB 1155 as printed on SJ page 1520 be adopted, which motion prevailed, on a voice vote.

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

#### SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to create and enact chapter 26.1-33.1 of the North Dakota Century Code, relating to viatical settlements; and to provide a penalty.

#### ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Maaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1155, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on SB 2115 as printed on SJ page 1517 be adopted, which motion prevailed, on a voice vote.

#### MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1210, HB 1386.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SCR 4026.

#### 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 2425, SB 2475.

#### 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 2019, SB 2037, SB 2044, SB 2072, SB 2143, SB 2204, SB 2499.

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

MR. SPEAKER: The President has signed: HB 1015, HB 1017, HB 1432.

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

MR. SPEAKER: The President has signed: HCR 3019.

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 2101, SB 2152, SB 2350, SCR 4064, SCR 4068, SCR 4070.

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

MR. SPEAKER: The President has signed: HB 1129, HB 1376, HCR 3003, HCR 3010, HCR 3013, HCR 3016, HCR 3023, HCR 3025, HCR 3030, HCR 3033, HCR 3039, HCR 3040.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2115.

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 1155.

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 2006, SB 2181, SB 2264, SB 2305.

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 2074, SB 2087, SB 2088, SB 2103, SB 2133, SB 2142, SB 2159.

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 1005, HB 1009, HB 1016, HB 1138, HB 1168, HB 1317, HB 1423, HB 1439, HB 1488.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1154, HB 1367.

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

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

SB 2012: Reps. Wentz; Byerly; Huether  
SB 2059: Reps. Dalrymple; Rydell; Kaldor  
SB 2063: Reps. Drovdal; Rydell; Aarsvold  
SB 2080: Reps. Dalrymple; Wald; Kroeber  
SB 2519: Reps. Dalrymple; Rydell; Kaldor

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

MADAM PRESIDENT: The House has reconsidered its action whereby it passed HB 1309, whereby it adopted the conference committee report, and rereferred HB 1309 to conference committee.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2013, SCR 4063.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2013

Page 1, line 3, remove the second "and"

Page 1, line 5, after "instruction" insert "; to provide legislative intent; to provide for program reductions if federal programs are terminated or reduced; to require a performance audit; and to provide for a transfer of funds from the abandoned motor vehicle fund and the public transportation fund"

Page 1, line 17, replace "9,853,211" with "9,653,211"

Page 1, line 18, replace "6,254,219" with "6,231,219"

Page 1, line 19, replace "559,315" with "553,315"

Page 1, after line 22, insert:

"Grants - revenue supplement payments 2,225,000"

Page 2, line 3, replace "138,069,345" with "137,899,405"

Page 2, line 4, replace "340,000" with "270,000"

Page 2, line 9, replace "672,440,091" with "674,196,151"

Page 2, line 10, replace "192,403,833" with "193,283,833"

Page 2, line 11, replace "480,036,258" with "480,912,318"

Page 2, line 17, replace "175,000" with "4,000"

Page 2, line 21, replace "4,109,676" with "3,938,676"

Page 2, line 22, replace "1,297,828" with "1,251,828"

Page 2, line 23, replace "2,811,848" with "2,686,848"

Page 2, line 26, replace "3,698,393" with "3,718,393"

Page 3, line 1, replace "4,571,252" with "4,591,252"

Page 3, line 3, replace "3,851,353" with "3,871,353"

Page 3, line 13, replace "488,936,498" with "489,707,558"

Page 3, line 14, replace "195,017,760" with "195,851,760"

Page 3, line 15, replace "683,954,258" with "685,559,318"

Page 5, after line 14, insert:

**SECTION 10. INTENT.** It is the intent of the legislative assembly that no grants be provided by the state library to multitype library authorities until completion by the legislative council of a study of the library system in North Dakota, including the role and mission of the state library, cooperative library ventures, and research and information systems.

**SECTION 11. FEDERAL PROGRAM REDUCTIONS AND TERMINATIONS - RELATED PROGRAM REDUCTIONS AND TERMINATIONS - REPORTS TO THE BUDGET SECTION.** If the federal government during the 1995-97 biennium terminates or reduces funding for any program administered by an agency, department, or institution of the state of North Dakota, the agency, department, or institution shall terminate or reduce the program and not replace the reduction in federal funds with state funds, notwithstanding any other provision of law. If the federal government combines funding for separate programs in a block grant that results in a reduction of total federal funds available for those programs, the administering agency, department, or institution shall prioritize or reprioritize programs as necessary in making programmatic reductions. The agency, department, or institution may administer funds available under a new federal block grant or similar measure, consistent with the terms of that measure, notwithstanding any other provisions of law intended to conform to or implement the provisions of

the repealed federal Act, and shall report any program terminations, reductions, or changes resulting from this section to the budget section of the legislative council.

**SECTION 12. PERFORMANCE AUDIT.** The state auditor shall conduct, during the biennium beginning July 1, 1995, and ending June 30, 1997, a performance audit of the department of public instruction, to include a determination of the department's compliance with legislative intent. The state auditor shall present the findings of the performance audit to the legislative audit and fiscal review committee.

**SECTION 13. TRANSPORTATION AID - SPECIAL FUNDS - TRANSFER.** The estimated income line in subdivision 1 of section 1 of this Act includes the sum of \$250,000 from the abandoned motor vehicle fund and the sum of \$630,000 from the public transportation fund, or so much of the sums as may be necessary, that may be transferred at the direction of the superintendent of public instruction for the purpose of transportation aid for the biennium beginning July 1, 1995, and ending June 30, 1997."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

HOUSE - This amendment provides legislative intent that no grants be provided by the State Library to multitype library authorities until completion of an interim study. This amendment also requires that state programs be reduced or terminated if federal funds are reduced. This amendment also directs the State Auditor to conduct a performance audit of the Department of Public Instruction during the 1995-97 biennium. This amendment also makes the following changes:

|   | SENATE<br>VERSION | INCREASE<br>TRANSPORTATION<br>AID <sup>1</sup> | TRANSFER<br>GENERAL<br>FUND<br>AUTHORITY<br>TO REVENUE<br>SUPPLEMENT<br>PAYMENTS<br>LINE ITEM <sup>2</sup> | ADD GENERAL<br>FUND<br>AUTHORITY<br>FOR REVENUE<br>SUPPLEMENT<br>PAYMENTS <sup>2</sup> | GENERAL<br>FUND<br>REDUCTIONS <sup>3</sup> | TOTAL HOUSE<br>CHANGES | HOUSE<br>VERSION |
|---|-------------------|--|--|--|--|------------------------|------------------|
| Salaries and wages                            | \$ 9,853,211      |  |  |  | \$(200,000)                                | \$ (200,000)           | \$ 9,653,211     |
| Operating expenses                            | 6,254,219         |  |  |  | (23,000)                                   | (23,000)               | 6,231,219        |
| Equipment                                     | 559,315           |  |  |  | (6,000)                                    | (6,000)                | 553,315          |
| Capital improvements                          | 35,000            |  |  |  |  |                        | 35,000           |
| Geographic education                          | 50,000            |  |  |  |  |                        | 50,000           |
| Grants - Foundation aid<br>and transportation | 432,506,833       | \$880,000                                      | \$(880,000)  |  |  |                        | 432,506,833      |
| Grants - Revenue supplement<br>payments       | 0                 |  | 880,000  | \$1,345,000  |  | 2,225,000              | 2,225,000        |
| Grants - Guaranteed tax<br>base equalization  | 0                 |  |  |  |  |                        | 0                |
| Grants - Tuition<br>apportionment             | 46,017,000        |  |  |  |  |                        | 46,017,000       |
| Grants - Special education                    | 36,850,000        |  |  |  |  |                        | 36,850,000       |
| Grants - Efficiency grants                    | 0                 |  |  |  |  |                        | 0                |
| Grants - Other grants                         | 138,069,345       |  |  |  | (169,940)                                  | (169,940)              | 137,899,405      |
| Educational network                           | 340,000           |  |  |  | (70,000)                                   | (70,000)               | 270,000          |
| Teacher certification                         | 399,251           |  |  |  |  |                        | 399,251          |
| Center for innovation<br>and instruction      | 297,250           |  |  |  |  |                        | 297,250          |
| SENDIT Network                                | 756,000           |  |  |  |  |                        | 756,000          |
| Prairie Public Broadcasting                   | 452,667           |  |  |  |  |                        | 452,667          |
| Total   | \$672,440,091     | \$880,000                                      | \$ 0   | \$1,345,000  | \$(468,940)                                | \$1,756,060            | \$674,196,151    |
| General fund                                  | \$480,036,258     |  |  | \$1,345,000  | \$(468,940)                                | \$ 876,060             | \$480,912,318    |
| Special funds                                 | 192,403,833       | \$880,000                                      |  | 0  | 0  | 880,000                | 193,283,833      |
| Total   | \$672,440,091     | \$880,000                                      | \$ 0   | \$1,345,000  | \$(468,940)                                | \$1,756,060            | \$674,196,151    |
| FTE   | 134.95            |  |  |  |  |                        | 134.95           |

Per student payments:<sup>4</sup>

|             |         |         |
|-------------|---------|---------|
| First year  | \$1,778 | \$1,778 |
| Second year | \$1,901 | \$1,901 |

<sup>1</sup> Transportation aid is increased by transfers from the following:

|                              |                |
|------------------------------|----------------|
| Abandoned motor vehicle fund | \$250,000      |
| Public transportation fund   | <u>630,000</u> |
| Total transfers              | \$880,000      |

<sup>2</sup> General fund authority for transportation grants is reduced by \$880,000 and revenue supplement payments are increased by the same amount.

General fund authority for revenue supplement payments is added as follows:

|  |                |
|--|----------------|
| Transfer from transportation aid   | \$ 880,000     |
| Reductions from the Department of Public Instruction budget                      | 468,940        |
| Efficiency grants included in executive recommendation, but eliminated by Senate | 263,059        |
| General fund authority not previously contained in SB 2013                       | <u>613,001</u> |
| Total revenue supplement payments  | \$2,225,000    |

<sup>3</sup> General fund authority is decreased for the following line items:

|   |               |
|---|---------------|
| Salaries and wages for unspecified positions      | \$200,000     |
| Operating expenses - Travel                       | 10,000        |
| Operating expenses - Professional services        | 13,000        |
| Equipment   | 6,000         |
| Grants - Other grants - Telecommunications grants | 150,000       |
| Grants - Other grants - Drug-free schools         | 19,940        |
| Educational network                               | <u>70,000</u> |
| Total line item reductions                        | \$468,940     |

<sup>4</sup> Based on the statutory changes and mill deducts provided in Senate Bill No. 2519, as amended by House Appropriations.

## DEPARTMENT 250 - STATE LIBRARY

HOUSE - This amendment provides legislative intent that no grants be provided to multitype library authorities until completion of an interim study. This amendment also makes the following changes:

|                             | SENATE<br>VERSION | REDUCE<br>SPECIAL FUND<br>AUTHORITY FOR<br>DRIS POSITION <sup>1</sup> | TRANSFER<br>GENERAL FUND<br>AUTHORITY<br>FROM MLA TO<br>SALARIES AND<br>WAGES <sup>2</sup> | REDUCE<br>FUNDING FOR<br>MLA <sup>3</sup> | TOTAL HOUSE<br>CHANGES | HOUSE VERSION    |
|-----------------------------|-------------------|---|--|---|------------------------|------------------|
| Salaries and wages          | \$1,660,013       | \$(46,000)  | \$ 46,000  |   |                        | \$1,660,013      |
| Operating expenses          | 893,892           |   |  |   |                        | 893,892          |
| Equipment                   | 22,500            |   |  |   |                        | 22,500           |
| Multitype library authority | 175,000           |   | (46,000)   | \$(125,000)                               | \$(171,000)            | 4,000            |
| Talking Book program        | 235,271           |   |  |   |                        | 235,271          |
| Grants to school libraries  | 75,000            |   |  |   |                        | 75,000           |
| Grants                      | <u>1,048,000</u>  |   |  |   |                        | <u>1,048,000</u> |
| Total                       | \$4,109,676       | \$(46,000)  | \$ 0   | \$(125,000)                               | \$(171,000)            | \$3,938,676      |
| General fund                | \$2,811,848       |   |  | \$(125,000)                               | \$(125,000)            | \$2,686,848      |
| Special funds               | <u>1,297,828</u>  | <u>\$(46,000)</u>   |  |   | <u>(46,000)</u>        | <u>1,251,828</u> |
| Total                       | \$4,109,676       | \$(46,000)  | \$ 0   | \$(125,000)                               | \$(171,000)            | \$3,938,676      |
| FTE                         | 29                |   |  |   | 0                      | 29               |

<sup>1</sup> The Senate reduced general fund authority and increased special fund authority by \$46,000 for the Dakota Radio Information Service (DRIS) radio broadcaster position. This amendment replaces the special fund authority with general fund authority.

<sup>2</sup> This amendment transfers \$46,000 general fund authority from the multitype library authority line item to the salaries and wages line item for the DRIS radio broadcaster position, reversing the transfer made by the Senate.

<sup>3</sup> This amendment removes \$125,000 general fund authority for multitype library authorities, which was added by the Senate.

## DEPARTMENT 252 - SCHOOL FOR THE DEAF

HOUSE - This amendment makes the following changes:

|                      | SENATE<br>VERSION | INCREASE GENERAL<br>FUND AUTHORITY<br>FOR SALARIES<br>AND WAGES <sup>1</sup> | TOTAL<br>HOUSE<br>CHANGES | HOUSE<br>VERSION |
|----------------------|-------------------|--|---------------------------|------------------|
| Salaries and wages   | \$3,698,393       | \$20,000   | \$20,000                  | \$3,718,393      |
| Operating expenses   | 828,949           |  |                           | 828,949          |
| Equipment            | 26,410            |  |                           | 26,410           |
| Capital improvements | <u>17,500</u>     |  |                           | <u>17,500</u>    |
| Total                | \$4,571,252       | \$20,000   | \$20,000                  | \$4,591,252      |
| General fund         | \$3,851,353       | \$20,000   | \$20,000                  | \$3,871,353      |
| Special funds        | <u>719,899</u>    |  |                           | <u>719,899</u>   |
| Total                | \$4,571,252       | \$20,000   | \$20,000                  | \$4,591,252      |
| FTE                  | 52.27             |  |                           | 52.27            |

<sup>1</sup> General fund authority for salaries and wages is increased for additional temporary employees necessary to meet the needs of multihandicapped deaf students who are anticipated to be enrolled at the School for the Deaf during the 1995-97 biennium. Of the \$20,000 provided, \$5,000 is to be used for salaries and wages in auxiliary services.

**HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4063**

Page 1, line 1, replace "require" with "encourage"

Page 1, line 3, after "all" insert "new or refurbished"

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

Page 1, line 5, replace "a train" with "trains", remove the second "a", and replace "crossing" with "crossings"

Page 1, line 6, replace "tape" with "material"

Page 1, line 10, replace "tape" with "material"

Page 1, line 14, replace "require" with "to encourage"

Page 1, line 15, after "all" insert "new or refurbished"

Re-number accordingly

**CONSIDERATION OF AMENDMENTS**

**HB 1416**, as engrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 1157-1158 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1416**: A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the composition of the North Dakota legislative council; to provide an effective 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 24 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Bowman; DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Stenehjem, B.; Streibel; Tallackson; Tomac; Wogsland; Yockim

Engrossed HB 1416, as amended, lost.

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#### REPORT OF CONFERENCE COMMITTEE

**SB 2428, as engrossed:** Your conference committee (Sens. Wanzek, Andrist, Tomac (refused to sign) and Reps. DeWitz, Bateman, Laughlin (refused to sign)) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1329-1331 and place Engrossed SB 2428 on the Seventh order.

Engrossed SB 2428 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. WANZEK MOVED** that the conference committee report on Engrossed SB 2428 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2428, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2428:** A BILL for an Act to create and enact four new sections to chapter 19-20.2 of the North Dakota Century Code, relating to definitions, pressure relief valves, an anhydrous ammonia storage facility inspection fund, and prohibited activities involving anhydrous ammonia tanks; to amend and reenact sections 19-20.2-01, 19-20.2-02, 19-20.2-03, 19-20.2-04, 19-20.2-05, 19-20.2-06, 19-20.2-07, 19-20.2-08, 19-20.2-09, and 19-20.2-10 of the North Dakota Century Code, relating to anhydrous ammonia storage facilities; to provide a penalty; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Holmberg; Mutch; O'Connell; Streibel; Tennefos

Engrossed SB 2428, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1005, as engrossed:** Your conference committee (Sens. Solberg, Nething, Mushik and Reps. Wald, Payne, Kaldor) recommends that the **HOUSE ACCEDE**

to the Senate amendments on HJ pages 1438-1445 and place Engrossed HB 1005 on the Seventh order.

Engrossed HB 1005 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. SOLBERG MOVED** that the conference committee report on Engrossed HB 1005 be adopted, which motion prevailed, on a voice vote.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1138**: Your conference committee (Sens. Thane, Urlacher, Mathern and Reps. Koppelman, Jacobs, Glassheim) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1274-1275 and place HB 1138 on the Seventh order.

HB 1138 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. THANE MOVED** that the conference committee report on HB 1138 be adopted, which motion prevailed, on a voice vote.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1317, as engrossed**: Your conference committee (Sens. Thane, Watne, LaFountain and Reps. Kretschmar, Soukup, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1222 and place Engrossed HB 1317 on the Seventh order.

Engrossed HB 1317 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. THANE MOVED** that the conference committee report on Engrossed HB 1317 be adopted, which motion prevailed, on a voice vote.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1439, as engrossed**: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Kelsch, Kretschmar, Mahoney) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1464-1465 and place Engrossed HB 1439 on the Seventh order.

Engrossed HB 1439 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. W. STENEHJEM MOVED** that the conference committee report on Engrossed HB 1439 be adopted, which motion prevailed, on a voice vote.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1488, as engrossed**: Your conference committee (Sens. Grindberg, Heinrich, Wanzek and Reps. Boehm (refused to sign), Gorder, Hanson) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1357 and place Engrossed HB 1488 on the Seventh order.

Engrossed HB 1488 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. GRINDBERG MOVED** that the conference committee report on Engrossed HB 1488 be adopted, which motion prevailed, on a voice vote.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1009, as engrossed**: Your conference committee (Sens. Naaden, Nalewaja, Tallackson and Reps. Byerly, Carlisle, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1271-1273, adopt

amendments as follows, and place Engrossed HB 1009 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1057 and 1058 and pages 1123 and 1124 of the Senate Journal and pages 1271-1273 of the House Journal and that Engrossed House Bill No. 1009 be amended as follows:

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

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

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

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

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

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

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

Page 2, line 2, replace "76,731" with "102,731"

Page 2, after line 2, insert:

|                       |                  |
|-----------------------|------------------|
| "Grants               | <u>100,000</u>   |
| Total all funds       | \$ 593,401       |
| Less estimated income | <u>177,594</u> " |

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

Page 2, line 5, replace "4,297,440" with "5,116,434"

Page 2, line 6, replace "6,675,170" with "7,504,164"

Page 2, after line 10, insert:

"SECTION 3. VETERANS' POSTWAR TRUST FUND - TRANSFER. The estimated income line item included in subdivision 2 of section 1 of this Act includes \$177,594, or so much of the sum as may be necessary, to be transferred to the department of veterans affairs as requested from the interest earnings of the veterans' postwar trust fund for the biennium beginning July 1, 1995, and ending June 30, 1997."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

CONFERENCE COMMITTEE - The conference committee agrees with the Senate changes as follows:

|                       | HOUSE<br>VERSION | CONFERENCE<br>COMMITTEE<br>CHANGES | CONFERENCE<br>COMMITTEE<br>VERSION |
|-----------------------|------------------|------------------------------------|------------------------------------|
| Salaries and wages    | \$4,262,842      | \$ 35,000 <sup>1</sup>             | \$4,297,842                        |
| Operating expenses    | 1,465,620        |                                    | 1,465,620                          |
| Equipment             | 82,500           | 10,000 <sup>2</sup>                | 92,500                             |
| Capital improvements  | <u>448,401</u>   | <u>606,400</u> <sup>3</sup>        | <u>1,054,801</u>                   |
| Total                 | \$6,259,363      | \$651,400                          | \$6,910,763                        |
| Less estimated income | <u>4,297,440</u> | <u>641,400</u>                     | <u>4,938,840</u>                   |

|              |             |           |             |
|--------------|-------------|-----------|-------------|
| General fund | \$1,961,923 | \$ 10,000 | \$1,971,923 |
| FTE          | 77.71       | 0         | 77.71       |

<sup>1</sup> Adds \$35,000 for workers' compensation premiums from other funds.

<sup>2</sup> Adds \$10,000 from the general fund for equipment.

<sup>3</sup> Adds \$606,400 from other funds to provide funding for an air-conditioning system and window replacement previously funded in Senate Bill No. 2030.

The capital improvements line item, as amended, is summarized as follows:

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

|       |             |
|-------|-------------|
| Total | \$1,054,801 |
|-------|-------------|

#### DEPARTMENT 321 - VETERANS AFFAIRS

CONFERENCE COMMITTEE - This amendment makes the following changes:

|                       | HOUSE<br>VERSION | CONFERENCE<br>COMMITTEE<br>CHANGES <sup>1</sup> | CONFERENCE<br>COMMITTEE<br>VERSION |
|-----------------------|------------------|---|------------------------------------|
| Salaries and wages    | \$339,076        | \$ 51,594                                       | \$390,670                          |
| Operating expenses    | 76,731           | 26,000  | 102,731                            |
| Grants                | <u>0</u>         | <u>100,000</u>                                  | <u>100,000</u>                     |
| Total                 | \$415,807        | \$177,594                                       | \$593,401                          |
| Less estimated income | <u>0</u>         | <u>177,594</u>                                  | <u>177,594</u>                     |
| General fund          | \$415,807        | \$ 0  | \$415,807                          |
| FTE                   | 5                | 1   | 6                                  |

<sup>1</sup> The conference committee changes are as follows:

|  |               |
|--|---------------|
| Agrees to Senate addition funding 1 FTE grant administrator  | \$ 51,594     |
| Adds funding for the grants program  | 100,000       |
| Adds funding for operating expenses, consisting of legal fees - \$20,000, mileage - \$2,000, and travel for the chairman of the administrative committee - \$4,000 | <u>26,000</u> |
| Total addition from the interest earnings of the veterans' postwar trust fund  | \$177,594     |

A section is added to the bill to transfer this funding from the interest earnings of the veterans' postwar trust fund to the Department of Veterans Affairs.

Engrossed HB 1009 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SEN. NAADEEN MOVED that the conference committee report on Engrossed HB 1009 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1009, as amended, was placed on the Fourteenth order.

## SECOND READING OF HOUSE BILL

HB 1009: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs.

## ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krepsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanek; Watne; Wogsland; Yockim

Engrossed HB 1009, as amended, passed and the title was agreed to.

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## REMARKS OF SENATOR TALLACKSON

Madam President, ladies and gentlemen of the Senate, we just approved the Conference Committee report on HB 1009. Last week the Conference Committee on HB 1009 met and removed the amendment placed on the bill approving a veterans' basic care home in Grafton's Cedar Grove. Two of the three senators voted for this action, even after the Senate passed this amendment by a majority vote. I feel they were biased and did not represent the interest of the Senate. This is not the way a Conference Committee should act to reflect the wishes of the Senate.

Madam President, in my nearly 20 years of service in the Senate, I have witnessed many decisions which were good for all of North Dakota and some for a particular part of North Dakota. I remember being part of an appropriations committee that traveled to Dickinson and settled a bad land deal caused by the decline of the oil industry which cost the state approximately \$9 million. I also remember attending water users meetings over the past 25 years that proposed a west river water diversion project which would bring water to southwest North Dakota and would be paid for by the corps of engineers. The people of the Dickinson area voted this project down. Now we have spent over \$100 million on a pipeline to southwest North Dakota. Again, I remember being chairman of an appropriations committee and traveling to Fargo where the human services agency was trapped in a 30-year lease for a bad, inappropriate building. We recommended a new facility. Fargo now has a new human services center. Last week, I voted for a higher education bill funding state universities. I don't have a university in my district.

Madam President, I have a list of 219 beds approved for basic care in North Dakota during the past year by the health council. Thus, without going through the legislature, it is interesting to note that 91 of these basic care beds were approved for Williston which is the home district of the chairman of the Conference Committee which denied the Grafton veterans' facility.

Madam President, we have approved many resolutions on studies of various issues. One we have never considered is the study of the fiduciary responsibilities of legislators. The state of North Dakota owns approximately 1592 buildings, valued at \$843 million. We as legislators are custodians of these buildings and it's our fiduciary responsibility to seek the best uses for them and not to follow our own selfish and biased feelings.

Madam President, I am going home and telling the people, who have placed their faith and trust in me, the rest of the story on what happened to their dream of hope for our community.

## REPORT OF CONFERENCE COMMITTEE

**HB 1016, as engrossed:** Your conference committee (Sens. Solberg, Robinson, Holmberg and Reps. Byerly, DeWitz, Huether) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1356, adopt amendments as follows, and place Engrossed HB 1016 on the Seventh order:

That the Senate recede from its amendments as printed on page 1146 of the Senate Journal and page 1356 of the House Journal and that Engrossed House Bill No. 1016 be amended as follows:

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

Page 1, remove line 3

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

Page 1, line 16, replace "3,550,00" with "3,550,000"

Page 2, replace lines 15 through 18 with:

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

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

CONFERENCE COMMITTEE - This amendment includes the section of legislative intent added by the Senate providing that the regional and tribal children's services coordinating committees function as a regional planning committee to monitor and coordinate children's services in each region and precluding the committees from directly providing services or programs unless the services or programs were being provided on January 1, 1995. This amendment expands the section to provide that any committee that was directly providing services or programs on January 1, 1995, is to discontinue directly providing those services or programs by June 30, 1997.

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

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

**SEN. SOLBERG MOVED** that the conference committee report on Engrossed HB 1016 be adopted, which motion prevailed, on a verification vote.

Engrossed HB 1016, as amended, was placed on the Fourteenth order.

## SECOND READING OF HOUSE BILL

**HB 1016:** A BILL for an Act making an appropriation for defraying the expenses of the children's services coordinating committee.

## ROLL CALL

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1016, as amended, passed and the title was agreed to.

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## MOTION

**SEN. GOETZ MOVED** that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2195, SB 2198, SB 2207, SB 2209, SB 2247, SB 2288.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Maragos to replace Rep. DeKrey on the Conference Committee on SB 2455.

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

**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2539.

## 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 1009, HB 1016.

## 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 2428.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1005, HB 1138, HB 1317, HB 1439, HB 1488.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1416.

## CORRECTION AND REVISION OF THE JOURNAL

**MADAM PRESIDENT:** Your Committee on Correction and Revision of the Journal (Sen. Sand, Chairman) has carefully reexamined the Journal of the Sixty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1422, after line 10, insert:

## "OBJECTION

**SEN. G. NELSON OBJECTED** to the request.

## REQUEST

**SEN. WOGSLAND REQUESTED** a recorded roll call vote on the request.

## REQUEST

SEN. TENNEFOS REQUESTED a Rule which explained voting on objections.

## WITHDRAWAL OF REQUEST

SEN. G. NELSON WITHDREW his objection."

SEN. SAND MOVED that the report be adopted, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SB 2466: Your conference committee (Sens. Krebsbach, Andrist, Krauter and Reps. Carlson, Soukup, Schmidt) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1217-1218, adopt amendments as follows, and place SB 2466 on the Seventh order:

That the House recede from its amendments as printed on pages 1217 and 1218 of the Senate Journal and pages 1267 and 1268 of the House Journal and that Senate Bill No. 2466 be amended as follows:

Page 1, line 1, remove "subdivision a of"

Page 1, line 6, replace "Subdivision a of subsection" with "Subsection"

Page 1, line 15, after "employer" insert "in construction services" and replace the second "the" with "that"

Page 1, line 19, after the underscored period insert "However, an employer in construction services must be assigned the maximum rate or seven percent, whichever is greater, for any year if, as of the computation date, the cumulative benefits charged to the employer's account equal or exceed the cumulative contributions paid on or before October thirty-first with respect to wages paid by that employer before October first of that year. If an employer in nonconstruction services has not been subject to the law as required, the employer in nonconstruction services qualifies for a reduced rate if the account has been chargeable with benefits throughout the twelve-consecutive-calendar-month period ending September thirtieth of the preceding calendar year."

b. An employer that does not qualify under subdivision a is subject to a rate determined as follows:

- (1) For each calendar year new employers must be assigned a rate of two and eight-tenths ~~two-tenths~~ percent unless the employer is classified in construction services. However, an employer must be assigned the maximum rate for any year if, as of the computation date, the cumulative benefits charged to that employer's account equal or exceed the cumulative contributions paid on or before October thirty-first with respect to wages paid by that employer before October first of that year.
- (2) ~~New employers in construction services must be assigned the maximum rate. However, an employer who becomes subject to the North Dakota Unemployment Compensation Law after December 31, 1989, who is classified in construction services pursuant to subdivision C of the standard industrial classification manual must be assigned a rate of nine~~ seven percent or the maximum rate, whichever is greater.

- (3) Assignment by the bureau of an employer's industrial classification for the purposes of this ~~paragraph~~ section must be the two digit major group provided in the standard industrial classification manual, in accordance with established classification practices found in the standard industrial classification manual issued by the executive office of the president, office of management and budget."

Renumber accordingly

SB 2466 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the conference committee report on SB 2466 be adopted, which motion prevailed, on a voice vote.

SB 2466, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: DeMers; Heinrich; Heitkamp; Krauter; Lindaas; Mathern; Mushik; Nelson, C.; Scherber

ABSENT AND NOT VOTING: LaFountain; Nelson, G.; Wogsland

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

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#### REPORT OF CONFERENCE COMMITTEE

SB 2355, as engrossed: Your conference committee (Sens. Grindberg, Schobinger, Heinrich and Reps. Retzer, Koppelman, Coats) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1230-1231, adopt amendments as follows, and place Engrossed SB 2355 on the Seventh order:

That the House recede from its amendments as printed on pages 1230 and 1231 of the Senate Journal and pages 1320-1322 of the House Journal and that Engrossed Senate Bill No. 2355 be amended as follows:

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

Page 1, line 2, remove "to BHS Long Term Care, Inc"

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

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

Page 1, line 8, remove "Science of" and after "School" insert "of Science"

Page 2, line 10, replace "The sale price must be at least ninety percent of the" with "At the public auction the property may not be sold for less than the minimum appraised value. If no bid that equals or exceeds the minimum appraised value is received at the auction, the board may negotiate a price for the land with a purchaser. The price negotiated may not be less than greater of the highest bid received at the public auction or ninety percent of the minimum appraised value. All moneys realized from the sale must be deposited in the general fund in the state treasury."

Page 2, remove lines 11 through 13

Renumber accordingly

Engrossed SB 2355 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SEN. GRINDBERG MOVED that the conference committee report on Engrossed SB 2355 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2355, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzenk; Watne; Yockim

ABSENT AND NOT VOTING: LaFountain; Nelson, G.; Wogsland

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

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#### REPORT OF CONFERENCE COMMITTEE

SB 2505, as engrossed: Your conference committee (Sens. Bowman, Wanzenk, Kinnoin and Reprs. Grosz, Rennerfeldt, Sitz) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1232-1233, adopt amendments as follows, and place Engrossed SB 2505 on the Seventh order.

That the House recede from its amendments as printed on pages 1232 and 1233 of the Senate Journal and pages 1325 and 1326 of the House Journal and that Engrossed Senate Bill No. 2505 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to duties and reports of the state board of animal health; to"

Page 1, line 2, after the third comma insert "36-01-01,"

Page 1, line 12, after "agriculture" insert "and to the membership of the board of animal health"

Page 1, line 15, after the semicolon insert "to provide an expiration date;"

Page 3, after line 14, insert:

"SECTION 5. AMENDMENT. Section 36-01-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

1. The state board of animal health consists of ~~seven~~ nine members ~~appointed by the~~.
2. The governor shall appoint seven members for terms of seven years each with ~~their~~ the terms of office ~~so~~ so arranged ~~so~~ that one term, ~~and only one,~~ expires on the first day of August in each year. ~~No person may be appointed~~ The governor may not appoint any person to more than two 7-year terms on the board. Each member of ~~such~~ the board must be a qualified elector of this state. Each member of the board, immediately after ~~his~~ appointment shall take the oath of office required of civil officers. One member of ~~said~~ said the board must be a person actively engaged and financially interested in the commercial beef cattle industry and shall represent ~~said~~ that industry on ~~said~~ said the board; one member of ~~said~~ said the board must be a person actively engaged and financially interested in the registered purebred beef cattle industry and shall represent ~~said~~ that industry on ~~said~~ said the board; one member of ~~said~~ said the board must be a person actively engaged and financially interested in the dairy cattle industry and shall represent ~~said~~ that industry on ~~said~~ said the board; one member of ~~said~~ said the board must be a person actively engaged and financially interested in the swine industry and shall represent ~~said~~ that industry on ~~said~~ said the board; one member of ~~said~~ said the board must be a person actively engaged and financially interested in the sheep industry and shall represent ~~said~~ that industry on ~~said~~ said the board; and two members of ~~said~~ said the board must be competent veterinarians who are graduates of a veterinary course in a recognized college or university. Vacancies occurring ~~prior to~~ before the expiration of the terms of office these seven members must be filled by appointment by the governor and must be for the balance of the unexpired term. Recommendations for appointment of members ~~to said board as constituted~~ under this ~~section~~ subsection may be made to the governor by the following associations for the following stated industries, ~~to wit:~~ by the North Dakota stockmen's association for the members representing commercial beef cattle, by the various registered purebred beef cattle associations for the member representing the registered purebred beef cattle, by the various dairy breed associations for the member representing dairy cattle, by the North Dakota swine breeders' association for the member representing swine, by the North Dakota wool growers' association for the member representing sheep, by the state veterinary medical association for the two veterinarian members, and by such other associations within this state representing livestock industries as the governor may permit. Two recommendations must be submitted for each office to be filled.

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

Page 6, line 18, insert:

"SECTION 12. A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:

Duties - Evaluations - Report. The board shall conduct performance evaluations of the state veterinarian and any assistant state veterinarians; review the short-term and the long-term role and mission of the board and its employees; review alternatives for the enhancement of, and the efficient delivery of, services provided by the board and its employees; and evaluate the consolidation and cooperation with the department of agriculture. The board shall report to the governor and the legislative council before September 1, 1996, and each year thereafter."

Page 24, after line 14, insert:

"SECTION 55. EXPIRATION DATE. Section 5 of this Act is effective through December 31, 1996, and after that date is ineffective."

Renumber accordingly

Engrossed SB 2505 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SEN. BOWMAN MOVED that the conference committee report on Engrossed SB 2505 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2505, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

SB 2505: A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to duties and reports of the state board of animal health; to amend and reenact subsection 1 of section 4-13.2-03, section 4-13.2-04, subsection 43 of section 20.1-01-02, sections 36-01-00.1, 36-01-01, 36-01-03, 36-01-04, 36-01-05, 36-01-06, 36-01-07, 36-01-08, 36-01-10, 36-01-12.1, 36-01-13, 36-01-15, 36-01-17, 36-01-18, 36-01-19, 36-01-29, 36-01-30, 36-05-03, 36-05-09, 36-05-10, 36-05-13, 36-07-01, 36-07-02, 36-07-03, 36-07-09, 36-07-10, 36-14-03, 36-14-05, 36-14-06, 36-14-07, 36-14-09, 36-14-10, 36-14-12, 36-14-15, subsection 1 of section 36-14-19, sections 36-14.1-01, 36-14.1-02, 36-14.1-03, 36-14.1-04, 36-14.1-05, 36-14.1-07, 36-15-09, 36-15-14, 36-15-19, 36-21.1-01, subsection 2 of section 36-21.1-06, sections 36-21.1-11, and 36-21.1-12 of the North Dakota Century Code, relating to transferring certain responsibility from the board of animal health to the commissioner of agriculture and to the membership of the board of animal health; to repeal section 36-01-11 of the North Dakota Century Code, relating to reports by the board of animal health to the office of management and budget and the governor; to provide an effective date; to provide 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 32 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Malewaja; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Heinrich; Heitkamp; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Robinson; Scherber; Tallackson; Thane; Tomac; Yockim

**ABSENT AND NOT VOTING:** Nelson, G.; Wogsland

Engrossed SB 2505, as amended, passed, the title was agreed to, and the emergency clause lost due to lack of a two-thirds majority.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2029, as engrossed:** Your conference committee (Sens. Lips, Malewaja, Redlin and Reps. Clayburgh, Tollefson, Kroeber) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1117-1118 and place Engrossed SB 2029 on the Seventh order.

Engrossed SB 2029 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. LIPS MOVED** that the conference committee report on Engrossed SB 2029 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2029, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2029:** A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; to direct the attorney general to not spend certain funds appropriated for the 1993-95 biennium; to provide for a transfer of Bank of North Dakota profits; to amend and reenact section 21 of chapter 1 of the 1993 Session Laws, relating to state employee defense costs; 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 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**NAYS:** Streibel; Tennefos

**ABSENT AND NOT VOTING:** Nelson, G.; Wogsland

Engrossed SB 2029, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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## REPORT OF CONFERENCE COMMITTEE

SB 2313, as reengrossed: Your conference committee (Sens. Holmberg, Lips, Redlin and Reps. Byerly, Howard, Kroeber) recommends that the SENATE ACCEDE to the House amendments on SJ page 1397 and place Reengrossed SB 2313 on the Seventh order.

Reengrossed SB 2313 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the conference committee report on Reengrossed SB 2313 be adopted, which motion prevailed, on a voice vote.

Reengrossed SB 2313, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to amend and reenact sections 1 and 3 of chapter 411 of the 1993 Session Laws, relating to filing fees for filing documents in the Uniform Commercial Code central filing system and to the expiration date for fees for obtaining information from the Uniform Commercial Code central filing system; and to provide an appropriation.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nething; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Mushik; Nelson, C.; O'Connell; Scherber; Solberg; Tallackson; Tennefos; Tomac; Yockim

ABSENT AND NOT VOTING: Nelson, G.; Wogsland

Reengrossed SB 2313, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

HB 1168, as engrossed: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Stenehjem, Kretschmar, Mahoney) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1221 and place Engrossed HB 1168 on the Seventh order.

Engrossed HB 1168 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on Engrossed HB 1168 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1168 was placed on the Fourteenth order.

## SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to interest and penalty for licensed gaming organizations; to amend and reenact section 53-06.1-01, subsection 2 of section 53-06.1-01.1, sections 53-06.1-02, 53-06.1-03, 53-06.1-03.1, 53-06.1-03.2, 53-06.1-03.3, 53-06.1-05.1, 53-06.1-06, 53-06.1-06.1, 53-06.1-07, 53-06.1-07.1, 53-06.1-07.2,

53-06.1-07.3, 53-06.1-08, 53-06.1-09, 53-06.1-10, 53-06.1-10.1, 53-06.1-11, 53-06.1-11.1, 53-06.1-12, 53-06.1-12.1, 53-06.1-12.2, 53-06.1-13, 53-06.1-14, 53-06.1-15, 53-06.1-15.1, 53-06.1-15.2, 53-06.1-15.4, 53-06.1-16, 53-06.1-16.1, 53-06.1-16.2, and 53-06.1-17 of the North Dakota Century Code, relating to definitions under the games of chance laws, qualifications of gaming commission members, use of net proceeds, allowable games and prize limitations, conditional site authorization, two organizations conducting games on a site, license fees, rent limits, regulation of the number of twenty-one tables and sites, persons restricted from being involved in gaming equipment, history background checks, local work permits, allowed games of chance, limitations on hours and participation in games, poker, calcuttas, punchboards, pull tabs, sports pools, twenty-one, raffles, gross proceeds and expenses, organizations using money in certain political activities, gaming taxes, deposits, examination of books and records, distributors and manufacturers, form and display of a license and local permit, reimbursing the attorney general for inspection costs, the statute of limitations, conditional licenses, violation of a law or rule, thefts and fraudulent schemes, ineligibility for local permits and rules; to repeal sections 53-06.1-02.1, 53-06.1-04, 53-06.1-05, and 53-06.1-08.1 of the North Dakota Century Code, relating to waiver of the two-year activity requirement for local permits, local permits, and pull tab prizes; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**ABSENT AND NOT VOTING:** Nelson, G.; Wogsland

Engrossed HB 1168 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1423:** Your conference committee (Sens. Grindberg, W. Stenehjem, C. Nelson and Reps. Stenehjem, Clark, Christenson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1357 and place HB 1423 on the Seventh order.

HB 1423 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. GRINDBERG MOVED** that the conference committee report on HB 1423 be adopted, which motion prevailed, on a voice vote.

HB 1423 was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1423:** A BILL for an Act to amend and reenact sections 54-23.3-03, 54-44.1-02, 54-44.2-01, 54-44.3-11, and 54-44.5-02 of the North Dakota Century Code, relating to the appointment of the director of the department of corrections and rehabilitation, the executive budget analyst, the director of the information services division, the director of the central personnel division, and the director of the office of intergovernmental assistance.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

**NAYS:** DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Robinson; Scherber; Tallackson; Tomac; Yockim

**ABSENT AND NOT VOTING:** Nelson, G.; Wogsland

HB 1423 passed and the title was agreed to.

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## COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 31, 1995, I signed the following: SB 2027, SB 2404, SB 2452, and SB 2477.

## COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on April 3, 1995, I signed the following: SB 2030, SB 2179, SB 2358, SB 2405, SB 2406, and SB 2438.

## 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 2029, SB 2313, SB 2355, SB 2466, SB 2505.

## 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 1168, HB 1423.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2019, SB 2037, SB 2044, SB 2072, SB 2101, SB 2143, SB 2152, SB 2204, SB 2350, SB 2499, SCR 4064, SCR 4068, SCR 4070.

## 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 1027, HB 1041, HB 1064, HB 1082, HB 1094, HB 1100, HB 1134, HB 1163, HB 1165, HB 1207, HB 1221, HB 1250, HB 1298, HB 1300, HB 1329, HCR 3009.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1131, HB 1152, HB 1362.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 4:44 p.m., April 3, 1995: SB 2011, SB 2019, SB 2020, SB 2021, SB 2022, SB 2023, SB 2025, SB 2026, SB 2028, SB 2037, SB 2072, SB 2090, SB 2101, SB 2143, SB 2152, SB 2192, SB 2202, SB 2204, SB 2239, SB 2350, SB 2351, SB 2359, SB 2402, SB 2499, SB 2506.

## 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 2332, SB 2338.

## 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 1002, HB 1014, HB 1124.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1309.

**MOTION**

SEN. GOETZ MOVED that the absent members be excused, which motion prevailed.

**MOTION**

SEN. GOETZ MOVED that the Senate be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, April 4, 1995, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

SB 2211, as engrossed: Your conference committee (Sens. Wanzek, Freborg, O'Connell and Reps. Clark, Torgerson, Aarsvold) recommends that the HOUSE RECEDE from the House amendments on SJ page 1165, adopt amendments as follows, and place Engrossed SB 2211 on the Seventh order:

That the House recede from its amendments as printed on page 1165 of the Senate Journal and page 1182 of the House Journal and that Engrossed Senate Bill No. 2211 be amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 15-47 and a"

Page 1, remove lines 2 and 3

Page 1, line 4, remove "deaf, and school for the blind; and"

Page 4, remove lines 18 through 29

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 7

Renumber accordingly

Engrossed SB 2211 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

SB 2403, as engrossed: Your conference committee (Sens. Mutch, Sand, Langley and Reps. Skarphol, Soukup, Coats) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1167-1168, adopt amendments as follows, and place Engrossed SB 2403 on the Seventh order:

That the House recede from its amendments as printed on pages 1167 and 1168 of the Senate Journal and pages 1184 and 1185 of the House Journal and that Engrossed Senate Bill No. 2403 be amended as follows:

Page 1, line 1, replace "section" with "sections 65-04-01 and"

Page 1, line 2, after "to" insert "classification of employments for workers' compensation premium rates and"

Page 1, line 3, replace "retroactive application" with "a legislative council study"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 65-04-01 of the North Dakota Century Code is amended and reenacted as follows:

65-04-01. Classification of employments - Premium rates - Requirements.

1. The bureau shall classify employments with respect to their degrees of hazard, determine the risks of different classifications, and fix the rate of premium for each of said the classifications sufficiently high to provide for:
  - ~~1-~~ a. The payment of the expenses of administration of the bureau;
  - ~~2-~~ b. The payment of compensation according to the provisions and schedules contained in this title; and
  - ~~3-~~ c. The maintenance by the fund of adequate reserves and surplus to the end that it may be kept at all times in an entirely solvent condition.
2. In the exercise of the powers and discretion conferred upon it, the bureau shall fix and maintain for each class of occupation, the lowest rate which still will enable it to comply with the other provisions of this section.
3. Before the effective date of any premium rate change, the bureau shall hold a public hearing on the rate change. Chapter 28-32 does not apply to a hearing held by the bureau under this subsection."

Page 1, line 20, replace "reduce the minimum rate assigned to an employer with a" with "amend its experience rating system by emergency rulemaking."

Page 1, remove line 21

Page 2, replace lines 1 through 4 with:

"SECTION 3. LEGISLATIVE COUNCIL STUDY. During the 1995-1996 interim, the legislative council shall study the feasibility and desirability of the workers compensation bureau establishing a system through which injured workers whose disability benefits cease upon reaching retirement age under 1995 House Bill No. 1228 would receive a pension or an annuity in lieu of further disability benefits. The legislative council shall review the different methods through which the pension or annuity would be established and paid, who would be responsible for administering the pension or annuity, and to which injured workers the pension or annuity would be paid. The bureau shall provide information to the legislative council necessary to facilitate the study."

Renumber accordingly

Engrossed SB 2403 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1002, as engrossed:** Your conference committee (Sens. Nething, Traynor, Tallackson and Reps. Clayburgh, Tollefson, Kroeber) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1445-1452 and place Engrossed HB 1002 on the Seventh order.

Engrossed HB 1002 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1014, as engrossed:** Your conference committee (Sens. Solberg, Nething,

Tallackson and Reps. Howard, Tollefson, Laughlin) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1455-1458 and place Engrossed HB 1014 on the Seventh order.

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

#### REPORT OF CONFERENCE COMMITTEE

**HB 1124, as engrossed:** Your conference committee (Sens. Andrist, Wanzek, Kinnoin and Reps. Berg, Rennerfeldt, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 870-872, adopt amendments as follows, and place Engrossed HB 1124 on the Seventh order:

That the Senate recede from the amendments as printed on pages 870-872 of the House Journal and pages 775-778 of the Senate Journal and that Engrossed House Bill No. 1124 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to House Bill No. 1134, as approved by the fifty-fourth legislative assembly, relating to declaring an emergency relating to funding for ethanol production subsidies;"; replace "section" with "sections 4-10.4-08, 4-10.4-09," and after "4-24-10" insert ", 4-28-07, and 4-28-08"

Page 1, line 2, after "reports" insert ", commodity taxes, and refunds; and to declare an emergency"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 4-10.4-08 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

#### **4-10.4-08. Tax levied.**

1. A tax at the rate of five mills per bushel [35.24 liters] must be levied and imposed upon all barley grown in the state, delivered into the state, or sold to a first purchaser in the state. This tax is due upon any identifiable lot or quantity of barley.
2. Every first purchaser of barley shall collect the tax imposed by this section by charging and collecting from the seller the tax at the rate of five mills per bushel [35.24 liters] by deducting the tax from the purchase price of all barley subject to the tax and purchased by the first purchaser.
3. Every first purchaser shall keep as a part of its permanent records a record of all purchases, sales, and shipments of barley, which may be examined by the council at all reasonable times. Every first purchaser shall report to the council by the twentieth day of each calendar quarter stating the quantity of barley received, sold, or shipped by it, except that if less than twenty-five thousand bushels [880.98 cubic meters] have been purchased, in any calendar quarter, the tax may be reported and remitted with the following quarter's return, provided that all taxes collected must be remitted at least annually. The remittance of the tax as provided in this section must accompany the report. All moneys levied and collected under this chapter must be paid to the council for deposit in the state treasury to the credit of an account or accounts designated "barley fund" to be used exclusively to carry out the intent and purposes of this chapter. Regular audits of the council's accounts must

be conducted in accordance with chapter 54-10 and submitted to the commissioner.

4. The tax provided for by this section must be deducted as provided by this chapter whether the barley is stored or sold in this or any other state, but if agreements have not been made with dealers and first purchasers outside of the state for collecting the tax, the grower shall remit the tax to the council on all barley sold by ~~him~~ the grower outside the state.

**SECTION 2. AMENDMENT.** Section 4-10.4-09 of the North Dakota Century Code is amended and reenacted as follows:

**4-10.4-09. Nonparticipating growers - Refunds.**

1. Any ~~person~~ grower who sells barley to a first purchaser in this state and who is subject to the tax provided in this chapter and who objects to the collection of the tax, may within sixty days following the collection, make application by personal letter to the council for a refund application blank. Upon return of this blank, properly executed by the applicant and accompanied by a true copy of the invoice or invoices delivered by the purchaser to the grower, the council shall, ~~within sixty days after receiving the application,~~ refund to the grower the net amount of the tax collected. If no request for refund is made within sixty days after the collection of the tax, the grower is conclusively presumed to have agreed to the deduction. However, a grower, for any reason, having paid the tax more than once on the same barley, upon furnishing proof of this to the council, is entitled to a refund of the overpayment.
2. The council shall develop and disseminate information and instructions relating to the purpose of the barley tax and the manner in which refunds may be claimed, and shall cooperate with state and federal governmental agencies and private businesses engaged in the purchase of barley."

Page 1, line 15, after the first "a" insert "uniform"

Page 1, line 20, overstrike "preceding" and insert immediately thereafter "current" and remove "an audit report"

Page 1, remove line 21

Page 2, line 1, remove "year,", remove "single page uniform", overstrike "financial" and insert immediately thereafter "single page uniform", and remove "prepared by the state auditor"

Page 2, line 2, overstrike "summarizing the", replace "audit report, the" with "of", and overstrike "of" and insert immediately thereafter "for"

Page 2, line 3, overstrike "commodity group for the current" and insert immediately thereafter "next", after "biennium" insert ". Each report, except the reports of the North Dakota beekeepers association, and overstrike "anticipated" and insert immediately thereafter "North Dakota turkey federation, must also include a state auditor's report on the commodity group's single page uniform statement of"

Page 2, line 4, overstrike "next biennium" and insert immediately thereafter "previous two fiscal years"

Page 2, after line 4, insert:

"SECTION 4. AMENDMENT. Section 4-28-07 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-28-07. Wheat tax levy.** A tax of five mills per bushel [35.24 liters] by weight must be levied and imposed upon all wheat grown in this state, delivered into this state, or sold through commercial channels by a producer to a first purchaser in this state. The tax must be levied and assessed at the time of sale and deducted by the purchaser from the price paid, or in the case of a lien, pledge, or mortgage, deducted from the proceeds of the loan or claim secured, subject to adjustment at the time of settlement in the event the number of bushels [liters] are not accurately determined at the time of the lien, pledge, or mortgage. At the time of sale, the first purchaser in this state shall issue and deliver to the producer or seller a record of the transaction in such manner as the commission may prescribe.

Any producer who sells wheat to a first purchaser in this state and who is subject to the deduction provided in this chapter may, within sixty days following such deduction or final settlement, make application by personal letter to the wheat commission for a refund application blank. Upon the return of the blank, properly executed by the producer, accompanied by a record of the deduction by the purchaser, the producer must be refunded the net amount of the deduction collected. If no request for refund has been made within the period prescribed above, then the producer is presumed to have agreed to such deduction. However, a producer, for any reason, having paid the tax more than once on the same wheat, upon furnishing proof of this to the commission, is entitled to a refund of the overpayment.

The commission, to inform the producer, shall develop and disseminate information and instructions relating to the purpose of the wheat tax and manner in which refunds may be claimed, and to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of wheat.

SECTION 5. AMENDMENT. Section 4-28-08 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-28-08. State wheat commission fund - Continuing appropriation.** Each first purchaser shall make quarterly reports and returns to the commission, ~~on such forms as must be prescribed by the commission, on~~ or before the twentieth day of the month next succeeding each calendar quarterly period, commencing with the calendar quarter ending September 30, 1959, ~~and with 1995.~~ The commission shall prescribe the forms to be used. With each such report and return, the first purchaser shall remit to the commission, in the form of a remittance payable to the state treasurer, the tax due. The commission shall transmit all such payments to the state treasurer to be deposited in the state treasury to the credit of a special revolving fund ~~to be known as the "state wheat commission fund".~~ All money in the state wheat commission fund is appropriated on a continuing basis to the commission for carrying out the purposes of this chapter. Expenditures from ~~such the~~ fund may be made upon vouchers duly approved by the commission to carry out ~~the provisions of~~ this chapter. Regular audits of the commission's accounts must be conducted in accordance with chapter 54-10.

SECTION 6. A new section to House Bill No. 1134, as approved by the fifty-fourth legislative assembly, is created and enacted as follows:

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

SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1124 was placed on the Seventh order of business on the calendar.

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

William C. Parker, Secretary