

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

\* \* \* \* \*

SEVENTY-THIRD DAY

Bismarck, April 18, 1983

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

The prayer was offered by Senator Wright.

Heavenly Father, thank You for the work before us, thank You that You have given us the privilege to work for our fellow men. Thank You for the friends beside us, that we can sit beside each other every day, and when day is done, we are one in Christ. Thank You for the love between us, so that when the session is over we have forgiven and forgotten our differences.

Forgive us for the things we have left undone and for the things we have done that have in any way been harmful to anyone. Be with the families of loved ones that have been hospitalized. Shower Your love upon them and make them well. Guide us through the closing hours of this session. Bless those who hold offices in the government of North Dakota, that they may do their work in a spirit of wisdom, kindness, and justice. Help them to use their authority to serve faithfully and to promote the general welfare, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present, except Senators Goodman and Kilander.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Seventy-second day and finds the same to be correct.

SEN. TWETEN, Chairman

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

MESSAGE TO THE SENATE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following on which the House has adopted the conference committee reports and subsequently passed the same:

SB 2008, SB 2015, SB 2021, SB 2033, SB 2067

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### MOTION

SEN. NETHING MOVED that the Senate stand in recess until 9:00 a.m., which motion prevailed.

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

#### MESSAGES TO THE HOUSE SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HCR 3101

Very respectfully,  
LEO LEIDHOLM, Secretary

MADAM SPEAKER: I have the honor to return herewith the following on which the Senate has adopted the conference committee reports and subsequently passed the same:

HB 1030, HB 1031

Very respectfully,  
LEO LEIDHOLM, Secretary

#### MOTION

SEN. NELSON MOVED that the Senate stand in recess until 10:00 a.m., which motion prevailed.

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

#### MESSAGES FROM THE HOUSE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1001, HB 1010, HB 1020, HB 1021, HB 1023, HB 1024,  
HB 1032, HB 1033, HB 1038, HB 1539

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1001, HB 1010, HB 1020, HB 1021, HB 1023, HB 1024,  
HB 1032, HB 1033, HB 1038, HB 1539

LEO LEIDHOLM, Secretary

MONDAY, APRIL 18, 1983

2543

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

SB 2031

Very respectfully,  
LEO LEIDHOLM, Secretary

MOTION

SEN. NELSON MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

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

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2003, SB 2006, SB 2014, SB 2023, SB 2024, SB 2030,  
SB 2040, SB 2106, SB 2227, SB 2313, SB 2322, SB 2007,  
SB 2010, SB 2025, SB 2034, SB 2035, SB 2036, SB 2122,  
SB 2277, SB 2011, SB 2013, SB 2502, SB 2068, SB 2144

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MOTION

SEN. NETHING MOVED that the Senate be on the Seventh order of business, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1052 has had the same under consideration and recommends that your conference committee, having been unable to agree, recommends that the conference committee be discharged and a new conference committee be appointed.

For the Senate: Sens. Goodman, Moore, Matchie  
For the House: Reps. Richard, Aubol, Hughes

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

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report on HB 1052 and SB 2012, and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1052: Reps. Sinner, Koski, R. Anderson

SB 2012: Reps. G. Martin, Horgan, Unhjem

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### APPOINTMENT OF CONFERENCE COMMITTEE

SEN. GOODMAN MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1052, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on HB 1052:

Sens. Adams, Lee, Matchie

#### REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:49 a.m., April 18, 1983:

SB 2003, SB 2006, SB 2014, SB 2023, SB 2024, SB 2030,  
SB 2040, SB 2106, SB 2227, SB 2313, SB 2322

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:49 a.m., April 18, 1983:

SB 2007, SB 2010, SB 2025, SB 2034, SB 2035, SB 2036,  
SB 2122, SB 2277

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:49 a.m., April 18, 1983:

SB 2011, SB 2013, SB 2502

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:49 a.m., April 18, 1983:

SB 2068, SB 2144

SEN. FRITZELL, Chairman

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

MOTION

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

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

MESSAGES TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on HB 1052, and the President has appointed as a new conference committee to act with a like committee from the House on:

HB 1052: Sens. Adams, Lee, Matchie

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1001, HB 1010, HB 1020, HB 1021, HB 1023, HB 1024,  
HB 1032, HB 1033, HB 1038, HB 1539

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1006, HB 1011, HB 1014, HB 1687

Very respectfully,  
CHARLES FLEMING, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1006, HB 1011, HB 1014, HB 1687

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

SB 2027, SB 2029, SB 2095, SB 2197

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2027, SB 2029, SB 2095, SB 2197

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2027, SB 2029, SB 2095, SB 2197

Very respectfully,  
LEO LEIDHOLM, Secretary

MOTION

SEN. NELSON MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

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

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1006, HB 1011, HB 1014, HB 1687

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2027, SB 2029, SB 2095, SB 2197

Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 2:45 p.m., April 18, 1983:

SB 2027, SB 2029, SB 2095, SB 2197

SEN. FRITZELL, Chairman

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

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has not adopted the conference committee report on SB 2031, and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2031: Reps. Rayl, G. Martin, Peterson

Very respectfully,  
CHARLES FLEMING, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2031, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on SB 2031:

Sens. Tweten, Thane, Tallackson

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2031: Sens. Tweten, Thane, Tallackson

Very respectfully,  
LEO LEIDHOLM, Secretary

MOTION

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

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

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1009 and HB 1728, and subsequently passed the same.

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

SB 2005

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2501 which the House has amended as follows:

## HOUSE AMENDMENTS TO SB 2501

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act for a conditional transfer of funds to a state capital construction fund; to provide an appropriation for construction, remodeling, and equipping of, or for additions to, buildings and other projects of state agencies, departments, and institutions; and to provide for interim financing of authorized construction projects by loans from the Bank of North Dakota."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the legislative assembly to provide for construction of facilities for the use of state agencies and institutions to improve the quality of educational opportunities in this state, to improve the quality of life, and to encourage economical development. It is also the intent of the legislative assembly that the construction of the facilities during North Dakota's worst economic recession since the 1930's will help North Dakota in its economic recovery through increased job opportunities.

SECTION 2. TRANSFER. If general fund revenues exceed \$453,000,000 for the year ending June 30, 1984, the director of the office of management and budget shall direct the state treasurer to transfer from the general fund to the state capital construction fund the sum of \$10,478,963, or so much thereof as may be necessary, or the amount by which general fund revenues exceed \$453,000,000 for the year ending June 30, 1984, whichever is less. Funds transferred pursuant to this section shall be expended by the various agencies, departments, and institutions for the construction or addition, remodeling, and equipping

of buildings in accordance with specific appropriation made by the legislative assembly in section 2 of this Act.

**SECTION 3. APPROPRIATION.** There is hereby appropriated out of any moneys in the state capital construction fund, the sum of \$10,478,963, or so much thereof as may be necessary, to state agencies, departments, and institutions as provided in this section, for the construction and equipping of buildings and facilities, or the remodeling of buildings and facilities within the limitations provided in this section during the biennium beginning July 1, 1983, and ending June 30, 1985.

Name of Agency, Department, or Institution	Type of Facility	State Funds
North Dakota state university	Computer center	\$ 2,593,800
State school of science	Agriculture mechanics and welding building	2,500,960
State fair association	Exhibition building	1,534,203
Minot state college	Classroom building	550,000
University of North Dakota	Abbott hall addition	3,300,000
Total		\$10,478,963

If on June 30, 1985, there are not sufficient funds in the capital construction fund to commence construction or remodeling of a project in accordance with the provisions of this Act, construction on that project shall not be commenced and those funds shall be returned to the general fund. If on June 30, 1985, sufficient funds are in the capital construction fund to complete a project in accordance with the provisions of this Act, but have not been paid out for all expenses to be incurred in its completion, such funds as may be necessary to complete the project or projects shall remain in the capital construction fund until spent for such purposes. In addition to the appropriations and authorizations set forth in this Act, there is hereby appropriated to the state agencies, departments, and institutions listed in this section, any moneys

available from federal or other sources to construct or remodel any projects listed in this Act. In no event shall any project exceed the cost indicated in the column "State Funds" except to the extent funds may be received from federal or other sources. If on June 30, 1984, there are not sufficient funds in the capital construction fund for payment of the full amount appropriated for each authorized project, the available funds shall be prorated among the state agencies, departments, and institutions which have received loans from the Bank of North Dakota under section 3 of this Act in proportion to the amount borrowed. Any remaining funds shall be distributed for other projects in priority of their listing in this section.

**SECTION 4. INTERIM LOANS FROM THE BANK OF NORTH DAKOTA.** A state agency, department, or institution which has been conditionally appropriated funds for capital construction under section 2 of this Act may apply for a loan or loans from the Bank of North Dakota for the purpose of engaging in the particular capital construction project authorized under section 2 of this Act. The total amount of the loan or loans may not exceed the amount appropriated for the project under this Act. The money borrowed must only be used for the payment of construction costs for the project and interest payments on the loan. The principal and interest of these loans may be repaid from any available source.

The state agency, department, or institution must request and receive approval of the application for the loan from the emergency commission prior to submitting the application for a loan to the state industrial commission. The emergency commission shall approve or disapprove the application after investigating the sufficiency of future estimated general fund revenues to pay for the authorized capital construction projects. The emergency commission shall make its investigation in consultation with the state tax commissioner, the director of the office of management and budget, and the chairman of the legislative council.

The state agency, department, or institution shall submit the application for the loan, if approved by the emergency commission, to the state industrial commission which shall approve or disapprove the loan application. The state industrial commission may approve the loan upon terms and conditions it deems necessary. Upon approval of the loan application, the state industrial commission

MONDAY, APRIL 18, 1983

2551

shall direct the Bank of North Dakota to issue the loan."

And renumber the lines and pages accordingly

Very respectfully,

CHARLES FLEMING, Chief Clerk

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

April 18, 1983

The Honorable Ernest M. Sands  
President of the Senate  
Senate Chambers  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on April 18, 1983, I signed SB 2073.

Sincerely,

ALLEN I. OLSON  
Governor

MOTION

SEN. NETHING MOVED that the Senate be on the Seventh order of business, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. STREIBEL MOVED that the conference committee report on SB 2001 as printed on pages 2523-2539 of the Senate Journal be adopted, which motion prevailed.

SEN. STREIBEL MOVED that the rules be suspended, that SB 2001 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2001: A BILL for an Act making an appropriation for defraying the expenses of various elected and appointed officials of the state of North Dakota and for the state waterbank program; to create and enact three new sections to chapter 38-14.1 and one new section to chapter 54-46 of the North Dakota Century Code, relating to a reclamation research advisory committee and a transfer of records management functions; to amend and reenact sections 4-01-21, 15-21-02, 26-01-03, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11,

and 57-01-04 of the North Dakota Century Code as amended by chapter 480 of the 1977 Session Laws of North Dakota, and section 26.1-01-09 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, relating to salaries of elected state officials; to repeal chapter 481 of the 1977 Session Laws of North Dakota and chapter 521 of the 1981 Session Laws of North Dakota, relating to salaries of elected state officials; providing an effective date; and declaring an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 41 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wenstrom; Wogsland

NAYS: Barth; David; Dotzenrod; Hilken; Lashkowitz; Maixner; Matchie; Moore; Walsh; Wright

ABSENT AND NOT VOTING: Goodman; Vosper

SB 2001 passed, the title was agreed to, and the emergency clause carried.

SEN. NOTHING MOVED that the vote by which SB 2001 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2012 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1925 and 1926 of the Senate Journal and that SB 2012 be amended as follows:

On page 1 of the engrossed bill, line 14, delete the numerals "861,973" and insert in lieu thereof the numerals "875,903"

On page 1 of the engrossed bill, line 18, delete the numerals "1,040,000" and insert in lieu thereof the numerals "1,150,000"

On page 1 of the engrossed bill, line 19, delete the numerals "2,571,605" and insert in lieu thereof the numerals "2,695,535"

On page 1 of the engrossed bill, after line 19, insert the following new line:

"Less budget adjustment 30,911"

On page 1 of the engrossed bill, line 20, delete the numerals "806,040" and insert in lieu thereof the numerals "790,919"

On page 1 of the engrossed bill, line 21, delete the numerals "1,765,565" and insert in lieu thereof the numerals "1,873,705"

On page 2 of the engrossed bill, line 2, delete the numerals "990,000" and insert in lieu thereof the numerals "1,100,000"

And renumber the lines accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## State Library

The salaries and wages line item has a net increase of \$13,930 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$9,323 over the executive budget for health insurance premiums.

The grants, benefits, and claims line item of the State Library is increased by \$110,000 from the general fund for aid to public libraries. This would increase the funding to \$1.1 million which is the same level of funding as the 1981-83 biennium.

The appropriation is reduced by a budget adjustment of \$30,911 (two percent), of which \$15,790 is from the general fund and \$15,121 is from other funds. The State Librarian shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$30,911 budget reduction. Line items other than salaries and wages, operating

expenses, data processing, and equipment are not to be affected by the budget reduction.

For the Senate: Sens. Tennefos, Tweten, Walsh  
For the House: Reps. G. Martin, Horgan, Unhjem

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

SEN. TENNEFOS MOVED that the rules be suspended, that SB 2012 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 2012: A BILL for an Act making an appropriation for defraying the expenses of the state library of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 48 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Christensen; Dotzenrod;  
Dykshoorn; Erickson; Fritzell; Goodman; Grotberg;  
Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander;  
Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips;  
Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Mutch;  
Naaden; Nething; Olson; Parker; Peterson; Redlin;  
Reiten; Satrom; Stenehjem; Streibel; Stromme;  
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;  
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; David; Moore; Nelson

ABSENT AND NOT VOTING: Barth

SB 2012 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2012 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2016 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2066 and 2067 of the Senate Journal and that SB 2016 be amended as follows:

On page 1 of the engrossed bill, line 13, delete the numerals "15,121" and insert in lieu thereof the numerals "15,293"

On page 1 of the engrossed bill, line 15, delete the numerals "300,000" and insert in lieu thereof the numerals "500,000"

On page 1 of the engrossed bill, line 16, delete the words "general fund appropriation", and delete the numerals "340,409" and insert in lieu thereof the numerals "540,581"

On page 1 of the engrossed bill, after line 16, insert the following new lines:

"Less budget adjustment	<u>812</u>
Total general fund appropriation	\$539,769"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Educational Broadcasting Council

The salaries and wages line item has a net increase of \$172 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$1,128 under the executive budget for health insurance premiums.

The grants line item is increased by \$200,000 to provide matching grants to public television membership contributions.

The appropriation is reduced by a budget adjustment of \$812 (two percent) from the general fund. The administrator shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$812 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

For the Senate: Sens. Tennefos, Naaden, Grotberg

For the House: Reps. Horgan (refused to sign), Lardy, Kuchera

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

SEN. TENNEFOS MOVED that the rules be suspended, that SB 2016 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the educational broadcasting council of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 30 YEAS, 22 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Tennefos; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Kilander; Lee; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Streibel; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Goodman

SB 2016 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2016 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the conference committee report on SB 2018 as printed on page 2539 of the Senate Journal be adopted, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2038 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2067-2070 of the Senate Journal and that SB 2038 be amended as follows:

On page 1 of the engrossed bill, line 16, delete the numerals "2,856,908" and insert in lieu thereof the numerals "2,824,184"

- On page 1 of the engrossed bill, line 17, delete the numerals "728,286" and insert in lieu thereof the numerals "694,286"
- On page 1 of the engrossed bill, line 21, delete the numerals "3,865,358" and insert in lieu thereof the numerals "3,798,634"
- On page 1 of the engrossed bill, line 23, delete the numerals "3,845,358" and insert in lieu thereof the numerals "3,778,634"
- On page 1 of the engrossed bill, line 26, delete the numerals "8,741,844" and insert in lieu thereof the numerals "8,763,385"
- On page 1 of the engrossed bill, line 27, delete the numerals "3,648,519" and insert in lieu thereof the numerals "3,610,519"
- On page 2 of the engrossed bill, line 1, delete the numerals "228,915" and insert in lieu thereof the numerals "128,915"
- On page 2 of the engrossed bill, after line 2, insert the following new lines:
- |                        |                 |
|------------------------|-----------------|
| "Total                 | \$13,028,453    |
| Less budget adjustment | <u>250,000"</u> |
- On page 2 of the engrossed bill, line 3, delete the numerals "13,144,912" and insert in lieu thereof the numerals "12,778,453"
- On page 2 of the engrossed bill, line 6, delete the numerals "122,782" and insert in lieu thereof the numerals "110,276"
- On page 2 of the engrossed bill, line 7, delete the numerals "95,450" and insert in lieu thereof the numerals "90,450"
- On page 2 of the engrossed bill, line 9, delete the numerals "229,032" and insert in lieu thereof the numerals "211,526"
- On page 2 of the engrossed bill, line 10, delete the numerals "127,015" and insert in lieu thereof the numerals "75,000"
- On page 2 of the engrossed bill, line 11, delete the numerals "102,017" and insert in lieu thereof the numerals "136,526"

On page 2 of the engrossed bill, line 12, delete the numerals "17,092,287" and insert in lieu thereof the numerals "16,693,613"

On page 2 of the engrossed bill, line 13, delete the numerals "147,015" and insert in lieu thereof the numerals "95,000"

On page 2 of the engrossed bill, line 14, delete the numerals "17,239,302" and insert in lieu thereof the numerals "16,788,613"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Supreme Court

The salaries and wages line item is decreased by \$32,724 from the general fund. Of the total, an increase of \$47,276 will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$16,459 over the executive budget for health insurance premiums. Also, salaries and wages are decreased by \$80,000 to delete funds for one staff attorney position.

The operating expenses line item is decreased by \$34,000 from the general fund. Of this amount, \$30,000 is a decrease in funds for out-of-state travel and \$4,000 is a decrease to reflect in-state mileage at 20 cents a mile rather than 25 cents a mile.

##### District Courts

The salaries and wages line item is increased by \$21,541 from the general fund. Of the total, an increase of \$144,281 will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$49,902 over the executive budget for health insurance premiums. Also, the salaries and wages line item is decreased by \$122,740 to delete funds for three new positions, including one probation officer, one secretary, and one law clerk.

The operating expenses line item is decreased by \$38,000 from the general fund to reflect in-state mileage reimbursement at 20 cents rather than 25 cents a mile.

The equipment line item is decreased by \$100,000 from the general fund.

After the above adjustments, the appropriation is reduced by a budget adjustment of \$250,000. The district courts shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$250,000 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction. If the amount of the budget adjustment is determined to be unattainable, the district courts are to request a deficiency appropriation from the Forty-ninth Legislative Assembly.

#### Judicial Qualifications Commission

The salaries and wages line item has a net reduction of \$12,506, of which \$6,253 is from other funds, and \$6,253 from the general fund. Of the total, an increase of \$2,527 will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$1,050 over the executive budget for health insurance premiums. Also, the salaries and wages line item is decreased by \$15,033 to reflect a lower salary for the attorney position. This position was filled by a different person since the original budget was submitted.

The operating expenses line item is decreased by \$5,000, of which \$1,850 is from the general fund and \$3,150 is from other funds, to reflect in-state mileage reimbursement at 20 cents a mile rather than 25 cents a mile.

In addition to these changes, the general fund appropriation is increased by \$42,612 and the estimated income line item is reduced by \$42,612 to reflect an anticipated total level of estimated income of \$75,000.

For the Senate: Sens. Thane, Lips, Heigaard

For the House: Reps. Opédahl, Erdman, Unhem

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

SEN. THANE MOVED that the rules be suspended, that SB 2038 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2038: A BILL for an Act making an appropriation for defraying the expenses of the judicial branch of the government of the state of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 46 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; David; Moore; Mutch; Parker; Wright

ABSENT AND NOT VOTING: Lee

SB 2038 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2038 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

## MESSAGE TO THE HOUSE

## SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee reports and subsequently passed the same:

SB 2001, SB 2012, SB 2016, SB 2018, SB 2038

Very respectfully,  
LEO LEIDHOLM, Secretary

## MESSAGES FROM THE HOUSE

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

HB 1004

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

HB 1386

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee reports and subsequently passed the same:

HB 1022, HB 1027, HB 1028, HB 1029, HB 1036, HB 1724

Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1004 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2379 and 2380 of the Senate Journal and that HB 1004 be amended as follows:

On page 1 of the engrossed bill, line 21, delete the numerals "866,702" and insert in lieu thereof the numerals "861,906"

On page 1 of the engrossed bill, after line 24, insert the following new line:

"Contingency 350,000"

On page 1 of the engrossed bill, line 28, delete the numerals "2,639,982" and insert in lieu thereof the numerals "2,985,186"

On page 1 of the engrossed bill, after line 28, insert the following new line:

"Less budget adjustment 22,004"

On page 2 of the engrossed bill, line 2, delete the numerals "2,239,982" and insert in lieu thereof the numerals "2,563,182"

On page 3 of the engrossed bill, line 6, delete the numerals "4,916,911" and insert in lieu thereof the numerals "5,240,111"

On page 3 of the engrossed bill, line 8, delete the numerals "6,316,911" and insert in lieu thereof the numerals "6,640,111"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Board of Higher Education

The salaries and wages line item has a net reduction of \$4,796 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$6,489 over the executive budget for health insurance premiums.

The amendment also adds a \$350,000 contingency line item from the general fund to be used by the board, if necessary, to cover the unforeseen expenses at the institutions under the board's control.

The appropriation is reduced by a budget adjustment of \$22,004 (two percent) from the general fund. The commissioner shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$22,004 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

**For the Senate:** Sens. Lips, Streibel (refused to sign), Tallackson  
**For the House:** Reps. Mertens, G. Martin, Peterson

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

**MOTION**

**SEN. NOTHING** MOVED that the Senate reject the conference committee report on HB 1004 as it violates Section 770, subsection 2, of Mason's Rules, and that HB 1004 be sent back to the conference committee, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. LIPS** MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1004, which motion prevailed.

**THE PRESIDENT** APPOINTED as a new Conference Committee on HB 1004:

Sens. Lips, Streibel, Tallackson.

**REPORT OF CONFERENCE COMMITTEE**

**MR. PRESIDENT:** Your Conference Committee to which was referred HB 1022 has had the same under consideration and recommends that

the SENATE RECEDE from its amendments as found on pages 1778 and 1779 of the Senate Journal and that HB 1022 be amended as follows:

On page 1 of the engrossed bill, line 12, delete the numerals "305,939" and insert in lieu thereof the numerals "305,136"

On page 1 of the engrossed bill, line 15, delete the words "general fund appropriation", and delete the numerals "472,924" and insert in lieu thereof the numerals "472,121"

On page 1 of the engrossed bill, after line 15, insert the following new lines:

"Less budget adjustment	<u>9,442</u>
Total general fund appropriation	\$462,679"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Livestock Sanitary Board

The salaries and wages line item has a net reduction of \$803 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$2,689 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$9,442 (two percent) from the general fund. The executive officer shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$9,442 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

For the Senate: Sens. Naaden, Tweten, Walsh  
For the House: Reps. Boyle, Erdman, O. Hanson

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

SEN. NAADEN MOVED that the rules be suspended, that HB 1022 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the livestock sanitary board of the state of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 48 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjeme; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Vosper

ABSENT AND NOT VOTING: Goodman; Matchie; Moore; Satrom

HB 1022 passed and the title was agreed to.

\*\*\*\*\*

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1027 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1549 of the Senate Journal and that HB 1027 be amended as follows:

On page 1, line 13, delete the numerals "1,628,620" and insert in lieu thereof the numerals "1,573,732"

On page 1, line 18, delete the numerals "2,335,010" and insert in lieu thereof the numerals "2,280,122"

And renumber the lines accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

State Seed Department

The salaries and wages line item has a net reduction of \$54,888 from the seed department fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also

provides \$13,333 over the executive budget for health insurance premiums.

For the Senate: Sens. Naaden, Nelson, Stromme  
For the House: Reps. Erdman, Lardy, Kingsbury

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

SEN. NAADEN MOVED that the rules be suspended, that HB 1027 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A HOUSE BILL

HB 1027: A BILL for an Act making an appropriation for defraying the expenses of the state seed department and various divisions thereof of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Heigaard; Matchie; Moore

HB 1027 passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1028 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1593 of the Senate Journal and that HB 1028 be amended as follows:

On page 1 of the engrossed bill, line 14, delete the numerals "10,364,880" and insert in lieu thereof the numerals "10,426,727"

On page 1 of the engrossed bill, line 15, delete the numerals "2,374,113" and insert in lieu thereof the numerals "2,447,751"

On page 1 of the engrossed bill, line 19, delete the numerals "13,767,511" and insert in lieu thereof the numerals "13,902,996"

On page 1 of the engrossed bill, after line 19, insert the following new line:

"Less budget adjustment 277,260"

On page 1 of the engrossed bill, line 20, delete the numerals "4,367,674" and insert in lieu thereof the numerals "6,540,609"

On page 1 of the engrossed bill, line 21, delete the numerals "9,399,837" and insert in lieu thereof the numerals "7,085,127"

On page 2 of the engrossed bill, line 18, delete the numerals "4,045,212" and insert in lieu thereof the numerals "6,224,596"

On page 2 of the engrossed bill, line 20, delete the words "truck regulatory function within the"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Highway Patrol

The salaries and wages line item has a net increase of \$61,847, of which \$7,530 is a reduction from the general fund and \$14,177 is an increase from other funds to allow funds equivalent to the state's provision of a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. In addition, salaries and wages are increased by \$55,200 from the highway fund for the hazardous waste management program. It also provides \$66,055 over the executive budget for health insurance premiums.

The operating expenses line item of the Highway Patrol is increased by \$73,638 from the State Highway Fund; \$64,838 is for Truck Regulatory positions which were transferred from the Highway Department. This amount was inadvertently omitted from both the Highway Patrol and Highway Department budgets. The total also includes an \$8,800 increase for the hazardous waste management program.

The appropriation is reduced by a budget adjustment of \$277,260 (two percent), of which \$144,595 is from the general fund and \$132,665 is from other funds. The superintendent shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$277,260 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

The amendments also include an increase in funding from the state highway fund and a corresponding decrease in the general fund appropriation in the amount of \$2,162,585.

For the Senate: Sens. Streibel, Tweten, Heigaard

For the House: Reps. Hausauer, Solberg, Mushik

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

SEN. STREIBEL MOVED that the rules be suspended, that HB 1028 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A HOUSE BILL

HB 1028: A BILL for an Act making an appropriation for defraying the expenses of the highway patrol of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 47 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Tennefos

ABSENT AND NOT VOTING: Barth; Goodman; Matchie; Moore; Peterson

HB 1028 passed and the title was agreed to.

\*\*\*\*\*

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1029 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1594 and 1595 of the Senate Journal and that HB 1029 be amended as follows:

On page 1 of the engrossed bill, line 13, delete the numerals "52,093,661" and insert in lieu thereof the numerals "52,669,152"

On page 1 of the engrossed bill, line 14, delete the numerals "41,591,389" and insert in lieu thereof the numerals "50,792,089"

On page 1 of the engrossed bill, line 15, delete the numerals "1,251,966" and insert in lieu thereof the numerals "1,547,266"

On page 1 of the engrossed bill, line 16, delete the numerals "6,299,567" and insert in lieu thereof the numerals "6,439,217"

On page 1 of the engrossed bill, line 17, delete the numerals "2,855,150" and insert in lieu thereof the numerals "3,589,150"

On page 1 of the engrossed bill, line 20, delete the numerals "348,958,793" and insert in lieu thereof the numerals "359,903,934"

On page 1 of the engrossed bill, after line 20, insert the following new line:

"Less budget adjustment 2,228,954"

On page 1 of the engrossed bill, line 21, delete the numerals "348,840,345" and insert in lieu thereof the numerals "357,558,901"

On page 1 of the engrossed bill, line 22, delete the numerals "118,448" and insert in lieu thereof the numerals "116,079"

And renumber the lines accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

State Highway Department

The salaries and wages line item is increased by \$575,491 from other funds. Of the total, \$231,803 will allow funds for the state to provide a two percent contribution to

retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$383,139 over the executive budget for health insurance premiums. Salaries and wages are further increased by \$344,408 from other funds to provide \$24,536 for one existing secretary position deleted in the executive budget and \$319,872 for four hearing officers, two clerical positions, and one program director necessary to carry out the provisions of Senate Bill No. 2373 relating to violations of operating motor vehicles including driving while intoxicated.

The operating expenses are increased by \$9,200,700 from other funds to provide \$200,700 to carry out the provisions of Senate Bill No. 2373 and \$9,000,000 to carry out the provisions of Senate Bill No. 2062, relating to the creation of a central management system for state motor vehicles.

Data processing is increased by \$295,300 from other funds, equipment is increased by \$139,650 from other funds, and grants are increased by \$734,000 from other funds to provide funds to carry out the provisions of Senate Bill No. 2373.

The cost of implementing the provisions of Senate Bill No. 2373 is expected to be funded as follows: \$714,058 from federal funds (subject to eligibility), and \$1 million from funds estimated to be collected due to a \$25 fee for reinstatement of driver's licenses.

The total appropriation, after the above adjustments, is reduced by a budget adjustment of \$2,228,954 (two percent). Of this reduction, \$2,226,585 is from other funds and \$2,369 is from the general fund. The Highway Commissioner shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$2,228,954 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

For the Senate: Sens. Streibel, Tennesfos, Eligaard  
For the House: Reps. Mushik, Solberg, Hausauer

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

SEN. STREIBEL MOVED that the rules be suspended, that HB 1029 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1029: A BILL for an Act making an appropriation for defraying the expenses of the highway department of the state of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 48 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Barth; Berube; David; Hilken; Meyer, D.

ABSENT AND NOT VOTING: None

HB 1029 passed and the title was agreed to.

\*\*\*\*\*

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1036 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1784 and 1785 of the Senate Journal and that HB 1036 be amended as follows:

On page 1 of the engrossed bill, line 16, delete the numerals "18,686,148" and insert in lieu thereof the numerals "18,629,623"

On page 1 of the engrossed bill, line 20, delete the numerals "24,238,752" and insert in lieu thereof the numerals "24,182,227"

On page 1 of the engrossed bill, line 23, delete the numerals "218,596" and insert in lieu thereof the numerals "217,764"

On page 1 of the engrossed bill, line 26, delete the numerals "362,900" and insert in lieu thereof the numerals "362,068"

On page 1 of the engrossed bill, line 28, delete the numerals "24,601,652" and insert in lieu thereof the numerals "24,544,295"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Job Service

The salaries and wages line item is reduced by \$56,525 from other funds. This will allow funds equivalent to the state's provision of a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$115,078 over the executive budget for health insurance premiums.

OASIS and Social Security

The salaries and wages line item is reduced by \$832 from other funds. This will allow funds equivalent to the state's provision of a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$1,179 over the executive budget for health insurance premiums.

For the Senate: Sens. Tennefos, Wenstrom, Grotberg

For the House: Reps. Horgan, Mushik, Thompson (absent)

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

SEN. TENNEFOS MOVED that the rules be suspended, that HB 1036 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1036: A BILL for an Act making an appropriation for defraying the expenses of the job service North Dakota and divisions thereof of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;

Grotberg; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Heigaard

HB 1036 passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1386 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1364 of the Senate Journal and that HB 1386 be amended as follows:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new subdivision to subsection 6 of section 53-06.1-01 of the North Dakota Century Code, relating to eligibility of chambers of commerce to receive proceeds from games of chance; to amend and reenact subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to licensing requirements for conducting sports pools; and to amend and reenact the new section to chapter 53-06.1 of the North Dakota Century Code as created and enacted by section 5 of Senate Bill No. 2067, as approved by the forty-eighth legislative assembly, relating to times when games of chance may be conducted.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 6 of section 53-06.1-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Public-spirited uses by chambers of commerce which are exempt from federal taxation under section 501(c)(6) of the Internal Revenue Code.

SECTION 2. AMENDMENT. Subsection 1 of section 53-06.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Eligible organizations desiring to conduct games of chance shall annually apply for a license from the attorney general before July first on forms provided by the attorney general and shall include with the application a fifty dollar license fee. However, an eligible organization desiring to conduct raffles, sports pools, or bingo in which the primary prize does not exceed one thousand dollars, and the aggregate does not exceed two thousand dollars, shall apply directly to the governing body of the city in which it conducts its principal activities or, if its principal activities are conducted within a county but outside the limits of a city, it shall apply to the board of county commissioners for a license. Applications for the conduct of raffles, sports pools, and bingo subject to authorization by a city or county shall be made on forms provided by the attorney general and shall be accompanied by a ten dollar permit fee payable to the city or county governing body.

SECTION 3. AMENDMENT. The new section to chapter 53-06.1 of the North Dakota Century Code as created by section 5 of Senate Bill No. 2067, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

Limitations on hours and participation in games of chance. A person under twenty-one years of age may not participate in the games of pull tabs, jars, punchboards, twenty-one, or sports pools. The games of pull tabs, jars, punchboards, twenty-one, or sports pools may be conducted only during the hours when alcoholic beverages may be dispensed in accordance with applicable regulations of the state or the political subdivision and may be conducted after 1:00 a.m. on Sunday only by an organization which has obtained a permit pursuant to section 5-02-05.1."

And renumber the lines and pages accordingly

For the Senate: Sens. Stenehjem, Holmberg, J. Meyer  
For the House: Reps. Nowatzki, Linderman, Kretschmar

SEN. STENEHJEM MOVED that the report be adopted.

## MOTIONS

SEN. NETHING MOVED that the rules be suspended, which motion lost on a division vote.

SEN. STENEHJEM MOVED that the Senate order a free Conference Committee on HB 1386, in accordance with Section 772 of Mason's Rules.

THE PRESIDENT RULED that Joint Rule 301, Section 5, takes precedence over any other rule.

SEN. STENEHJEM CHALLENGED the ruling of the Chair, which motion lost.

SEN. NETHING MOVED that the President appoint a new Conference Committee to meet with a like committee from the House on HB 1386, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a new Conference Committee on HB 1386:

Sens. Stenehjem, Holmberg, J. Meyer.

## REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred SB 2019 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1800 of the Senate Journal and that SB 2019 be amended as follows:

On page 1 of the engrossed bill, line 1, delete the words "to provide for the office of management and budget"

On page 1 of the engrossed bill, line 2, delete the words "to alter statutory payment dates;"

On page 1 of the engrossed bill, delete lines 6 through 14

On page 2 of the engrossed bill, delete lines 11 through 15 and insert in lieu thereof the following: "otherwise appropriated, an amount sufficient to pay interest costs on any moneys borrowed under the provisions of this Act. This appropriation authority shall expire on June 30, 1985."

And renumber the lines, sections, and pages accordingly.

## STATEMENT OF PURPOSE OF AMENDMENT:

The amendment deletes the provision authorizing the director of the Office of Management and Budget to alter or delay payments. The amendment also deletes the specific amount contained in the appropriation section since an

Attorney General's opinion indicates that in this instance a specific appropriation is not necessary.

For the Senate: Sens. Lips, Thane, Heigaard

For the House: Reps. Opedahl, Mertens, Peterson

SB 2019 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1724 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1560 and 1561 of the Senate Journal and that HB 1724 be amended as follows:

On page 1 of the engrossed bill, line 1, after the word "to" insert the words "provide for distribution of certain education aid funds; to"

On page 2 of the engrossed bill, line 5, after the word "to" insert the following words: "the sinking fund established for payment of the state of North Dakota water development bonds, southwest pipeline series, and any moneys in excess of the sum necessary to maintain the accounts within the sinking fund and for the payment of principal and interest on the bonds, shall be credited to"

On page 2 of the engrossed bill, line 6, overstrike the second comma and the second word "to" and insert immediately thereafter the words "The resources trust fund shall"

On page 2 of the engrossed bill, line 7, after the word "and" insert the words "the funds therein"

On page 2 of the engrossed bill, line 10, overstrike the words "Provided, the first fifteen"

On page 2 of the engrossed bill, overstrike lines 11 through 17

On page 2 of the engrossed bill, line 18, overstrike the words "provided by the legislative assembly."

On page 2 of the engrossed bill, line 22, overstrike the word "conservation"

On page 2 of the engrossed bill, line 23, after the word "of" insert the word "comprehensive", and after the word "facilities" and before the semicolon insert the words "including rural water systems"

On page 3 of the engrossed bill, line 31, delete the word "collected" and insert in lieu thereof the words "for oil extracted", and after the numerals "1983" and before the period insert the words "and for oil extraction tax proceeds collected on or after July 1, 1983"

On page 3 of the engrossed bill, after line 31, insert the following new section:

"SECTION 4. Distribution of education aid funds. If funds appropriated for distribution to school districts for per pupil and transportation aid become available after May first, the superintendent shall distribute the payments no later than June thirtieth."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Peterson, Erickson, Waldera

For the House: Reps. Jacobson, Hill, Swiontek

HB 1724 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### MOTION

SEN. NOTHING MOVED that the Senate be on the Fourteenth order of business, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1249: A BILL for an Act to create and enact a new section to chapter 57-62 of the North Dakota Century Code, providing for establishment and funding of an oil and gas development fund and an oil and gas impact grant fund, administration of the funds, and terms and conditions of loans and repayment through the oil and gas development fund; to repeal section 15-40.1-13 of the North Dakota Century Code, relating to dedication of funds received by the state through the Federal Mineral Leasing Act to the foundation aid program.

Which has been read and is placed on the calendar without recommendation.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 17 YEAS, 36 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; David; Dykshoorn; Hilken; Krauter; Kusler; Lee; Maixner; Matchie; Meyer, D.; Meyer, J.; Parker; Waldera; Wenstrom; Wright

NAYS: Berube; Christensen; Dotzenrod; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Holmberg;

MONDAY, APRIL 18, 1983

2577

Kilander; Lashkowitz; Leibhan; Lips; Lodoen; Moore;  
Mutch; Naaden; Nelson; Nething; Olson; Peterson;  
Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme;  
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;  
Walsh; Wogsland

ABSENT AND NOT VOTING: None

HB 1249 was declared lost.

\*\*\*\*\*

HB 1570: A BILL for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to tuition payments for students placed outside district of residence.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 17 YEAS, 36 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Grotberg; Miller Heinrich; Hilken;  
Krauter; Kusler; Lashkowitz; Maixner; Matchie;  
Meyer, J.; Satrom; Tallackson; Vosper; Waldera;  
Wogsland; Wright

NAYS: Adams; Bakewell; Christensen; David; Dotzenrod;  
Dykshoorn; Erickson; Fritzell; Goodman; Heigaard;  
Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen;  
Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething;  
Olson; Parker; Peterson; Redlin; Reiten; Stenehjem;  
Streibel; Stromme; Tennefos; Thane; Todd; Tweten;  
Walsh; Wenstrom

ABSENT AND NOT VOTING: None

HB 1570 was declared lost.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM HOUSE

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2501 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2501:

Sens. Tennefos, Thane, Tallackson

## MOTION

SEN. NELSON MOVED that the absent Senators be excused, which motion prevailed.

SEN. NETHING MOVED that the Senate adjourn and convene at 8:00 a.m., Tuesday, April 19, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary