

**JOURNAL OF THE SENATE**

**Fifty-fifth Legislative Assembly**

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**Bismarck, April 4, 1997**

The Senate convened at 9:00 a.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Deacon Emil Riehl, Christ the King, Mandan.

The roll was called and all members were present except Senators Lips, Nething, Redlin, and Tallackson.

A quorum was declared by the President Pro Tem.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1013.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed and your signature is respectfully requested on the veto certification on SB 2201.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on the veto certification on HB 1137.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on the veto certification on HB 1440.

**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 1028, HB 1163.

**CONSIDERATION OF AMENDMENTS**

**HB 1026, as engrossed: SEN. ST. AUBYN (Appropriations Committee) MOVED** that the amendments on SJ pages 1201-1202 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1026:** A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions; to provide authorization to expend funds from the workers' compensation contingency line item; to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to a continuing appropriation for allocated loss adjustment expenses; and to amend and reenact section 65-06.1-04 of the North Dakota Century Code, relating to civil air patrol workers' compensation reimbursements.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsch; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne; Yockim

**NAYS:** LaFountain; Thompson; Tomac; Wogsland

**ABSENT AND NOT VOTING:** Lips; Nething; Redlin; Tallackson

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

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. ANDRIST MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1035, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1035: Sens. Andrist, Lee, Yockim.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2228 as printed on SJ page 1172, which motion prevailed on a voice vote.

Engrossed SB 2228, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2228:** A BILL for an Act to create and enact a new section to chapter 27-12, sections 44-04-17.5, 44-04-18.01, 44-04-18.02, 44-04-18.10, 44-04-18.11, 44-04-19.05, 44-04-19.2, 44-04-21.1, 44-04-21.2, and subsection 19 of section 54-12-01 of the North Dakota Century Code, relating to public records and public meetings; to amend and reenact sections 44-04-18, 44-04-18.1, 44-04-18.3, 44-04-18.4, 44-04-18.5, 44-04-18.7, 44-04-19, 44-04-19.1, 44-04-20, 44-04-21, and 54-44.2-08 of the North Dakota Century Code, relating to public records and meetings; and to repeal section 44-04-18.2 of the North Dakota Century Code, relating to economic development records and meetings.

**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, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Schobinger

**ABSENT AND NOT VOTING:** Lips; Nothing; Redlin; Tallackson

Engrossed SB 2228, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. WANZEK MOVED** that the conference committee report on Engrossed HB 1456 as printed on SJ page 1161 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1456, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1456:** A BILL for an Act to create and enact a new section to chapter 15-34.1 of the North Dakota Century Code, relating to the issuance of high school diplomas to home education students; and to repeal section 15-34.1-11 of the North Dakota Century Code, relating to the issuance of high school diplomas by the superintendent of public instruction.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**NAYS:** LaFountain; Robinson; Wogsland

**ABSENT AND NOT VOTING:** Lips; Nothing; Redlin; Tallackson

Engrossed HB 1456, as amended, passed and the title was agreed to.

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**REPORT OF STANDING COMMITTEE**

**HB 1003, as engrossed: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 2, after "reenact" insert "subsection 1 of section 53-06.1-14 and"

Page 1, line 3, after "to" insert "license fees for pull tab and bingo card manufacturers and to"

Page 1, line 11, replace "12,618,076" with "12,887,894"

Page 1, line 12, replace "4,601,576" with "4,680,514"

Page 1, line 13, replace "1,014,600" with "1,044,900"

Page 1, line 22, replace "26,181,700" with "26,560,756"

Page 1, line 23, replace "13,495,641" with "13,786,432"

Page 1, line 24, replace "12,686,059" with "12,774,324"

Page 2, after line 20, insert:

**"SECTION 6. AMENDMENT.** Subsection 1 of section 53-06.1-14 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A manufacturer of pull tabs, manufacturer of bingo cards, manufacturer of pull tab dispensing devices, manufacturer's distributor of pull tab dispensing devices, and distributor shall apply annually for a license upon a form prescribed by the attorney general before the first day of April in each year and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require. The license fee for a distributor is one thousand five hundred dollars. The license fee for a manufacturer's distributor is five hundred dollars. The license fee for a manufacturer of pull tab dispensing devices, manufacturer of pull tabs, bingo cards, or both a manufacturer of pull tabs and bingo cards, is ~~two~~ five thousand dollars."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 125 - ATTORNEY GENERAL

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORES AFIS OPERATING COSTS	FEDERAL FUND POSITIONS	RESTORES SEX OFFENDER REGISTRATION PROGRAM	RESTORES DATA PROCESSING FUNDING	FUNDING SHIFTS	OTHER CHANGES	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$12,618,076		\$180,648 <sup>2</sup>	\$27,848	\$233,000	\$(39,786) <sup>5</sup>	\$101,108 <sup>7</sup>	\$269,818	\$12,887,894
Operating expenses	4,601,576	\$132,000	(180,648) <sup>2</sup>	10,237		12,786 <sup>5</sup>	(128,437) <sup>8</sup>	78,938	4,680,514
Equipment	1,014,600			3,300		27,000 <sup>5</sup>		30,300	1,044,900
Grants	5,790,003								5,790,003
Arrest and return of fugitives	18,795								18,795
Controlled substance	4,000								4,000
Litigation fees	139,024								139,024
Gaming Commission	19,400								19,400
Racing Commission	219,744								219,744
National Criminal History Improve- ment Project	1,135,781								1,135,781
Law enforcement programs	620,701								620,701
Total	\$26,181,700	\$132,000 <sup>1</sup>	\$ 0	\$41,385 <sup>3</sup>	\$233,000 <sup>4</sup>	\$ 0	\$ (27,329)	\$379,056	\$26,560,756
General fund	\$12,686,059	\$132,000		\$41,385	\$233,000	\$(200,000) <sup>6</sup>	\$(118,120)	\$ 88,265	\$12,774,324
Special funds	13,495,641					\$ 200,000 <sup>6</sup>	90,791	290,791	13,786,432
Total	\$26,181,700	\$132,000	\$ 0	\$41,385	\$233,000	\$ 0	\$ (27,329)	\$379,056	\$26,560,756
FTE	145.00	0.00	8.00 <sup>2</sup>	0.50	0.00	0.00	0.00	8.50	153.50
<sup>1</sup> Adds funding included in the executive budget for the operating costs associated with the automated fingerprint identification system (AFIS). The House removed the funding.									
<sup>2</sup> Adds positions in the Bureau of Criminal Investigation associated with the following federal programs (16 positions were included in the executive budget but removed by the House):									
National instant check system				4 FTE - Funding that the House moved to operating expenses is returned to salaries and wages					
National criminal history improvement project				2 FTE					
Law enforcement programs				2 FTE					
<sup>3</sup> Adds funding included in the executive budget for the sex offender registration program. The House removed this funding and a .5 FTE.									
<sup>4</sup> Adds funding included in the executive budget for rewriting outdated data processing programs. The House removed this funding.									
<sup>5</sup> Reallocates the \$183,000 from the general fund added to salaries and wages in the House for two criminal investigators as follows:									
Salaries and wages			\$143,214						
Operating expenses			12,786						
Equipment			27,000						
Total			\$183,000						
<sup>6</sup> Reduces general fund support and increases estimated income for salaries and wages in the Legal Services Division of the Attorney General's office.									

7 Adds funding of \$77,798 of federal funds and \$23,310 of other funds for a narcotics prosecutor position. The Attorney General has an available FTE position that may be used for this purpose.

8 Removes funding for risk management premiums, of which \$58,465 is from the general fund and \$10,317 is from other funds.

9 Reduces operating expenses by \$59,655 from the general fund for anticipated savings resulting from program efficiencies during the 1997-99 biennium.

A section is added increasing the annual license fee for manufacturers of pull tabs, pull tab dispensing devices, and bingo cards by \$3,000, from \$2,000 to \$5,000. The increase is estimated to generate \$48,000 of additional general fund revenues for the 1997-99 biennium.

A comparison of funding for the Attorney General in the various budget versions is listed below.

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION	HOUSE INCREASE (DECREASE) TO EXECUTIVE BUDGET	SENATE INCREASE (DECREASE) TO EXECUTIVE BUDGET	SENATE INCREASE (DECREASE) TO HOUSE VERSION
General fund	\$12,926,324	\$12,686,059	\$12,774,324	\$(240,265)	\$(152,000) <sup>1</sup>	\$ 88,265
Special funds	<u>13,478,761</u>	<u>13,495,641</u>	<u>13,786,432</u>	<u>16,880</u>	<u>307,671</u>	<u>290,791</u>
Total	\$26,405,085	\$26,181,700	\$26,560,756	\$(223,385)	\$155,671	\$379,056
FTE	162.50	145.00	153.50	(17.50)	(9.00)	8.50

<sup>1</sup> Senate changes to the executive budget affecting the general fund appropriation include concurring with the House addition of \$183,000 for two criminal investigators, concurring with the House reduction of (\$16,880) relating to the general fund support for the consumer protection investigator, removing operating expense funding of (\$59,655) (see footnote No. 9), reducing general fund support for salaries and wages in the Legal Services Division by (\$200,000) (see footnote No. 6), and removing risk management premium funding of (\$58,465) (see footnote No. 8). The amount shown does not reflect the additional \$48,000 of general fund revenue which is estimated to be generated during the 1997-99 biennium from increasing license fees as provided in Section 6 of this Act.

**CONSIDERATION OF AMENDMENTS**

**HB 1003, as engrossed: SEN. NALEWAJA (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; and to amend and reenact subsection 1 of section 53-06.1-14 and section 54-12-11 of the North Dakota Century Code, relating to license fees for pull tab and bingo card manufacturers and to the salary of the attorney general.

**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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Freborg; Lips; Nothing; Redlin; Tallackson

Engrossed HB 1003, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that Engrossed SB 2396, which is on the Seventh order, be rereferred to the conference committee, which motion prevailed. Pursuant to Sen. Goetz's motion, Engrossed SB 2396 was rereferred.

**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 2228.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1013 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1013:** Reprs. Kunkel; Freier; Aarsvold

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2399.

**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 1312.

**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 1017.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2372.

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

**MADAM PRESIDENT:** The House has not adopted the conference committee report on SB 2043.

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

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

**SB 2043:** Reprs. Christopherson; Devlin; Kerzman

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1003, HB 1026.

**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 1456.

**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem Holmberg presiding.

**MOTION**

**SEN. W. STENEHJEM MOVED** that the Senate be on the Ninth order of business for the first reading of SCR 4062, which motion prevailed.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. W. Stenehjem, Holmberg, DeMers, Mutch, St. Aubyn and Reps. Kliniske, Poolman, Jensen, Svedjan, Christenson, Glassheim, Brusegaard, Lloyd, Delmore, Nottestad introduced: (Approved by the Delayed Bills Committee)

**SCR 4062:** A concurrent resolution congratulating the University of North Dakota Fighting Sioux hockey team for its outstanding season and its NCAA Division I hockey national championship.

Was read the first time.

**MOTION**

**SEN. W. STENEHJEM MOVED** that the rules be suspended, that SCR 4062 not be printed, not be referred to committee, not be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. W. Stenehjem, Holmberg, DeMers, Mutch, St. Aubyn and Reps. Kliniske, Poolman, Jensen, Svedjan, Christenson, Glassheim, Brusegaard, Lloyd, Delmore, Nottestad introduced: (Approved by the Delayed Bills Committee)

**SENATE CONCURRENT RESOLUTION NO. 4062**

A concurrent resolution congratulating the University of North Dakota Fighting Sioux hockey team for its outstanding season and its NCAA Division I hockey national championship.

**WHEREAS**, the University of North Dakota Fighting Sioux hockey team captured the NCAA Division I hockey national championship with a thrilling 6-4 victory over Boston University; and

**WHEREAS**, the 1996-97 University of North Dakota Fighting Sioux hockey team was cochampion of the Western Collegiate Hockey Association regular season, playoff champion of the Western Collegiate Hockey Association, and the NCAA Division I hockey national champion; and

**WHEREAS**, the leadership of Coach Dean Blais molded a team of outstanding individual athletes into a cohesive, unselfish team with balanced and explosive offense, unyielding defense, and stalwart goaltending and this team is an exemplar of the proud Fighting Sioux hockey heritage and claimed the sixth Fighting Sioux hockey national championship;

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

That the Fifty-fifth Legislative Assembly takes great pride in extending to all members and coaches of the University of North Dakota Fighting Sioux hockey team its heartiest congratulations for winning the 1996-97 NCAA Division I hockey national championship; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward enrolled copies of this resolution to each member of the University of North Dakota Fighting Sioux hockey team, to each of their coaches, and to the President of the University of North Dakota, home of the Fighting Sioux.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4062:** A concurrent resolution congratulating the University of North Dakota Fighting Sioux hockey team for its outstanding season and its NCAA Division I hockey national championship.

The question being on the final adoption of the resolution, which has been read.

SCR 4062 was declared adopted on a voice vote, and the title was agreed to.



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**MOTION**

**SEN. GOETZ MOVED** that the Senate be on the Ninth order of business for the first reading of SCR 4063, which motion prevailed.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. G. Nelson, Mathern and Reps. Dorso, Boucher introduced:  
(Approved by the Delayed Bills Committee)

**SCR 4063:** A concurrent resolution urging Congress to continue to fund the Northern Great Plains Research Laboratory.

Was read the first time.

**MOTION**

**SEN. GOETZ MOVED** that the rules be suspended, that SCR 4063 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. G. Nelson, Mathern and Reps. Dorso, Boucher introduced:  
(Approved by the Delayed Bills Committee)

**SENATE CONCURRENT RESOLUTION NO. 4063**

A concurrent resolution urging Congress to continue to fund the Northern Great Plains Research Laboratory.

**WHEREAS**, the Northern Great Plains Research Laboratory was founded in 1912 and operates on a budget of \$2.6 million; and

**WHEREAS**, the Northern Great Plains Research Laboratory supports North Dakota and Northern Great Plains agriculture through an integrated program that combines soil and crop management and conservation, irrigation and water management, forage and grassland management, and forage improvement; and

**WHEREAS**, the Northern Great Plains Research Laboratory has virtually unparalleled facilities, both in terms of land resources and in terms of the combination of different soil, plant, and animal science specializations; and

**WHEREAS**, the Northern Great Plains Research Laboratory has generated critical research findings regarding the conversion of conservation reserve program land to cropland; and

**WHEREAS**, the Northern Great Plains Research Laboratory has generated critical research findings regarding the importance of shelterbelts to agriculture in the Northern Great Plains states and the viability and hardiness of certain tree varieties for use as shelterbelts; and

**WHEREAS**, the President's fiscal year 1998 budget proposes an appropriation of \$726.8 million for the Agricultural Research Service, and spending proposed for certain programs within the service necessitates the termination of other research programs and the closure of research facilities, including the Northern Great Plains Research Laboratory; and

**WHEREAS**, the continued funding of the Northern Great Plains Research Laboratory is necessary to ensure both the continued viability of North Dakota agriculture and sustainable food production in the future;

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

That the Fifty-fifth Legislative Assembly urges Congress to continue to fund the Northern Great Plains Research Laboratory; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of Agriculture, and to each member of the North Dakota Congressional Delegation.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4063:** A concurrent resolution urging Congress to continue to fund the Northern Great Plains Research Laboratory.

The question being on the final adoption of the resolution, which has been read.

SCR 4063 was declared adopted on a voice vote, and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. FISCHER MOVED** that the conference committee report on HB 1478 as printed on SJ pages 1161-1162 be adopted, which motion prevailed on a voice vote.

HB 1478, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1478:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 14-02.1-02.1 of the North Dakota Century Code, relating to information to be provided to pregnant women.

#### 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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Tallackson

HB 1478, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. THANE MOVED** that the conference committee report on SB 2194 as printed on SJ page 1156 be adopted, which motion prevailed on a voice vote.

SB 2194, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2194:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to health insurance coverage for inherited metabolic disease; and to provide an expiration date.

#### ROLL CALL

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Tallackson

SB 2194, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed SB 2030 as printed on SJ pages 1202-1203 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2030, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2030:** A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to data collection on certain juvenile offenders; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Tallackson

Engrossed SB 2030, 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 2153 as printed on SJ page 1203 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2153, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2153:** A BILL for an Act to create and enact section 12.1-20-03.1 of the North Dakota Century Code, relating to sexual abuse of certain minors; to amend and reenact section 12-60-16.6, subsection 11 of section 12.1-32-02, subsection 3 of section 12.1-32-06.1, subsection 1 of section 12.1-32-15, subsection 6 of section 27-20-51, sections 31-04-04.1, and 31-13-03 of the North Dakota Century Code, relating to information, sentencing, and evidence; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Tallackson

Engrossed SB 2153, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. LEE MOVED** that the conference committee report on Engrossed SB 2301 as printed on SJ page 1203 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2301, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2301:** A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to the confidentiality of and the privilege governing medical peer review records; to amend and reenact sections 31-08-01 and 43-17.1-05.1, and subsection 1 of section 43-17.1-06 of the North Dakota Century Code, relating to records and proceedings of medical review committees and reports to the commission on medical competency; to repeal section 23-01-02.1 of the North Dakota Century Code, relating to medical peer review confidentiality and privilege; to provide for application; 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 42 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** Kinnoin; O'Connell; Tomac; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Tallackson

Engrossed SB 2301, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. WANZEK MOVED** that the conference committee report on Engrossed SB 2324 as printed on SJ pages 1203-1204 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2324, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2324:** A BILL for an Act to amend and reenact sections 35-30-01, 35-30-02, 35-31-01, and 35-31-02 of the North Dakota Century Code, relating to the filing of agricultural processor's liens and agricultural supplier's liens.

**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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Tallackson

Engrossed SB 2324, 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 HB 1007 as printed on SJ pages 1204-1205 be adopted, which motion prevailed on a voice vote.

HB 1007, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner; and to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Tallackson

HB 1007, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. NALEWAJA MOVED** that the conference committee report on Engrossed HB 1021 as printed on SJ pages 1205-1208 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1021, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1021:** A BILL for an Act to make an appropriation for defraying the expenses of the state game and fish department.

**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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Tallackson

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

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. WATNE MOVED** that the conference committee report on HB 1085 as printed on SJ page 1208 be adopted, which motion prevailed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. WATNE MOVED** that the conference committee report on Engrossed HB 1306 as printed on SJ page 1208 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1306, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1306:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 27-20-34 of the North Dakota Century Code, relating to transfers from juvenile to adult court.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Yockim

**NAYS:** DeMers; Heitkamp; Krauter; LaFountain; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tomac; Wogsland

**ABSENT AND NOT VOTING:** Nething; Redlin; Tallackson

Engrossed HB 1306, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed HB 1357 as printed on SJ page 1208 be adopted, which motion prevailed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. MUTCH MOVED** that the conference committee report on Engrossed HB 1448 as printed on SJ page 1208 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1448, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1448:** A BILL for an Act to amend and reenact sections 52-04-05 and 52-06-05 of the North Dakota Century Code, relating to the determination of rates and unemployment compensation maximum potential benefits; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** LaFountain

**ABSENT AND NOT VOTING:** Krebsbach; Nething; Redlin; Tallackson

Engrossed HB 1448, as amended, passed and the title was agreed to.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1013, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1013: Sens. Holmberg, Solberg, Robinson.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4062, SCR 4063.

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

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

**HB 1013:** Sens. Holmberg; Solberg; Robinson

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on the veto certification on HB 2201.

**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 1019, HB 1238, HB 1301, HB 1387, HB 1412.

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

**MADAM PRESIDENT:** The House has overridden the Governor's veto on HB 1147. The vote was 81 YEAS, 13 NAYS, 3 ABSENT AND NOT VOTING.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Hausauer to replace Rep. Kunkel on the Conference Committee on HB 1013.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. R. Kelsch to replace Rep. Freier on the Conference Committee on HB 1013.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1003, HB 1018, and HB 1026 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1003:** Reps. Gerntholz; Byerly; Huether

**HB 1018:** Reps. Freier; Kunkel; Wilkie

**HB 1026:** Reps. Wald; Boehm; Aarsvold

**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 3:30 p.m., which motion prevailed.

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

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on HB 1068.

**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 1001.

**MOTION**

**SEN. THANE MOVED** that the present Senate Conference Committee on SB 2043 continue to meet with the new conference committee from the House, which motion prevailed.

**ANNOUNCEMENT**

**PRESIDENT MYRDAL ANNOUNCED** that the present conference committee on SB 2043 consists of: Sens. Thane, B. Stenehjem, DeMers.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2338, as reengrossed:** Your conference committee (Sens. Freborg, Grindberg, Wogsland and Reps. R. Kelsch, Kunkel, Grumbo) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1028-1029, adopt amendments as follows, and place SB 2338 on the Seventh order:

That the House recede from its amendments as printed on pages 1028 and 1029 of the Senate Journal and pages 1134 and 1135 of the House Journal and that Reengrossed Senate Bill No. 2338 be amended as follows:

Page 1, line 3, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 19, replace "forty-two" with "fifty-four"

Page 1, line 21, replace "eleven" with "thirty-two"

Page 4, line 25, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 5, line 5, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 5, line 17, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 5, line 29, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 8, line 6, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 8, line 19, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 9, line 3, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 9, line 16, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 9, line 30, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 10, line 13, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 10, line 29, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 11, replace lines 8 through 19 with:

**"SECTION 4. LEGISLATIVE COUNCIL STUDY OF EDUCATION FINANCE.**

The legislative council shall appoint a committee to study the financing of elementary and secondary schools and the availability of state support for school construction. The legislative council shall ensure that the committee contains a balanced representation. During the 1997-98 interim, the committee shall review the formulas used to equalize state aid including formulas for student transportation and special education, funding sources that would be alternatives to property tax, and any other issues related to the financing of elementary and secondary schools. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-sixth legislative assembly.

**SECTION 5. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of developing data envelopment analysis for North Dakota school districts, integrating the data envelopment analysis into the schoolmaps system, and updating the profiles of North Dakota school districts, for the biennium beginning July 1, 1997, and ending June 30, 1999."

Renumber accordingly

Reengrossed SB 2338 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the conference committee report on Reengrossed SB 2338 be adopted.

**REQUEST**

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Reengrossed SB 2338, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Reengrossed SB 2338, the roll was called and there were 29 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Thompson; Tomac; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Tallackson

The conference committee report on Reengrossed SB 2338 was adopted.

Reengrossed SB 2338, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2338:** A BILL for an Act to amend and reenact sections 15-40.1-06, 15-40.1-07, and 15-40.1-08 of the North Dakota Century Code, relating to per student payments and the school district equalization factor; to provide for a legislative council study; 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 37 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**NAYS:** Berg; DeMers; LaFountain; Mathern; Mutzenberger; Nelson, C.; O'Connell; Wogsland

**ABSENT AND NOT VOTING:** Nalewaja; Nething; Redlin; Tallackson



Reengrossed SB 2338, as amended, passed and the title was agreed to.

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#### MOTION

**SEN. G. NELSON MOVED** the rules be suspended and that Reengrossed SB 2338 be messaged to the House immediately, which motion prevailed.

#### 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 2338.

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

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

**HB 1035:** Sens. Andrist; Lee; Yockim

#### REPORT OF CONFERENCE COMMITTEE

**HB 1068, as engrossed:** Your conference committee (Sens. Kringstad, Urlacher, Heitkamp and Reps. Grosz, Wardner, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 988 and place HB 1068 on the Seventh order.

Engrossed HB 1068 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. KRINGSTAD MOVED** that the conference committee report on Engrossed HB 1068 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1068 was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1068:** A BILL for an Act to amend and reenact sections 57-06-01, 57-06-02, 57-06-05, 57-06-07, 57-06-14, 57-06-18, 57-34-01, 57-34-02, 57-34-03, 57-34-05, 57-34-06, 57-34-10, 57-34-11, and 57-34-12 of the North Dakota Century Code, relating to property tax exemptions and gross receipts taxes for telecommunications carriers and services; to repeal sections 57-06-01.1, 57-34-04, and 57-34-08 of the North Dakota Century Code, relating to assessment of property and gross receipts taxes for telecommunications carriers; to provide a continuing appropriation; and to provide an effective date.

#### ROLL CALL

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogslund; Yockim

**ABSENT AND NOT VOTING:** Nalewaja; Nothing; Redlin; Tallackson

Engrossed HB 1068 passed and the title was agreed to.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1003, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1003: Sens. Naaden, Nalewaja, Tallackson.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1018, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1018: Sens. Holmberg, Solberg, Tallackson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1026, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1026: Sens. St. Aubyn, Nalewaja, Krauter.

**MOTION**

**SEN. G. NELSON MOVED** that the President appoint Sen. Bowman to replace Sen. Lips on the conference committee on HB 1006, which motion prevailed.

**MOTION**

**SEN. G. NELSON MOVED** that the President appoint Sen. Holmberg to replace Sen. Lips on the conference committee on HB 1024, 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: HB 1008, HB 1112, HB 1337, HB 1453.

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

**MADAM PRESIDENT:** The House has passed unchanged: SCR 4062, SCR 4063.

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

**MADAM PRESIDENT:** The House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1026 and wishes to inform you that the House does now concur with the Senate amendments to HB 1026 and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1026.

**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 1068.

**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 2030, SB 2153, SB 2194, SB 2324.

**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 1007, HB 1021, HB 1306, HB 1448, HB 1478.

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

**MR. SPEAKER:** The President has signed: HCR 3025.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1085, HB 1357.

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

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

**HB 1003:** Sens. Naaden; Nalewaja; Tallackson

**HB 1018:** Sens. Holmberg; Solberg; Tallackson

**HB 1026:** Sens. St. Aubyn; Nalewaja; Krauter

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

**MR. SPEAKER:** The President has appointed Sen. Bowman to replace Sen. Lips on the Conference Committee on HB 1006.

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

**MR. SPEAKER:** The President has appointed Sen. Holmberg to replace Sen. Lips on the Conference Committee on HB 1024.

**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 2338.

**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 1068.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1068.

**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 2338.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed: SB 2338.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for his approval at the hour of 5:45 p.m., April 4, 1997: SB 2338.

#### **MOTION**

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

#### **MOTION**

**SEN. GOETZ MOVED** that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Monday, April 7, 1997, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**HB 1015, as engrossed: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1015 was placed on the Sixth order on the calendar.

Page 1, line 7, after the semicolon insert "to provide for a legislative council study of public employee health insurance benefits;"

Page 1, line 8, remove "to provide for a"

Page 1, line 9, remove "transfer from the information services division operating fund to the state general fund;"

Page 1, line 22, replace "3,405,558" with "3,366,327"

Page 1, line 24, replace "8,260,692" with "8,421,012"

Page 2, line 3, replace "843,818" with "1,094,360"

Page 2, line 4, replace "57,206,288" with "57,577,919"

Page 2, line 5, replace "41,996,220" with "42,246,762"

Page 2, line 6, replace "15,210,068" with "15,331,157"

Page 2, line 9, replace "44,897,969" with "45,326,741"

Page 2, line 10, replace "44,897,969" with "45,326,741"

Page 2, line 13, replace "4,601,858" with "4,638,793"

Page 2, line 14, replace "4,601,858" with "4,638,793"

Page 2, line 15, replace "4,247,641" with "4,240,786"

Page 2, line 16, replace "354,217" with "398,007"

Page 2, line 20, replace "1,750,927" with "1,741,249"

Page 2, line 22, replace "4,711,554" with "4,701,876"

Page 2, line 24, replace "4,124,944" with "4,115,266"

Page 2, line 25, replace "19,689,229" with "19,844,430"

Page 2, line 26, replace "91,728,440" with "92,400,899"

Page 2, line 27, replace "111,417,669" with "112,245,329"

Page 3, line 20, replace "of 1.5 percent" with "providing an average of three percent with a minimum of \$40 per month,"

Page 3, line 21, replace "another 1.5 percent" with "providing an average of three percent with a minimum of \$40 per month,"

Page 3, line 22, after the period insert "Any increases greater than \$40 per month must be based on merit."

Page 3, remove lines 23 through 29

Page 4, line 1, remove "general" and replace "1.5 percent" with "\$40 per month"

Page 4, line 2, replace "1.5 percent" with "\$40 per month"

Page 4, line 20, replace "39,372,706" with "29,594,725"

Page 5, line 1, replace "county" with "and Divide counties"

Page 5, after line 19, insert:

**"SECTION 13. LEGISLATIVE INTENT - STATE EMPLOYEE SALARY REPORT.** It is the intent of the fifty-fifth legislative assembly that during the 1997-98 interim the office of management and budget report to an interim legislative council committee on state employee salary compression problems. The report is to include information on the number of employees impacted by salary compression, the job title of each employee impacted, the dollar amount needed by position and in total to correct salary compression problems, and a ten-year projection by job class of future salary compression based on historical salary increase trends. In addition, the office of management and budget is also to develop and present a plan to compensate state employees in a fair and adequate manner.

**SECTION 14. LEGISLATIVE COUNCIL INTERIM STUDY OF PUBLIC EMPLOYEE HEALTH INSURANCE BENEFITS.** The legislative council shall consider studying public employee health insurance benefits during the 1997-98 interim. If conducted, the study must include a comparison of the cost of participating in exclusive provider organizations and preferred provider organizations as compared to participating in the standard indemnity plan; the extent to which members of the uniform group insurance program are now participating in exclusive provider organizations and preferred provider organizations; the number of public employees who are unable to participate in a preferred provider organization or exclusive provider organization because of geographical considerations; an analysis of any cost savings if up to all participants exercise the exclusive provider organization or preferred provider organization option; and methods by which the public employees retirement system board could encourage members of the public employees retirement system uniform group insurance program to participate in exclusive provider organizations and preferred provider organizations. The study must include an analysis of general fund savings that may be realized if an additional copayment is required of all members not participating in an exclusive provider organization or preferred provider organization and an analysis of general fund savings that may be realized if members of the uniform group insurance program were permitted to participate in health maintenance organizations where such organizations are available. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-sixth legislative assembly."

Page 5, line 20, after "**MANAGEMENT**" insert "**- APPROPRIATION**"

Page 5, line 21, replace "\$5,000,000" with "\$2,100,000" and replace "excess equity investment in the North Dakota insurance reserve fund to" with "surplus"

Page 5, line 22, remove "the office of management and budget" and after "1997" insert ", and \$2,100,000 on July 1, 1998, to the office of management and budget. Funds the office of management and budget receives from the North Dakota insurance reserve fund are

hereby appropriated for the purposes of the risk management fund under North Dakota Century Code section 32-12.2-07"

Page 5, line 23, remove "in"

Page 5, line 24, remove the first "reserve" and replace "for claims pending before July 1, 1997" with ", except for contractual obligations pursuant to the terms of any memorandum of coverage issued by the North Dakota insurance reserve fund to a state agency"

Page 5, line 25, replace "\$5,000,000" with "\$4,200,000"

Page 5, line 26, after "fund" insert "and the contributions required from agencies or other governmental units not receiving a specific appropriation and boards and commissions"

Page 5, remove lines 27 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 4

Page 9, line 15, replace "self-insurance" with "self-retention"

Page 9, line 16, remove "supplemental"

Page 10, line 9, replace "16" with "17"

Page 10, line 11, replace "16" with "17"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE EVENTS COORDINATOR	RESTORE DIRECTOR OF CUSTODIAL SERVICES	ADD LOSS CONTROL ANALYSTS	TOTAL SENATE CHANGES	SENATE VERSION
Administration	\$ 3,405,558		\$ 3,405,558						\$ 3,366,327
Fiscal management	4,066,236		4,066,236						4,066,236
Facility Management	8,268,512	\$ (7,820)	8,260,692		\$80,160	\$80,160		\$ (39,231)	8,421,012
Central Personnel	1,126,728		1,126,728					160,320	1,126,728
Intergovernmental Assistance	39,503,256		39,503,256						39,503,256
Risk management	843,818		843,818				\$250,542	250,542	1,094,360
Total all funds	\$57,214,108	\$ (7,820)	\$57,206,288		\$80,160	\$80,160	\$250,542	\$371,631	\$57,577,919
Less estimated income	41,996,220		41,996,220				250,542	250,542	42,246,762
General fund	\$15,217,888	\$ (7,820)	\$15,210,068		\$80,160	\$80,160	\$ 0	\$121,089	\$15,331,157
FTE	119.60	(2.00)	117.60		1.00	1.00	2.00	4.00	121.60
Salaries and wages	\$ 9,094,855	\$ (132,820)	\$ 8,962,035		\$80,160	\$80,160	\$190,542	\$350,862	\$ 9,312,897
Operating expenses	8,243,188	125,000	8,368,188				60,000	20,769	8,388,957
Equipment	506,215		506,215						506,215
Grants	37,934,000		37,934,000						37,934,000
Capital improvements	1,435,850		1,435,850						1,435,850
Total all funds	\$57,214,108	\$ (7,820)	\$57,206,288		\$80,160	\$80,160	\$250,542	\$371,631	\$57,577,919
Less estimated income	41,996,220		41,996,220				250,542	250,542	42,246,762
General fund	\$15,217,888	\$ (7,820)	\$15,210,068		\$80,160	\$80,160	\$ 0	\$121,089	\$15,331,157

The amendment also:

- Changes Section 6 regarding intent for state employee salary increases to provide average increases of three percent, with a minimum of \$40 per month, with any increases greater than \$40 per month to be based on merit.
- Reduces the transfer from the state aid distribution fund to the general fund by \$9,777,981, from \$39,372,706 to \$29,594,725 to reflect the changes made in House Bill No. 1019.
- Adds a section of legislative intent providing for the Office of Management and Budget to report to an interim Legislative Council committee on salary compression problems within state government.
- Adds a section providing for a Legislative Council study of public employee health insurance benefits.
- Reduces the transfer from the North Dakota insurance reserve fund from \$5,000,000 to \$4,200,000.
- Removes the \$550,000 transfer from the Information Services Division operating fund to the general fund.

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

SENATE - This amendment makes the following changes:





DEPARTMENT 118 - CENTRAL SERVICES

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE FUNDING FOR INFORMATION TECHNOLOGY SYSTEM	TOTAL SENATE CHANGES	SENATE VERSION
Central services	\$4,646,858	\$(45,000)	\$4,601,858	\$(8,065)	\$45,000	\$36,935	\$4,638,793
Total all funds	\$4,646,858	\$(45,000)	\$4,601,858	\$(8,065)	\$45,000	\$36,935	\$4,638,793
Less estimated income	4,247,641		4,247,641	(6,855)		(6,855)	4,240,786
General fund	\$ 399,217	\$(45,000)	\$ 354,217	\$(1,210)	\$45,000	\$43,790	\$ 398,007
FTE	27.00		27.00			0.00	27.00
Salaries and wages	\$1,790,989		\$1,790,989				\$1,790,989
Operating expenses	2,780,869	\$(22,500)	2,758,369	\$(8,065)	\$22,500	\$14,435	2,772,804
Equipment	75,000	(22,500)	52,500		22,500	22,500	75,000
Total all funds	\$4,646,858	\$(45,000)	\$4,601,858	\$(8,065)	\$45,000	\$36,935	\$4,638,793
Less estimated income	4,247,641		4,247,641	(6,855)		(6,855)	4,240,786
General fund	\$ 399,217	\$(45,000)	\$ 354,217	\$(1,210)	\$45,000	\$43,790	\$ 398,007

## DEPARTMENT 506 - STATE RADIO COMMUNICATIONS

SENATE - This amendment reduces the operating expenses line item by \$9,678 from the general fund for risk management premiums. The amendment also adds Divide County to the counties authorized to join State Radio 911 services.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2132:** Your conference committee (Sens. Klein, Sand, Thompson and Reps. Kempenich, Murphy, Thorpe) recommends that the **SENATE RECEDE** from the House amendments on SJ page 810, adopt amendments as follows, and place SB 2132 on the Seventh order:

That the House recede from its amendments as printed on page 810 of the Senate Journal and page 955 of the House Journal and that Senate Bill No. 2132 be amended as follows:

Page 2, line 1, replace "five" with "seven"

Renumber accordingly

SB 2132 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1008, as engrossed:** Your conference committee (Sens. Naaden, Bowman, Robinson and Reps. Tollefson, Gerntholz, Huether) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1205-1207, adopt further amendments as follows, and place HB 1008 on the Seventh order:

That the House accede to the Senate amendments as printed on pages 1205-1207 of the House Journal and pages 967 and 968 of the Senate Journal and that Engrossed House Bill No. 1008 be further amended as follows:

Page 1, line 2, replace "section" with "sections" and after "49-01-05" insert "and 60-02-07"

Page 1, line 3, after "commissioners" insert "and public warehouse licenses"

Page 2, after line 3, insert:

**"SECTION 3. AMENDMENT.** Section 60-02-07 of the North Dakota Century Code is amended and reenacted as follows:

**60-02-07. Public warehouse license - How obtained - Fee.** An annual license must be obtained from the commission for each public warehouse in operation in this state. The license expires on July thirty-first of each year. No license may describe more than one public warehouse nor grant permission to operate any public warehouse other than the one described. The annual license fee for a public warehouse is ~~one~~ two hundred fifty dollars for a warehouse of a bushel capacity of two hundred thousand [7047.8 cubic meters] or less, ~~three~~ four hundred dollars for a warehouse of a bushel capacity of more than two hundred thousand and one to and including not more than five hundred thousand [~~7047.83~~ 7047.8 to and including not more than 17619.54 cubic meters], and ~~four~~ five hundred dollars for a warehouse of a bushel capacity of more than five hundred thousand and one [~~17619.57~~ 17619.54 cubic meters] ~~or more~~. If a public warehouseman operates two or more warehouses in the same city or siding, in conjunction with each other and with the same working force, and ~~where but~~ keeps one set of books and records ~~is kept~~ for all such warehouses, and issues one series of scale tickets, warehouse receipts, checks, and credit-sale contracts ~~of but one series are issued~~ for the grain stored and purchased therein, only one license is required for the operation of all such warehouses. Where two or more warehouses are operated under one license, the license fee is based upon the combined bushel capacity of the warehouses. If the commission employs fewer than two full-time equivalent warehouse inspectors, each annual fee under this section is reduced by one hundred dollars."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

CONFERENCE COMMITTEE - This amendment increases public warehouse license fees by \$100 per year if the commission employs at least two warehouse inspectors. The fee increases are estimated to generate \$95,000 of additional general fund revenue for the 1997-99 biennium.

Engrossed HB 1008 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1017, as engrossed:** Your conference committee (Sens. Bowman, Holmberg, Krauter and Reps. Byerly, Tollefson, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1216, adopt amendments as follows, and place HB 1017 on the Seventh order:

That the Senate recede from its amendments as printed on page 1216 of the House Journal and page 1047 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 11, replace "2,724,015" with "2,650,601"

Page 1, line 20, replace "20,941,778" with "20,868,364"

Page 1, line 22, replace "8,055,867" with "7,982,453"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

CONFERENCE COMMITTEE - This amendment reduces the operating expenses line item by \$73,414 from the general fund for risk management premiums.

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

#### REPORT OF CONFERENCE COMMITTEE

**HB 1112, as engrossed:** Your conference committee (Sens. W. Stenehjem, Traynor, Andrist and Reps. Koppelman, Kretschmar, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1028, adopt amendments as follows, and place HB 1112 on the Seventh order:

That the Senate recede from its amendments as printed on page 1028 of the House Journal and page 804 of the Senate Journal and that Engrossed House Bill No. 1112 be amended as follows:

Page 3, line 6, after "property" insert "is in excess of one thousand dollars but"

Page 3, line 10, replace "made" with ":

- a. Managed the disabled adult's or vulnerable elderly adult's funds, assets, or property in a manner that clearly gives primacy to the needs and welfare of that person or is consistent with any explicit written authorization; or
- b. Made"

Page 3, line 12, remove ", but through no fault of the person has been"

Page 3, line 13, remove "unable to provide the assistance"

Renumber accordingly

Engrossed HB 1112 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1337, as engrossed:** Your conference committee (Sens. Freborg, Cook, Wogsland and Reps. Thoreson, Clark, Christenson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 958-959, adopt amendments as follows, and place HB 1337 on the Seventh order:

That the Senate recede from its amendments as printed on pages 958 and 959 of the House Journal and pages 744 and 745 of the Senate Journal and that Engrossed House Bill No. 1337 be amended as follows:

Page 1, line 6, after "degree" insert "in counseling"

Page 1, line 7, replace "regionally or nationally accredited institution of higher education in" with "state-approved" and replace ". A person" with "program, with coursework and an internship in school counseling, as required for all counselors by the superintendent of public instruction, provided the person has a valid North Dakota teaching certificate or will obtain one within seven years from the date of first employment under the provisions of this section. The education standards and practices board shall adopt rules relating to the background check of a person hired under this section. All costs associated with a background check are the responsibility of the person being hired. The education standards and practices board shall monitor a person hired under this section to ensure that the person annually completes at least one-seventh of the total credits required for that person to obtain a teaching certificate as determined on the date of first employment under this section."

Page 1, remove lines 8 through 15

Renumber accordingly

Engrossed HB 1337 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1453:** Your conference committee (Sens. Andrist, Traynor, Berg and Reps. DeKrey, Kretschmar, Callahan) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1029, adopt amendments as follows, and place HB 1453 on the Seventh order:

That the Senate recede from its amendments as printed on page 1029 of the House Journal and page 822 of the Senate Journal and that House Bill No. 1453 be amended as follows:

Page 1, line 22, remove the overstrike over the colon

Page 1, remove the overstrike over line 23

Page 2, line 1, remove the overstrike over "~~(2) If the amount of the claim is less than~~", after "~~hundred~~" insert "one thousand", and remove the overstrike over "~~dollars and is not~~"

Page 2, line 2, remove the overstrike over "~~from a telephone or mail order transaction~~"

Page 2, line 6, remove "or in the county in which the"

Page 2, line 7, remove "subject matter of the claim occurred"

Page 2, after line 10, insert:

"f. If the plaintiff is a political subdivision and the claim is for a public utility debt, in the county in which the political subdivision is located."

Page 2, line 11, remove "d, or" and after "e" insert ", or f"

Renumber accordingly

HB 1453 was placed on the Seventh order of business on the calendar.

#### COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on April 4, 1997, I signed the following: SB 2281, SB 2331, and SB 2359.

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

**William C. Parker, Secretary**