

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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FIFTY-NINTH DAY

Bismarck, April 2, 1985
The House convened at 9:00 a.m., with Speaker R. Hausauer presiding.

The prayer was offered by Mary Boardman, Page, Minot, North Dakota. She gave the prayer in memory of her father, Reverend Boardman, who was scheduled to give the prayer and passed away last month.

MOTION

REP. STRINDEN MOVED that the prayer be printed in the Journal, which motion prevailed.

God's heard this prayer before. He heard it from my father. We found this in his Bible. It spoke strongly to him in power and in spirit, as it does to me, and I hope to you:

I have a life, and all the power of self-fulfillment and spiritual rebirth. I have a heritage and there are many who by their love, their thought, and their works have structured the world in which I may live and grow.

I have a Lord, and living in Him I find the key to reality and the assurance of redemption.

I have a faith, and over the tumults and the wrecks of time its affirmations and its goals have never been superseded.

I have a witness, and as I speak that which I have received and made my own, others may take up the cry until we all shall become one in love and in purpose.

I have a place, and there is no one else to fill the precise spot to which I have been called.

I have a task, and fulfilling it is my offering, presented through hand and spirit, lest there be somewhere a barren place that could have been a garden.

I have a duty, and if I neglect the responsibility that is mine, the kingdom may tary long, and the little corner in which I work may be slower to respond to Christ's call.

I have a church, and in its fellowship of the beloved I find a sacred community who seek to do God's will.

I have a hope, and it is an unflinching light unto my path and a guide to my purpose, leading into my fellow man and unto life eternal. Amen.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson, Lipsiea.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MR. SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-eighth Day and finds the same to be correct.

REP. KENT, Chairman

REP. STOFFERAHN MOVED that the report be adopted, which motion prevailed.

COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

April 1, 1985

The Honorable Roy Hausauer
Speaker of the House
North Dakota House of Representatives
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

As amended, House Bill 1335 accomplishes exactly the opposite of what was intended by the bill's sponsor and the opposite of what is in the best interest of clients of human service centers and patients of the state hospital.

A very important function of human service centers is to provide after care and follow up mental health services and treatment to patients discharged from the state hospital. Another important function is to provide histories, diagnostic evaluations and diagnostic information regarding clients admitted to the state hospital.

While I fully understand and appreciate the need for confidentiality of these records, it is also important to recognize that professional judgment and "need to know" are exercised in situations where the best interest of the client or

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patient dictates. This information exchange must be limited to an exchange within the human service system under carefully prescribed regulations.

Patients leaving the state hospital have fallen between the cracks due to the inability of the hospital to alert human service centers of an impending discharge and to give other information that is vital to follow up care. These patients, then, often return to the hospital because of the lack of such care, including the lack of proper medication. That has resulted in additional trauma and expense to the patient that probably could have been avoided.

This bill would limit access to records of mentally ill patients and clients by those who most need that information to properly care for them.

Therefore, I veto House Bill 1335.

Sincerely,

GEORGE A. SINNER
Governor

State of North Dakota
EXECUTIVE OFFICE
Bismarck

April 1, 1985

The Honorable Roy Hausauer
Speaker of the House
House of Representatives
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

In 1890, the North Dakota legislature first prescribed the duties of the Attorney General. Those duties, in the context of House Bill 1408, remain the same today. (See Section 54-12-01 of the North Dakota Century Code). They include: To appear for and represent the state before the Supreme Court in all cases in which the state is interested as a party; to institute and prosecute all actions and proceedings in favor or for the use of the state and to appear and defend all actions and proceedings against any state officer.

In 1902, in language too clear to misconstrue, the legislature stated:

It is the intention of this Act to make the Attorney General, his assistants, and the state's attorney the only public prosecutor in all cases civil and criminal, wherein

the state, or county, is a party to the action. 1901 N.D. Sess. Laws 178.

And the North Dakota Supreme Court has held:

"It seems too obvious for discussion that the framers of the Constitution, in providing for the election of these officers [Governor and Attorney General] by the people, thereby reserved unto themselves the right to have the inherent functions theretofore pertaining to said officers discharged only by persons elected as therein provided." The clear implication of this language is that the legislature has no constitutional power to abridge the inherent powers of the attorney general despite the fact that the constitution provides that the "duties of the . . . attorney general . . . shall be as prescribed by law." State v. Erickson, 7 N.W.2d 865, 867 (N.D. 1943).

The Attorney General has the necessary staff and resources to protect the legal interests of this state. Adding yet another legal staff would be an additional drain on the budget, duplicative and counter-productive. It could also lead to internal disputes, with different branches of state government pursuing different ends or different means to the same end.

The legal interests of this state are best protected by having a single office pursue all legal matters on behalf of the state.

Therefore, I veto House Bill 1408.

Sincerely,

GEORGE A. SINNER
Governor

MOTION

REP. STRINDEN MOVED that HB 1335 and HB 1408 be placed on the calendar for the purpose of reconsideration as vetoed measures pursuant to Article V, Section 9 of the Constitution of the State of North Dakota, which motion prevailed.

COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

March 30, 1985

The Honorable Roy Hausauer
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

TUESDAY, APRIL 2, 1985

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Dear Mr. Speaker:

This is to inform you that on March 29, 1985, I signed the following:

HB 1032, HB 1054, HB 1078, HB 1159, HB 1169, HB 1199,
HB 1202, HB 1207, HB 1218, HB 1221, HB 1266, HB 1296,
HB 1313, HB 1334, HB 1388, HB 1406, HB 1431, HB 1432,
HB 1448, HB 1500, HB 1521, HB 1539, HB 1540, HB 1571,
HB 1635, HB 1646.

Sincerely,

GEORGE A. SINNER
Governor

State of North Dakota
EXECUTIVE OFFICE
Bismarck

April 1, 1985

The Honorable Roy Hausauer
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on March 31, 1985, I signed the following:

HB 1026, HB 1038, HB 1057, HB 1083, HB 1085, HB 1145,
HB 1170, HB 1195, HB 1267, HB 1285, HB 1287, HB 1290,
HB 1341, HB 1349, HB 1354, HB 1363, HB 1378, HB 1399,
HB 1427, HB 1464, HB 1507, HB 1536, HB 1537, HB 1547,
HB 1565, HB 1583, HB 1596, HB 1615, HB 1625, HB 1654.

Sincerely,

GEORGE A. SINNER
Governor

MOTION

REP. MARTINSON MOVED that SB 2388 be returned to the House floor from the Statutory Retirement Committee and be rereferred to the Committee on State and Federal Government, which motion prevailed.

SPEAKER R. HAUSAUER ANNOUNCED that SB 2388 was rereferred to the Committee on State and Federal Government.

FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4073: A concurrent resolution urging the President and the Congress of the United States to support continuation of the Small Business Administration.

Was read the first time.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended, that SCR 4073 not be referred to committee, and be placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4073: A concurrent resolution urging the President and the Congress of the United States to support continuation of the Small Business Administration.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4073 was declared adopted on a voice vote.

FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4079: A concurrent resolution congratulating the Bismarck High School Demons wrestling team for its national record-setting winning streak.

Was read the first time.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended, that SCR 4079 not be referred to committee, and be placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4079: A concurrent resolution congratulating the Bismarck High School Demons wrestling team for its national record-setting winning streak.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4079 was declared adopted on a voice vote.

SCR 4076: A concurrent resolution urging the Congress of the United States and the Secretary of Agriculture to allow the production of sunflowers on a portion of a producer's acreage conservation reserve (ACR) land.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4076 was declared lost on a voice vote.

MOTION

REP. STRINDEN MOVED that in accordance with House Rule No. 407 which states "No resolution which commends, lauds, congratulates, or otherwise honors any person or group, other than memorial resolutions extending condolences, shall be introduced or further considered unless the person or group is being recognized for an achievement which has brought national attention or recognition.", the House is unable to allow introduction of SCR 4072 and respectfully returns SCR 4072, which motion prevailed.

MESSAGE TO THE SENATE HOUSE CHAMBER

Although the House is unable to accept SCR 4072 in accordance with House Rule 407, the House as a whole wishes to congratulate the Fargo North Spartans for their championship victory in the 1985 North Dakota High School Class A Basketball Tournament.

ROY GILBREATH, Chief Clerk

MOTION

REP. KRETSCHMAR MOVED that the House stand in recess until 10:30 a.m., which motion prevailed.

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

MESSAGE FROM THE SENATE SENATE CHAMBER

MR. 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 2153, SB 2245, SB 2257, SB 2267, SB 2354, SB 2369,
SB 2374, SB 2411, SB 2489, SCR 4051

LEO LEIDHOLM, Secretary

MESSAGES TO THE SENATE HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1012, HB 1018, HB 1021, HB 1293, HB 1587, and HCR 3096 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SB 2450, SCR 4005

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HCR 3106

ROY GILBREATH, Chief Clerk

MOTION

REP. KRETSCHMAR MOVED that HB 1522 and HB 1523 be placed at the bottom of the Seventh order on the calendar, which motion prevailed.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1528 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2176 of the House Journal and that Engrossed HB 1528 be amended as follows:

On page 2 of the engrossed bill, line 4, delete the word "four" and insert in lieu thereof the word "two", and after the word "thousand" insert the words "five hundred"

On page 2 of the engrossed bill, line 10, delete the word "four" and insert in lieu thereof the word "two", and after the word "thousand" insert the words "five hundred"

On page 3 of the engrossed bill, line 19, delete the word "four" and insert in lieu thereof the word "two", and after the word "thousand" insert the words "five hundred"

On page 3 of the engrossed bill, line 24, delete the word "four" and insert in lieu thereof the word "two"

On page 3 of the engrossed bill, line 25, after the word "thousand" insert the words "five hundred"

And renumber the lines and pages accordingly

For the Senate: Sens. Christensen, Stenehjem, Maixner

For the House: Reps. Timm, A. Hausauer, Richard

REP. TIMM MOVED that the report be adopted, which motion prevailed.

Engrossed HB 1528 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SB 2153 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1676 of the House Journal and that SB 2153 be amended as follows:

On page 1, line 11, delete the words "one hundred" and delete the word "for"

On page 1, line 12, delete the words "the president and one hundred dollars for all other members", and remove the overstrike over the word "day"

On page 1, line 13, delete the word "meeting"

And renumber the lines and pages accordingly

For the Senate: Sens. Freborg, Kelly, Heinrich
For the House: Reps. V. Olson, Belter, C. Williams

REP. V. OLSON MOVED that the report be adopted, which motion prevailed.

SB 2153 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SB 2245 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2041-2042 of the House Journal and that SB 2245 be amended as follows:

On page 1, line 12, after the period insert the following: "A project qualifies as a community service project if it promotes the common good, enhances the social welfare of the community, and benefits an indefinite number of persons. The specific goals of a community service project may be to develop or promote public services in areas such as education, housing, transportation, recreation, crime prevention, fire protection and prevention, safety, and health. Uses that directly benefit a chamber of commerce do not qualify."

And renumber the lines and pages accordingly

For the Senate: Sens. Christensen, Holmberg, Redlin
For the House: Reps. Lindgren, Dalrymple, Solberg

REP. LINDGREN MOVED that the report be adopted, which motion prevailed.

SB 2245 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Reengrossed SB 2257 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2104-2105 of the House Journal and that Reengrossed SB 2257 be amended as follows:

That the House recede from its amendments as printed on pages 2104 and 2105 of the House Journal and on page 1730 of the Senate Journal and that engrossed Senate Bill No. 2257 be amended as follows:

On page 1 of the reengrossed bill, line 2, after the numerals "57-60-01" insert the words "and subsection 4 of section 57-60-02"

On page 1 of the reengrossed bill, line 4, delete the words "; and to provide an effective date and an" and insert in lieu thereof the words ", and to the rate of tax on coal conversion facilities"

On page 1 of the reengrossed bill, line 5, delete the words "expiration date"

On page 1 of the reengrossed bill, after line 23, insert the following new section:

"SECTION 2. AMENDMENT. Subsection 4 of section 57-60-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. For coal gasification plants constructed prior to July 1, 1985, the tax shall be either the amount provided in subsection 1 or ten fifteen cents on each one thousand cubic feet [28316.85 liters] of synthetic natural gas produced for the purpose of sale, whichever is greater."

On page 1 of the reengrossed bill, delete lines 24 through 26

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Wright, Adams, Satrom

For the House: Reps. Goetz, A. Hausauer, Schneider

REP. A. HAUSAUER MOVED that the report be adopted, which motion prevailed.

Reengrossed SB 2257 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2267 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on

pages 1678-1679 of the House Journal and that Engrossed SB 2267 be amended as follows:

- On page 1 of the engrossed bill, line 1, delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "15-60-04" insert the word and numerals "and 15-60-05"
- On page 1 of the engrossed bill, line 2, delete the words "limitations on the amount of"
- On page 1 of the engrossed bill, line 4, after the word "fund" insert the words "and the interest incurred by school districts on such loans"
- On page 1 of the engrossed bill, line 11, delete the word "five", and insert in lieu thereof the word "four"
- On page 1 of the engrossed bill, immediately following line 19, insert the following:

"SECTION 2. AMENDMENT. Section 15-60-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-05. Contracts to lease and leases by school districts from board. Any school district within the state shall have power and authority to enter into contracts with the board to lease as lessee from the board, any school building constructed or improved by the board, for a term not exceeding thirty years, at such rental or rentals as may be determined by the board, and upon the completion of said school building the school district shall have power and authority to lease as lessee any school building completed by the board for a term, with respect to each not exceeding thirty years, at such rental or rentals as may be determined by the board. Such rental or rentals shall be applied on the total cost of the construction or improvement for such district until the full amount expended by the board shall have been repaid together with ~~two and one-half~~ three percent interest per annum. Any unexpended proceeds of any bond issue of any school district may be paid over to the fund in the form of advance rentals under such contract. Upon full payment of all rentals by the school district, the board shall execute and deliver such deeds or bills of sale as may be necessary to transfer complete title and interest to the school district.

And renumber the lines and pages accordingly

For the Senate: Sens. Peterson, Bakewell, Wogsland

For the House: Reps. D. Olsen, Nalewaja, C. Williams (refused to sign)

REP. D. OLSEN MOVED that the report be adopted, which motion prevailed.

Engrossed SB 2267 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SB 2354 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 1978-1979 of the House Journal.

For the Senate: Sens. Mutch, Parker, Satrom
For the House: Reps. Kent, Belter, C. Williams

REP. KENT MOVED that the report be adopted, which motion prevailed.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2369 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 2047 and page 2063 of the House Journal.

For the Senate: Sens. Christensen, Kelly, Matchie
For the House: Reps. Dalrymple, Gates, DeMers

REP. DALRYMPLE MOVED that the report be adopted, which motion prevailed.

MR. SPEAKER: Your Conference Committee to which was referred SB 2374 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 1818-1819 of the House Journal and that SB 2374 be further amended as follows:

On page 2, line 28, delete the word "requirement" and insert in lieu thereof the words "and degree requirements"

And renumber the lines and pages accordingly

For the Senate: Sens. Christensen, Kelly, Matchie (refused to sign)
For the House: Reps. Dalrymple, Gates, DeMers (refused to sign)

REP. DALRYMPLE MOVED that the report be adopted, which motion prevailed.

SB 2374 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2411 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2108-2109 of the House Journal and that Engrossed SB 2411 be amended as follows:

On page 2 of the engrossed bill, line 12, delete the word "or", delete the words "and then only if the event" and insert in lieu thereof the words "occasional rummage sales including garage sales or other sales for which a sales tax permit is not required, and tourist attractions that derive at least fifty percent of their annual gross sales from seasonal or tourist customers"

On page 2 of the engrossed bill, line 13, delete the words "is sponsored by a hobby, craft, or art organization"

On page 3 of the engrossed bill, line 32, delete the word "Aural" and insert in lieu thereof the words "The sale of aural", and after the period insert the words "Rental of these items is permitted."

On page 4 of the engrossed bill, delete lines 11 through 14 and insert in lieu thereof the following:

"43. Sporting or recreational goods other than those sold or rented on the premises where sports or recreational activities are conducted."

On page 5 of the engrossed bill, line 32, delete the words "of a nongambling nature"

On page 6 of the engrossed bill, line 7, overstrike the word "three" and insert immediately thereafter the word "six"

On page 6 of the engrossed bill, after line 13, insert the following:

"34. Hobby shows, craft shows, fairs, exhibits.

35. Occasional rummage sales, including garage sales or other sales for which a sales tax permit is not required."

On page 6 of the engrossed bill, line 14, delete the words "fairs, and exhibits"

And renumber the lines, subsections, and pages accordingly

For the Senate: Sens. Mutch, Parker, Krauter

For the House: Reps. Koland, Larson, Dotzenrod

REP. KOLAND MOVED that the report be adopted, which motion prevailed.

Engrossed SB 2411 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2489 has had the same under consideration and

recommends that the HOUSE RECEDE from its amendments as found on page 2051 of the House Journal and that Engrossed SB 2489 be amended as follows:

That the House recede from its amendments to engrossed Senate Bill No. 2489 as found on page 2051 of the House Journal and page 1666 of the Senate Journal, and that engrossed Senate Bill No. 2489 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact subsection 2 of section 53-06.1-03 and subdivision b of subsection 3 of section 53-06.1-03 of the North Dakota Century Code, relating to licensing of organizations conducting games of chance; and to provide an effective date.

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

SECTION 1. AMENDMENT. Subsection 2 of section 53-06.1-03 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The attorney general shall license such organizations which conform to the requirements of this chapter by issuing licenses as follows:
 - a. A class A license to an eligible organization licensed as a retail alcoholic beverage dealer in North Dakota that maintains a building for the use of its members and guests, and that offers meals or liquor or both as part of its operation.
 - b. A class B license to any other eligible organization. The attorney general may deny a class B license to an otherwise eligible organization if the organization is connected, directly or indirectly, to the holder of a North Dakota retail alcoholic beverage license.
 - c. A class C license to an eligible organization that conducts games of chance on not more than two occasions per year, regardless of whether that organization is licensed as a retail alcoholic beverage dealer in this state.
 - d. The attorney general shall establish by rule no more than two additional classes of

licenses based on the frequency of gaming, the types of games of chance conducted by the eligible organization, and the adjusted gross proceeds collected or expected to be collected by the eligible organization.

SECTION 2. AMENDMENT. Subdivision b of subsection 3 of section 53-06.1-03 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- b. Class B License License applicants must first secure approval of the proposed site or sites on which it intends to conduct games of chance under this chapter from the governing body of the city, if within city limits, or the county, if outside city limits, where the site or sites are located. This approval or permit, which may be granted at the discretion of the governing body, must accompany the license application to the attorney general. The governing body may charge a one hundred dollar fee for this permit, which the organization may deduct from its tax liability under section 53-06.1-12 for the year in which the permit fee is paid.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 1986."

And renumber the lines and pages accordingly

For the Senate: Sens. Holmberg, Stenehjem, Maixner
For the House: Reps. Dalrymple, Cleveland, Shockman

REP. DALRYMPLE MOVED that the report be adopted, which motion prevailed.

Engrossed SB 2289 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SCR 4051 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 2113-2114 of the House Journal.

For the Senate: Sens. Wright, Kilander, Satrom
For the House: Reps. Kent, Gates, Enget

REP. KENT MOVED that the report be adopted, which motion prevailed.

MR. SPEAKER: Your Conference Committee to which was referred HB 1522 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2326 of the House Journal and that HB 1522 be amended as follows:

That the Senate recede from its amendments to House Bill No. 1522 as found on pages 1557-1558 of the Senate Journal and page 2326 of the House Journal and that House Bill No. 1522 be amended as follows:

On page 1, line 1, after the first word "the" insert the word "discretionary", and after the word "revocation" insert the words ", and subsequent discretionary reinstatement, by executive order of the governor,"

On page 1, line 3, after the semicolon insert the words "to provide an expiration date;"

On page 1, line 7, after the word "The" insert the words "governor may, by executive order, revoke the"

On page 1, line 12, delete the words "are hereby revoked", and after the period insert the words "Revocation of the permit and certificate pursuant to this Act by the governor must be based upon relevant statutory guidelines, including the factors considered in the issuance of a certificate of public convenience and necessity and the factors to be considered in evaluating applications and designations of sites, corridors, and routes as provided in section 49-22-09, and upon the governor's determination that the MANDAN project is not consistent with the public convenience and necessity of this state, or is not consistent with the general health and welfare of the citizens of this state, or the utility has abandoned the project. If the permit and certificate are revoked pursuant to this Act, the governor may, by executive order, reinstate the permit and certificate based upon the guidelines provided for revocation and upon the governor's determination that the MANDAN project is consistent with the public convenience and necessity of this state, and is consistent with the general health and welfare of the citizens of this state."

On page 1, after line 12, insert the following new section:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1987, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Lodoen, Vosper, D. Meyer

For the House: Reps. Strinden, Martinson, Mertens

REP. STRINDEN MOVED that the report be adopted, which motion prevailed.

HB 1522 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTION

REP. STRINDEN MOVED that the rules be suspended and that HB 1522 be placed on the Sixth order of business, and after action taken on the Sixth order, that HB 1522 be placed on the Eleventh order, as amended, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. STRINDEN MOVED that the amendments to HB 1522 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1522 DO PASS, which motion prevailed.

HB 1522 was placed on the Eleventh order of business on the calendar immediately.

SECOND READING OF HOUSE BILL

HB 1522: A BILL for an Act to provide for the discretionary revocation, by executive order of the governor, of the route permit and certificate of corridor compatibility issued for the MANDAN power project; to provide an expiration date; and to declare 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 81 YEAS, 17 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson, J.; Retzer; Rice; Riehl; Riley; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Winkelman; Speaker Hausauer, R.

NAYS: DeMers; Graba; Halmrast; Hanson, O.; Hoffner; Kelly; Lloyd; Murphy; Oban; Pederson, R.; Sauter;

Schneider; Solberg, O.; Stofferahn; Ulmer;
Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Kuchera; Lipsiea;
Richard; Rydell; Wald; Williams, A.; Wold

HB 1522 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1523 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1558 of the Senate Journal and that Engrossed HB 1523 be further amended as follows:

On page 1 of the engrossed bill, line 19, after the period insert the following sentence: "This section shall not apply to any transmission facility for which a route permit and certificate of corridor compatibility has been issued prior to the effective date of this Act, or any extension thereof issued after the effective date of this Act."

And renumber the lines accordingly

For the Senate: Sens. Lodoen, Vosper, D. Meyer
For the House: Reps. Strinden, Martinson, Mertens

REP. STRINDEN MOVED that the report be adopted, which motion prevailed.

Engrossed HB 1523 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended and that HB 1523 be placed on the Sixth order of business, and after action taken on the Sixth order, that HB 1523 be placed on the Eleventh order, as amended, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. STRINDEN MOVED that the amendments to HB 1523 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1523 DO PASS, which motion prevailed.

HB 1523 was placed on the Eleventh order of business on the calendar immediately.

SECOND READING OF HOUSE BILL

HB 1523: A BILL for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to legislative approval prior to construction of hydroelectric transmission facilities which transmit hydroelectric power produced outside the United States.

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 82 YEAS, 18 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Haugland; Hausauer, A.; Hedstrom; Hughes; Keller; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Winkelman; Speaker Hausauer, R.

NAYS: DeMers; Graba; Halmrast; Hanson, L.; Hanson, O.; Hill; Hoffner; Kelly; Linderman; Murphy; Oban; O'Connell; O'Shea; Riehl; Sauter; Ulmer; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Kuchera; Lipsiea; Richard; Williams, A.; Wold

HB 1523 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1588 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. Olson, Stenehjem, Maixner
For the House: Reps. Kretschmar, Wentz, R. Solberg

REP. KRETSCHMAR MOVED that the report be adopted, which motion prevailed.

MESSAGES FROM THE SENATE
SENATE CHAMBER

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

HB 1081, HB 1168, HB 1318, HB 1614

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SCR 4080

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1189, HCR 3099, HCR 3100

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HCR 3003, HCR 3101

LEO LEIDHOLM, Secretary

SIXTH ORDER OF BUSINESS

REP. J. PETERSON MOVED that the amendments to SB 2455 as recommended by the Committee on Appropriations as printed on pages 2554-2556 of the House Journal be adopted, and when so adopted, recommends that SB 2455 DO PASS, which motion prevailed.

SB 2455 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended and that SB 2455 be placed on the Fourteenth order, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2455: A BILL for an Act to create and enact a new section to chapter 38-08 and a new section to chapter 64-02 of the North Dakota Century Code, relating to commingling of production from two or more oil or gas wells in a storage facility, metering of oil and gas production, and testing of oil and gas production meters; and to provide an appropriation.

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 95 YEAS, 5 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Hausauer, R.

NAYS: Hausauer, A.; Martinson; Peterson, J.; Rydell; Winkelman

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Kuchera; Lipsiea; Melby; Nicholas

SB 2455 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that all bills acted on favorably be messaged to the Senate immediately, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. KINGSBURY MOVED that the amendments to HB 1011 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1011 DO PASS, which motion prevailed.

HB 1011 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended and that HB 1011 be placed on the Eleventh order, as amended, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1011: 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 96 YEAS, 1 NAY, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold

NAYS: Murphy

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Knudson; Kuchera; Lipsiea; Melby; Peterson, J.; Strinden; Speaker Hausauer, R.

HB 1011 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. SCHINDLER MOVED that the amendments to HB 1049 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1049 DO PASS, which motion prevailed.

HB 1049 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended and that HB 1049 be placed on the Eleventh order, as amended, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1049: A BILL for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to state transportation aid payments to schools.

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 89 YEAS, 12 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Klundt; Knudson; Koland; Kretschmar; Lang; Laughlin; Lautenschlager; Linderman; Lloyd; Martin; Martinson; Mertens; Meyer; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Hausauer, R.

NAYS: Cleveland; Conmy; Dorso; Halmrast; Hamerlik; Kloubec; Larson; Lindgren; Moore; Payne; Rydell; Winkelman

ABSENT AND NOT VOTING: Gullickson; Kingsbury; Kuchera; Lipsiea; Melby

HB 1049 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to HB 1067 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1067 DO PASS, which motion prevailed.

HB 1067 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended and that HB 1067 be placed on the Eleventh order, as amended, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1067: A BILL for an Act to create and enact five new sections to chapter 10-06 of the North Dakota Century Code, relating to the definition of nonprofit organizations, exemptions from the corporate farm prohibition, and required divestiture; and to amend and reenact sections 10-06-04.1, 10-06-07, and 10-06-07.3 of the North Dakota Century Code, relating to the corporations allowed to farm or ranch, an income limitation on nonfarm activities of corporate farms, and initial report requirements.

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 91 YEAS, 9 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lloyd; Martin; Martinson; Mertens; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; Klundt; Linderman; Meyer; O'Connell; Sauter; Stofferahn; Watne; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Kuchera; Lipsiea; Melby; Olson, A.; Unhjem

HB 1067 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. KLOUBEC MOVED that the amendments to HB 1072 as recommended by the Conference Committee be adopted, and when so adopted, recommends that HB 1072 DO PASS, which motion prevailed.

HB 1072 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. KRETSCHMAR MOVED that HB 1072 on the Eleventh order be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. KINGSBURY MOVED that the amendments to HB 1243 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1243 DO PASS, which motion prevailed.

HB 1243 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended and that HB 1243 be placed on the Eleventh order, as amended, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to amend and reenact sections 54-03-10, 54-03-20, and 54-35-10 of the North Dakota Century Code, relating to compensation and expense reimbursement for members of the legislative assembly; to repeal section 54-03-20.1 of the North Dakota Century Code and chapter 551 of the 1983 Session Laws of North Dakota, relating to compensation and expense reimbursement for members of the legislative assembly; to provide an effective date; and to declare 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 96 YEAS, 5 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; Halmrast; O'Shea; Pederson, R.; Shide

ABSENT AND NOT VOTING: Gullickson; Kuchera; Lipsiea;
Strinden; Unhjem

HB 1243 passed, the title was agreed to, and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1638 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1638 DO PASS, which motion prevailed.

HB 1638 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended and that HB 1638 be placed on the Eleventh order, as amended, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1638: A BILL for an Act to amend and reenact section 57-61-01 of the North Dakota Century Code, to make permanent the rate of the coal severance tax in effect on July 1, 1987.

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 83 YEAS, 20 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kingsbury; Kloubec; Koland; Kretschmar; Lang; Larson; Lautenschlager; Lindgren; Lloyd; Martinson; Melby; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; DeMers; Enget; Halmrast; Kelly; Klundt; Knudson; Laughlin; Linderman; Martin; Mertens; Murphy; Richard; Riehl; Sauter; Schneider; Solberg, O.; Starke; Thompson; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Kuchera; Lipsiea

HB 1638 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. SCHINDLER MOVED that the amendments to SB 2062 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2062 DO PASS, which motion prevailed on a verification vote.

SB 2062 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KRETSCHMAR MOVED that the rules be suspended and that SB 2062 be placed on the Fourteenth order, as amended, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to amend and reenact section 15-59-07.2 of the North Dakota Century Code, relating to reimbursements made by the superintendent of public instruction for special education boarding care costs; and to repeal section 15-59-07.1 of the North Dakota Century Code, relating to the cost of out-of-state boarding care for handicapped students.

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 86 YEAS, 17 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conny; Dalrymple; DeMers; Eckroth; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Richard; Riehl; Rydell; Sauter; Schindler; Schneider; Shaw; Shide;

Shockman; Skjerven; Smette; Solberg, O.; Starke;
Stofferahn; Strinden; Thompson; Tollefson; Ulmer;
Unhjem; Vander Vorst; Wald; Watne; Wertz; Williams, A.;
Williams, C.; Williams, W.; Wold; Speaker Hausauer, R.

NAYS: Anderson, C.; Anderson, R.; Dorso; Dotzenrod;
Enget; Hanson, O.; Hughes; Kingsbury; Koland; Murphy;
Rice; Riley; Schmidt; Solberg, R.; Timm; Whalen;
Winkelman

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Payne

SB 2062 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE
THE SPEAKER ANNOUNCED the following appointment to a new
Conference Committee on HB 1588:

Reps. Conmy, Kloubec, R. Solberg

MESSAGE FROM THE SENATE
SENATE CHAMBER

MR. 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 2011, SB 2012, SB 2014, SB 2021, SB 2028, SB 2065,
SB 2301, SB 2352, SB 2432

LEO LEIDHOLM, Secretary

MOTION

REP. KRETSCHMAR MOVED that the House stand in recess until
1:00 p.m., which motion prevailed.

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

MESSAGES FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President
has appointed replacements on the following conference
committees:

HB 1404: Sen. W. Meyer to replace Sen. Kelsh
HB 1494: Sen. Kelsh to replace Sen. W. Meyer

LEO LEIDHOLM, Secretary

TUESDAY, APRIL 2, 1985

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SENATE CHAMBER

MR. 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 2005

LEO LEIDHOLM, Secretary

MOTION

REP. STRINDEN MOVED that the House stand in recess until 2:30 p.m., which motion prevailed.

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

RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Paul Patrick, and Representative Patrick was thereupon introduced to the House.

REQUEST

REP. STRINDEN REQUESTED that the record show that conference committees were meeting and that those members attending meetings be excused, which request was granted.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2011 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 2426 of the House Journal and that Engrossed SB 2011 be amended as follows:

That the House recede from its amendments as printed on pages 2426 and 2427 of the House Journal and on page 1897 of the Senate Journal and that engrossed Senate Bill No. 2011 be amended as follows:

On page 1 of the engrossed bill, line 15, delete the numerals "300,000" and insert in lieu thereof the numerals "335,000"

On page 1 of the engrossed bill, line 18, delete the numerals "704,885" and insert in lieu thereof the numerals "739,885"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Indian Affairs Commission

The Native American alcohol and drug abuse education line item is increased by \$35,000 from the general fund.

For the Senate: Sens. Naaden, Nelson, Stromme

For the House: Reps. Rice, Winkelman, Stofferahn

REP. RICE MOVED that the report be adopted, which motion prevailed.

Engrossed SB 2011 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2012 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 2189-2190 of the House Journal.

For the Senate: Sens. Naaden, Streibel, Walsh

For the House: Reps. Gunsch, Gernholtz, Laughlin

REP. GUNSCH MOVED that the report be adopted, which motion prevailed.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1013 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2089-2090 of the House Journal and that Engrossed HB 1013 be amended as follows:

That the Senate recede from its amendments as found on pages 1580-1581 of the Senate Journal and on pages 2089-2090 of the House Journal and that engrossed House Bill No. 1013 be amended as follows:

On page 2 of the engrossed bill, line 11, delete the numerals "140,000" and insert in lieu thereof the numerals "410,000"

On page 2 of the engrossed bill, line 12, delete the numerals "140,000" and insert in lieu thereof the numerals "410,000"

On page 2 of the engrossed bill, after line 35, insert the following lines:

"Subdivision 12.

EDUCATION COMMISSION OF THE STATES

Operating expenses	<u>\$ 40,000</u>
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Total general fund appropriation	\$ 40,000
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Subdivision 13.

MIDWEST TECHNOLOGY DEVELOPMENT INSTITUTE

Operating expenses	<u>\$100,000</u>
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Total general fund appropriation	\$100,000"
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- On page 3 of the engrossed bill, line 1, delete the numerals "545,600" and insert in lieu thereof the numerals "955,600"
- On page 3 of the engrossed bill, line 3, delete the numerals "599,650" and insert in lieu thereof the numerals "1,009,650"
- On page 3 of the engrossed bill, line 22, delete the word "Subdivision" and insert in lieu thereof the words "Subdivisions 6 and"
- On page 3 of the engrossed bill, line 23, delete the first word "is" and insert in lieu thereof the word "are", after the word "declared" insert the words "to be", and delete the second word "is" and insert in lieu thereof the word "are"
- On page 3 of the engrossed bill, line 24, delete the word "its" and insert in lieu thereof the word "the", and after the word "approval" insert the words "of this Act"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Miscellaneous Refunds

The grants, benefits, and claims line item is increased from \$140,000 to \$410,000, an increase of \$270,000 from the general fund. This subdivision is declared to be an emergency.

Education Commission of the States

General fund money is added for the Education Commission of the States in the amount of \$40,000.

Midwest Technology Development Institute

General fund money is added for the state of North Dakota to join the Midwest Technology Development Institute in the amount of \$100,000.

For the Senate: Sens. Wenstrom, Tweten, Walsh
 For the House: Reps. Kingsbury, Unhjem, Laughlin

REP. KINGSBURY MOVED that the report be adopted, which motion prevailed.

Engrossed HB 1013 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1019 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2320 of the House Journal.

For the Senate: Sens. Wenstrom, Tweten, Mushik
 For the House: Reps. Kuchera, Haugland, O. Solberg

REP. KUCHERA MOVED that the report be adopted, which motion prevailed.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2065 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found and adopted on pages 1958-1962 of the House Journal and that Engrossed SB 2065 be amended as follows:

On page 7 of the engrossed bill, line 25, after the word "the" insert the word "qualified"

On page 16 of the engrossed bill, line 5, after the word "the" insert the word "qualified"

On page 24 of the engrossed bill, line 26, after the word "the" insert the word "qualified"

On page 25 of the engrossed bill, line 18, after the word "the" insert the word "qualified"

On page 25 of the engrossed bill, line 21, delete the word "containing" and insert in lieu thereof the words "signed by"

On page 25 of the engrossed bill, line 22, delete the word "signatures" and insert in lieu thereof the words "qualified electors"

On page 25 of the engrossed bill, line 27, after the word "signatures" insert the words "of qualified electors"

On page 25 of the engrossed bill, line 28, after the word "twenty-five" insert the word "qualified"

On page 25 of the engrossed bill, line 29, after the word "the" insert the word "qualified"

On page 25 of the engrossed bill, line 31, after the word "twenty-five" insert the word "qualified"

On page 25 of the engrossed bill, line 32, after the word "of" insert the word "qualified"

On page 25 of the engrossed bill, line 33, after the second word "the" insert the word "qualified"

And renumber the lines and pages accordingly

For the Senate: Sens. Peterson, Freborg, Heinrich

For the House: Reps. Schindler, D. Olsen, Halmrast (refused to sign)

REP. SCHINDLER MOVED that the report be adopted, which motion prevailed.

Engrossed SB 2065 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MESSAGE FROM THE SENATE
SENATE CHAMBER**

MR. SPEAKER: I have the honor to return herewith HB 1009 which the Senate has amended:

On page 1 of the engrossed bill, line 2, after the word "services" insert the words ", state hospital,"

On page 1 of the engrossed bill, line 4, after the semicolon insert the words "providing legislative intent regarding medical assistance payment determinations and low income home energy assistance payments;"

On page 1 of the engrossed bill, line 20, delete the numerals "19,529,935" and insert in lieu thereof the numerals "19,601,276"

On page 1 of the engrossed bill, line 21, delete the numerals "8,027,175" and insert in lieu thereof the numerals "8,102,175"

On page 1 of the engrossed bill, line 23, delete the numerals "404,098,965" and insert in lieu thereof the numerals "422,757,934"

On page 1 of the engrossed bill, line 24, delete the numerals "475,832,512" and insert in lieu thereof the numerals "494,637,822"

On page 1 of the engrossed bill, line 25, delete the numerals "294,843,725" and insert in lieu thereof the numerals "308,583,162"

On page 1 of the engrossed bill, line 26, delete the numerals "180,988,787" and insert in lieu thereof the numerals "186,054,660"

On page 2 of the engrossed bill, line 11, delete the numerals "5,973,826" and insert in lieu thereof the numerals "5,937,715"

On page 2 of the engrossed bill, line 15, delete the numerals "44,848,956" and insert in lieu thereof the numerals "44,812,845"

On page 2 of the engrossed bill, line 16, delete the numerals "13,412,207" and insert in lieu thereof the numerals "13,393,107"

On page 2 of the engrossed bill, line 17, delete the numerals "31,436,749" and insert in lieu thereof the numerals "31,419,738"

On page 2 of the engrossed bill, line 26, delete the numerals "212,632,028" and insert in lieu thereof the numerals "217,680,890"

On page 2 of the engrossed bill, line 27, delete the numerals "310,100,253" and insert in lieu thereof the numerals "323,820,590"

On page 2 of the engrossed bill, line 28, delete the numerals "522,732,281" and insert in lieu thereof the numerals "541,501,480"

On page 3 of the engrossed bill, after line 26, insert the following new sections:

"SECTION 7. LEGISLATIVE INTENT. The legislative assembly recognizes the need to achieve the effective limitation of costs while providing for payment rates which are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards. It is the intent of the legislative assembly that Senate Concurrent Resolution No. 4002 not be regarded as a deterrent to the achievement of these recognized needs. It is the further intent of the legislative assembly that the department seek to achieve cost savings through a variety of waiver options to certain requirements for the state plan for medical assistance benefits, including, but not limited to, competitive bidding for certain services, primary case management systems, restriction of specialty services to designated providers, central broker services, restriction of recipient-free choice, preferred provider-type innovations to providing services, the use of a drug formulary, and the introduction of rate limitation methodologies which may represent approved or approvable amendments to the state plan.

SECTION 8. LEGISLATIVE INTENT - LOW INCOME HOME ENERGY ASSISTANCE PAYMENT - PRORATION. It is the intent of the legislative assembly that should sufficient funds not be available to fully fund within the amounts allocated by the legislative assembly for the low income home energy assistance program during the 1985-87 biennium, the department in lieu of changing eligibility guidelines shall reduce by the same percentage all recipient payments to achieve the necessary reduction.

SECTION 9. APPROPRIATION - BUDGET SECTION. There is hereby appropriated to the department of human services any additional federal funds which become available as a result in changes to the federal financial participation

rate during the biennium beginning July 1, 1985, and ending June 30, 1987. If the \$3,400,000 of additional federal funds relating to the limitation on the drop in the rate of federal financial participation does not become available, the department of human services shall report to the budget section the amount of the resulting deficiency appropriation that will be introduced to the fiftieth legislative assembly."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Department of Human Services

The salaries and wages line item provides for the continuation of 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

The operating expenses line item is increased by \$71,341 from the general fund to provide funds for implementation of Senate Bill No. 2417 relating to guardianship of developmentally disabled persons.

The data processing line item is increased by \$75,000, \$37,500 from the general fund and \$37,500 from other funds, to provide funds for implementation of Senate Concurrent Resolution No. 4002 relating to revisions to the Medicaid reimbursement system.

The grants, benefits, and claims line item is adjusted as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
Amount in Engrossed House Bill No. 1009	\$145,089,285	\$259,009,680	\$404,098,965
Adjustments:			
1. Add funds to provide 0% increases in AFDC payments, reflect February 1985 caseload base, and allow a caseload increase of 20 per month	\$ 1,285,714	\$ 2,263,004	\$ 3,548,718
2. Add funds to reflect revised medical assistance caseload projections, reflect February 1985 caseload base, and allow an increase in medical assistance eligibles of 98 per month	4,599,250	8,607,914	13,207,164

3.	Add funds for revisions in the reimbursement of long-term care facilities	67,940	108,840	176,780
4.	Adjust funding for developmentally disabled appropriation to provide 0% annual inflationary increases and include funds for one 15-bed MSLA facility	804,128	(677,821)	126,307
5.	Restore \$1.6 million of the \$3.22 million for the low income home energy assistance program used in the House version of House Bill No. 1009 for the social services block grants	1,600,000		1,600,000
6.	Change funding of medical assistance and AFDC grants to reflect possible change in federal financial participation rate for the federal fiscal year beginning October 1, 1986	(3,400,000)	3,400,000	-0-

Total adjustments to grants line item	\$ 4,957,032	\$ 13,701,937	\$ 18,658,969
Grants line item as amended	\$150,046,317	\$272,711,617	\$422,757,934

A new section is added to provide legislative intent regarding the department limiting medical assistance costs and encouraging efficient and economical long-term care facilities. The section encourages the department to seek Medicaid waivers from the federal government from several requirements in the state plan for medical assistance.

A new section is added providing legislative intent regarding the department allocating a reduction in available low income home energy assistance funds. The section provides the department shall reduce all grant recipients by a uniform percentage to achieve any necessary reduction.

A new section is added appropriating any additional federal funds which may become available as a result in changes in the federal financial participation rate in entitlement programs.

These amendments, as shown above, reflect an anticipated increase in the federal financial participation rate with an impact of \$3.4 million. It is recognized that should this not be received a deficiency appropriation is expected to be necessary during the 1987 legislative session.

State Hospital

The salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

The operating expenses line item is decreased by \$36,111 from the general fund to reflect lower natural gas usage.

The estimated income line item is decreased by \$19,100 with a corresponding increase in the general fund appropriation to reflect Land Department revised estimates of the distribution from the interest and income account.

DEPARTMENT OF HUMAN SERVICES GRANTS BY PROGRAM

Program	1983-85 Present Budget	1985-87 Original Executive Recommendation	HB 1009 as Amended by House Appropriations	HB 1009 as Amended by Senate Appropriations	Increase (Decrease) to House Version	Explanation
Administration						
County reimbursement	\$ 18,634,497	\$ 20,917,430	\$ 20,917,430	\$ 20,917,430		
Optional services	3,000,000	3,000,000	3,000,000	3,000,000		
Total administration	\$ 20,634,497	\$ 23,917,430	\$ 23,917,430	\$ 23,917,430		
Less: Federal funds	18,664,584	(10,243,509)	(10,243,509)	(10,243,509)		
Total general fund appropriation	\$ 1,971,913	\$ 3,668,121	\$ 3,668,121	\$ 3,668,121		
Economic Assistance						
Aid to families w/depend. children	\$ 31,895,158	\$ 36,840,757	\$ 36,840,757	\$ 40,389,475	\$ 3,548,718	Allow 0% increase on February 1985 caseload base, allow a monthly caseload increase of 20
AFDC refugee assistance	1,166,170	293,808	293,808	293,808		
Community work exper. prog. (CWEF)	81,344	222,189	222,189	222,189		
Indian county allocations	302,000	387,784	387,784	387,784		
Mandatory supplementation	41,030	38,880	38,880	38,880		
Optional supplementation	1,818,948	1,619,816	1,619,816	1,619,816		
General assistance	433,578	500,312	500,312	500,312		
Low income home energy assist. pgs.	25,122,132	38,725,570	32,200,000	31,800,000	1,600,000	Increase by \$1.6 million from the general fund to restore \$1.4 million of \$3.2 million used in House version for social services block grant
Child supp. incenl./pol. sub. (in-state)	789,843	522,519	522,519	522,519		
Child supp. inc. (pol. sub. (out-state)	129,724	81,613	81,613	81,613		
Child supp. inc. (other states)	96,821	57,007	57,007	57,007		
Child supp. refunds to ineligible fam.	1,518,741	1,192,733	1,192,733	1,192,733		
Child supp. excess paid to families	78,151	1,104,512	1,104,512	1,104,512		
Child supp. pgs./non-AFDC coll.	1,174,890	1,510,685	1,510,685	1,510,685		
Total economic assistance	\$ 64,676,062	\$ 83,105,195	\$ 76,639,625	\$ 81,788,343	\$ 5,148,718	
Medical Assistance Program						
Less: Federal funds		\$159,650,970	\$156,385,061	\$158,377,828	\$1,992,422	
County funds		(2,828,974)	(2,828,974)	(3,099,556)	(270,582)	
Child support collections		(4,477,053)	(4,477,053)	(4,477,053)		
Total general fund appropriation	\$ 11,015,669	\$ 16,109,386	\$ 17,848,156	\$ 15,813,900	\$ 2,035,218	
Medical Assistance Program						
Assistance payments	\$130,007,443	\$139,453,818	\$139,900,893	\$207,184,637	\$167,730,784	Allow February 1985 caseload, 0% annual increase, increase of 96 medical eligibles per month
Indian health	1,370,198	939,840	939,840	939,840		
Nursing home surveys	930,000	713,700	713,700	713,700		
Refugee assistance	2,167,582	298,293	298,293	298,293		
Developmentally disabled (DD) program	45,407,648	95,563,158	84,333,808	84,260,107	176,307	Provide 0% annual increases, include funds for an additional DDK facility (15 beds)
Aged and disabled waiver	0	3,300,463	3,300,461	3,300,461		
Total medical assistance program	\$139,732,891	\$304,771,310	\$288,277,007	\$296,787,338	\$13,510,251	
Less: Federal funds and county funds	114,076,514	167,969,832	165,104,930	168,743,863	6,618,933	
Total general fund appropriation	\$ 25,656,377	\$136,801,478	\$123,172,077	\$128,043,475	\$ 4,811,402	

Office of Human Services

CWP-Day care	\$ 392,777	\$ 25,000	\$ 25,000	25,000
Deaf-blind-manicompated blind	138,088	306,689	306,689	306,689
Aging-mental services	2,250,000	1,810,000	1,810,000	1,810,000
Aging-nursing	2,500,000	3,320,000	3,320,000	3,320,000
Aging-line of communities	750,000	1,000,000	1,000,000	1,000,000
Aging-mental illness centers	250,000	300,000	300,000	300,000
Aging-will levy match	1,350,000	1,750,000	1,750,000	1,750,000
Crippled children	906,000	974,000	974,000	974,000
Out-of-state boarding	792,689	1,279,884	0	0

Program	1983-85 Present Budget	1985-87 Original Executive Recommendation	HR 1009 as Amended by House Appropriations	HR 1009 as Amended by Senate Appropriations	Increase (Decrease) to House Version	Explanation
Foster care-federal match	\$ 4,335,771	\$ 3,173,836	\$ 3,173,836	\$ 3,173,836		
Foster care-regular	2,856,679	2,677,036	2,677,036	2,677,036		
Foster care-services	520,000	992,000	992,000	992,000		
IV-B special projects	163,250	0	0	0		
Day care	0	0	0	0		
Letter Ball	0	75,000	75,000	75,000		
Alcohol and drug abuse	0	613,340	613,340	613,340		
Mental health	164,000	222,000	613,000	613,000		
Total Office of Human Services	\$ 17,352,529	\$ 18,994,743	\$ 17,957,901	\$ 17,957,901		
Less: Federal funds		(10,168,072)	(10,361,072)	(10,361,072)		
County funds		(1,257,128)	(1,257,128)	(1,257,128)		
Total general fund appropriation	\$ 5,937,811	\$ 7,569,543	\$ 6,339,701	\$ 6,339,701		

Vocational Rehabilitation

Rehabilitation services	\$ 2,176,597	\$ 2,806,802	\$ 2,806,802	\$ 2,806,802
Disability determination	620,000	500,000	500,000	500,000
Total vocational rehabilitation	\$ 2,796,597	\$ 3,306,802	\$ 3,306,802	\$ 3,306,802
Less: Federal funds	2,824,282	(2,215,602)	(2,215,602)	(2,215,602)
Total general fund appropriation	\$ 620,215	\$ 563,200	\$ 563,200	\$ 563,200

Adjustment for additional federal financial participation in certain programs:
General fund

\$ 13,600,000

Reflects anticipated increase in federal financial participation rate on October 1, 1986

Retained income

3,600,000

Program	1983-85 Present Budget	1985-87 Original Executive Recommendation	HR 1009 as Amended by House Appropriations	HR 1009 as Amended by Senate Appropriations	Increase (Decrease) to House Version	Explanation
Total grants line item	\$28,182,276	\$23,623,689	\$26,046,365	\$22,257,338	\$18,628,369	
Total general fund grants	\$105,332,115	\$163,237,930	\$145,069,285	\$130,666,317	\$ 4,957,032	
Total federal and special fund grants	\$22,830,661	\$269,165,252	\$239,009,640	\$227,711,617	\$11,701,817	

LEO LEIDHOLM, Secretary

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2028 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 2347-2349 of the House Journal.

For the Senate: Sens. Tennefos, Nelson, Walsh
For the House: Reps. Kingsbury, Gunsch, Graba

REP. KINGSBURY MOVED that the report be adopted, which motion prevailed on a verification vote.

MR. SPEAKER: Your Conference Committee to which was referred SB 2301 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2270-2273 of the House Journal and that SB 2301 be amended as follows:

That the House recede from its amendments as found on pages 2270-2273 of the House Journal and pages 1778-1780 of the Senate Journal, and that Senate Bill No. 2301 be amended as follows:

On page 1, line 1, delete the word "section" and insert in lieu thereof the words "sections 5-03-01 and"

On page 1, line 2, delete the word "penalty" and insert in lieu thereof the words "penalties for illegal distribution of alcoholic beverages and"

On page 1, after line 5, insert the following section:

"SECTION 1. AMENDMENT. Section 5-03-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-03-01. State wholesale license required - Qualifications - Penalty. Before any person shall engage in the sale at wholesale of beer or liquor in this state he shall first procure a license from only the state treasurer. Such license shall only allow sale to licensed retailers, licensed wholesalers and regular retail outlets on federal military reservations. No such license shall be issued unless the applicant shall file a sworn application, accompanied by the required fee, showing the following qualifications:

1. Applicant, other than corporate, must be a citizen of the United States and a resident of the state of North Dakota and a person of good moral character. If applicant is a corporation, the manager of the licensed premises shall be a resident of the state of North Dakota, a citizen of the United States, and a person of good moral character, and the officers, directors, and stockholders must be citizens of the United States and persons of good moral character. Corporate applicants must first be properly registered with the secretary of state.
2. The state treasurer may require applicant to set forth such other information as is necessary to enable him to determine if a license should be granted.
3. No person shall be eligible for such a license unless he has a warehouse and office in this state in which is kept a complete set of records

relative to his alcoholic beverage transactions in North Dakota.

Any person distributing alcoholic beverages in this state without compliance with the provisions of this title is guilty of ~~an infraction~~ a class B misdemeanor."

And renumber the lines and pages accordingly

For the Senate: Sens. Olson, Holmberg, Lashkowitz

For the House: Reps. R. Anderson, A. Hausauer, Enget

REP. R. ANDERSON MOVED that the report be adopted, which motion prevailed.

SB 2301 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2352 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 2046-2047 of the House Journal and that Engrossed SB 2352 be further amended as follows:

On page 2 of the engrossed bill, line 11, delete the word "shall" and insert in lieu thereof the words "may, without fear of reprisal,"

On page 2 of the engrossed bill, line 13, delete the words "without fear of reprisal"

On page 2 of the engrossed bill, line 15, after the word "A" insert the words "job related"

On page 2 of the engrossed bill, line 16, after the word "A" insert the words "job related"

On page 2 of the engrossed bill, line 17, after the word "The" insert the words "job related"

And renumber the lines and pages accordingly

For the Senate: Sens. Lodoen, Vosper, Matchie

For the House: Reps. R. Berg, Myrdal, DeMers

REP. R. BERG MOVED that the report be adopted, which motion prevailed.

Engrossed SB 2352 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2005 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on

page 2387 of the House Journal and that Engrossed SB 2005 be amended as follows:

That the House recede from its amendments as found on page 2387 of the House Journal and on page 1886 of the Senate Journal and that engrossed Senate Bill No. 2005 be amended as follows:

On page 1 of the engrossed bill, line 19, delete the numerals "18,959,806" and insert in lieu thereof the numerals "19,459,806"

On page 1 of the engrossed bill, line 21, delete the numerals "21,705,484" and insert in lieu thereof the numerals "22,205,484"

On page 1 of the engrossed bill, line 23, delete the numerals "14,050,495" and insert in lieu thereof the numerals "14,550,495"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Board of Vocational Education

The grants, benefits, and claims line item is increased by \$500,000 from the general fund to provide additional general fund moneys for vocational education grants. This is a \$921,631 reduction from the amendments adopted by the House.

For the Senate: Sens. Thane, Nelson, Shea

For the House: Reps. Wold, O. Hanson, Lautenschlager

REP. WOLD MOVED that the report be adopted, which motion prevailed.

Engrossed SB 2005 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SB 2432 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1981 of the House Journal.

For the Senate: Sens. Stenehjem, Olson, Redlin

For the House: Reps. Lindgren, Murphy, Keller

REP. LINDGREN MOVED that the report be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

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

MESSAGES TO THE SENATE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report on HB 1588 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1588: Reps. Conmy, Kloubec, R. Solberg
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2048
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1069, HB 1574
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2186
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1011, HB 1049, HB 1067, HB 1243, HB 1638
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SCR 4073, SCR 4079
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SCR 4076

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has amended:

SB 2455

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM 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 1522, HB 1523

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following on which the House has adopted the conference committee report:

SB 2354, SB 2369, SCR 4051

ROY GILBREATH, Chief Clerk

MESSAGES FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2023, SB 2027, SB 2030, SB 2031, SB 2033, SB 2100, SB 2114, SB 2115, SB 2135, SB 2307, SB 2491, SCR 4002, SCR 4056, SCR 4066, and SCR 4071 and subsequently passed the same.

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1446

LEO LEIDHOLM, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1653 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2369-2370 of the House Journal and that Engrossed HB 1653 be amended as follows:

That the Senate recede from its amendments as found on pages 1818-1819 of the Senate Journal and pages 2369-2370 of the House Journal and that engrossed House Bill No. 1653 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide an appropriation for additional compensation to North Dakota state employees; to provide for revisions to the North Dakota central personnel compensation plan; and to declare an emergency.

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

SECTION 1. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated out of the general fund and from special funds or moneys derived from federal funds or income in the state treasury as indicated to the agencies and institutions of state government named herein for the purpose of providing additional compensation to employees of the various agencies and institutions named herein for the period beginning February 1, 1985, and ending June 30, 1985:

AGENCY OR INSTITUTION	GENERAL FUND	SPECIAL FUNDS	TOTAL
State printing	\$	\$ 4,052	\$ 4,052
Secretary of state	5,522		5,522
Office of management and budget	25,656		25,656
Central data processing		39,060	39,060
State auditor	18,491		18,491
State treasurer	2,631		2,631
Attorney general	27,779		27,779
Tax commissioner	45,246		45,246
Energy development impact office (one-half from the coal development impact fund)		1,313	1,313
Director of institutions	18,456		18,456
Motor vehicle registrar		12,203	12,203
Legislative council	12,664		12,664
Supreme court	16,552		16,552
Judicial qualifications commission	771		771
District courts	43,945		43,945
Public employees retirement board		3,585	3,585
Superintendent of public instruction	10,291	16,190	26,481
Division of independent study	7,314		7,314
Board of higher education	5,620		5,620

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Industrial school	24,339		24,339
Commissioner of university and school lands		5,203	5,203
Bismarck junior college	130,497		130,497
Lake Region community college	39,823		39,823
UND-Williston center	44,541		44,541
University of North Dakota	811,938		811,938
Medical center rehabilitation hospital		144,714	144,714
University of North Dakota medical center	315,349	123,088	438,437
North Dakota state university	714,624		714,624
North Dakota state university- state toxicologist	5,457		5,457
Upper great plains transportation institute	5,042		5,042
State school of science	253,696		253,696
Dickinson state college	105,851		105,851
Mayville state college	73,400		73,400
Minot state college	206,897		206,897
Valley City state college	90,640		90,640
North Dakota forest service	12,964		12,964
North Dakota state university - Bottineau branch	38,033		38,033
Library commission	6,239		6,239
School for the deaf	20,024		20,024
School for the blind	11,887		11,887
Teachers' fund for retirement		2,172	2,172
Board of vocational education	6,192	6,708	12,900
Department of health	42,767	39,474	82,241
Grafton state school	235,477		235,477
San Haven	66,998		66,998
State hospital	210,934		210,934
Veterans' home		8,434	8,434
Indian affairs commission	982		982
Department of veterans' affairs (postwar veterans' trust fund)		1,763	1,763
Department of human services	224,999	30,679	255,678
Governor's council on human resources	1,079		1,079
Protection and advocacy project	4,632		4,632
Insurance commissioner		6,791	6,791
Unsatisfied judgment fund		265	265
Industrial commission		12,653	12,653
Labor commissioner	1,706		1,706
Public service commission	17,210	5,666	22,876
Weather modification board	1,266		1,266
Aeronautics commission	1,730		1,730
Department of banking and financial institutions	8,169		8,169
Securities commissioner	2,679		2,679

State laboratories department	10,609		10,609
Bonding fund		188	188
Fire and tornado fund		808	808
Bank of North Dakota		34,442	34,442
Housing finance agency		7,128	7,128
Mill and elevator association		21,572	21,572
Job service		134,643	134,643
OASIS and social security		1,414	1,414
Workmen's compensation bureau		18,605	18,605
Crime victims reparations division	174		174
Parole and probation office	8,994		8,994
Highway patrol	62,524		62,524
Radio communications department	8,142		8,142
Division of disaster emergency services	1,836	4,721	6,557
Civil air patrol	187		187
State penitentiary	39,848		39,848
Penitentiary industries		5,819	5,819
Adjutant general	4,934		4,934
Economic development commission	4,505	1,931	6,436
Commissioner of agriculture	10,051	1,242	11,293
Predatory animal control	2,750		2,750
Milk stabilization board		1,676	1,676
Sunflower council		236	236
Agricultural products utilization commission		654	654
Livestock sanitary board	1,929		1,929
Wheat commission		2,835	2,835
Barley council		1,422	1,422
Seed department		9,230	9,230
Extension division	224,653	9,675	234,328
Northern crops institute	4,280		4,280
Main experiment station	259,413	20,340	279,753
Dickinson experiment station	5,934		5,934
Central grasslands experiment station	3,040		3,040
Hettinger experiment station	3,075		3,075
Langdon experiment station	3,094		3,094
North central experiment station	3,298		3,298
Williston experiment station	3,760		3,760
Carrington experiment station	6,406		6,406

Agronomy seed farm	1,901	1,901
Land reclamation research center	12,198	12,198
Historical society	14,038	14,038
Council on the arts	1,183	1,183
Soil conservation committee	1,780	1,780
Geological survey	9,327	9,327
Game and fish department	35,233	35,233
Parks and recreation department	10,072	10,072
Water commission	26,059	26,059
Southwest water pipeline (resources trust fund)	575	575
Highway department	311,691	311,691
Total	<u>\$4,705,567</u>	<u>\$5,819,086</u>

The amounts herein appropriated are intended to provide average compensation increases of 9.5 percent to faculty and senior administrative staff at the institutions of higher education for the period beginning after February 1, 1985, through June 30, 1985, and average compensation increases of 5.5 percent to other state employees for the period beginning after April 1, 1985, through June 30, 1985. It is intended that employees receive minimum increases of fifty dollars per month. The actual amount of increases paid an individual employee shall be determined by the director of the agency or institution in accordance, where applicable, with central personnel division classification and compensation plans, except that a director of an agency or institution may grant increases which exceed the maximum limit of salary ranges in such plans. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to be across-the-board salary increases. Compensation increases may only be granted to employees who are currently employed by the state on the effective date of this Act and who have been continuously employed by the state since July 1, 1984, excluding those employees who have indicated that they will not or who the administrator knows will not be employed by the agency or institution on July 1, 1985, or at the end of their contract period. Notwithstanding other provisions of this Act, any agency or institution may pay an employee a one time payment for amounts the employee would have received pursuant to the provisions of this Act had it been effective earlier, or an agency may use the funds appropriated by this Act to provide increased salary levels during the biennium ending June 30, 1987.

SECTION 2. Revisions to compensation plan. Notwithstanding the provisions of section 54-44.3-12.1 of the North Dakota Century Code, relating to revisions to the North Dakota central personnel compensation plan, the central personnel division shall revise the compensation plan to reflect a 5.5 percent or \$50 per month increase, whichever is greater, as of April 1, 1985, and to reflect a four percent or \$50 per month increase, whichever is greater, as of July 1, 1986.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

For the Senate: Sens. Lips, Tennefos, Mushik
For the House: Reps. Strinden, Unhjem, Kelly

REP. UNHJEM MOVED that the report be adopted, which motion prevailed.

Engrossed HB 1653 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KRETSCHMAR MOVED that in accordance with House Rule 332.1 which states as follows: "After the fifty-fifth legislative day, all bills and resolutions received from the Senate for concurrence which have previously passed the House shall immediately be placed on the calendar for second reading and final passage.", the rules suspension placing bills acted upon on the Sixth order of business and moving them to the Eleventh and Fourteenth orders of business was not necessary, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. KINGSBURY MOVED that the amendments to HB 1013 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1013 DO PASS, which motion prevailed.

HB 1013 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act making an appropriation for defraying expenses of various commissions, departments, and divisions thereof of the state of North Dakota; 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 89 YEAS, 12 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Nalewaja; Nicholas; Nowatzki;

Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.;
 Opedahl; O'Shea; Peterson, J.; Retzer; Rice; Richard;
 Riley; Rydell; Sauter; Schindler; Schmidt; Schneider;
 Shaw; Skjerven; Smette; Solberg, O.; Solberg, R.;
 Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer;
 Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.;
 Williams, C.; Williams, W.; Wold; Speaker Hausauer, R.

NAYS: Dorso; Gunsch; Hanson, O.; Linderman; Murphy;
 Myrdal; Payne; Pederson, R.; Shide; Shockman; Thompson;
 Winkelman

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Meyer;
 Riehl; Whalen

HB 1013 passed, the title was agreed to, and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

REP. TIMM MOVED that the amendments to HB 1528 as recommended by the Conference Committee be adopted, and when so adopted, recommends that HB 1528 DO PASS, which motion prevailed.

HB 1528 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1528: A BILL for an Act to amend and reenact subsections 2 and 18 of section 26-41-03 and section 26-41-06 of the North Dakota Century Code, or in the alternative to amend and reenact subsections 2 and 21 of section 26.1-41-01 and section 26.1-41-04 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to levels of no-fault insurance coverage and the definition of serious injury.

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 92 YEAS, 11 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.;
 Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso;
 Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz;
 Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.;
 Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill;
 Hoffner; Hughes; Keller; Kent; Kingsbury; Kloubec;
 Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang;
 Larson; Laughlin; Linderman; Lindgren; Martin;

Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; Kelly; Lautenschlager; Lloyd; Mertens; O'Connell; Payne; Sauter; Schneider; Stofferahn; Ulmer

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Whalen

HB 1528 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. UNHJEM MOVED that the amendments to HB 1653 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1653 DO PASS, which motion prevailed.

HB 1653 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1653: A BILL for an Act to provide an appropriation for additional compensation to North Dakota state employees; to provide for revisions to the North Dakota central personnel compensation plan; and to declare 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 90 YEAS, 13 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Kelly; Kent; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.;

Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer, Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; Gunsch; Hanson, O.; Keller; Klundt; Lang; Melby; Murphy; O'Connell; Olson, A.; Shockman; Wald; Whalen

ABSENT AND NOT VOTING: Gullickson; Kingsbury; Lipsiea

HB 1653 passed, the title was agreed to, and the emergency clause carried.

REQUEST

REP. WALD REQUESTED that the record show that he intended to vote "aye" on HB 1653, which request was granted.

SIXTH ORDER OF BUSINESS

REP. HAMERLIK MOVED that the amendments to SB 2204 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2204 DO PASS, which motion prevailed.

SB 2204 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to provide for a program of preadmission assessment of the health and social needs for all prospective residents of skilled nursing facilities, intermediate care facilities, or hospital swing-bed facilities who are, or within one hundred eighty days of admission may become, eligible for medical assistance program benefits.

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 96 YEAS, 1 NAY, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell;

Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Hanson, O.

ABSENT AND NOT VOTING: Gullickson; Kloubec; Lipsiea; Meyer; Myrdal; Peterson, J.; Schmidt; Unhjem; Wold

SB 2204 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to SB 2260 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2260 DO PASS, which motion prevailed.

SB 2260 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act to amend and reenact sections 28-14-03.1 and 29-17-12 of the North Dakota Century Code, relating to the size of juries in civil and criminal cases.

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 97 YEAS, 2 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Mølby; Mertens; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne;

Wentz; Whalen; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Kuchera; Pederson, R.

ABSENT AND NOT VOTING: Cullickson; Lipsiea; Meyer;
Myrdal; Peterson, J.; Riehl; Unhjem

SB 2260 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to SB 2273 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2273 DO PASS, which motion prevailed.

SB 2273 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to amend and reenact sections 55-11-04, 55-11-05, and 55-11-10 of the North Dakota Century Code, relating to advisers to the state parks and recreation department on the nature preserve program and acquisition of nature preserves and natural areas.

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 90 YEAS, 11 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Berg, R.; Brokaw;
Cleveland; Conny; Dalrymple; DeMers; Dorso; Dotzenrod;
Eckroth; Enget; Frey; Gates; Gertholz; Graba;
Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.;
Hedstrom; Hill; Hoffner; Keller; Kelly; Kent;
Kingsbury; Kloubec; Klundt; Knudson; Koland;
Kretschmar; Kuchera; Lang; Larson; Laughlin;
Lautenschlager; Linderman; Lindgren; Lloyd; Martin;
Martinson; Mertens; Moore; Myrdal; Nalewaja; Nicholas;
Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.;
Olson, V.; Opedahl; O'Shea; Payne; Retzer; Rice;
Richard; Riehl; Riley; Rydell; Sauter; Schindler;
Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven;
Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn;
Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Watne;
Wentz; Williams, A.; Williams, C.; Williams, W.;
Winkelman; Wold; Speaker Hausauer, R.

NAYS: Anderson, R.; Goetz; Gunsch; Hanson, O.; Hughes;
Melby; Murphy; Pederson, R.; Thompson; Wald; Whalen

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Meyer;
Peterson, J.; Unhjem

SB 2273 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to SB 2313 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2313 DO PASS, which motion prevailed.

SB 2313 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. STRINDEN MOVED that SB 2313 be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. LARSON MOVED that the amendments to SB 2355 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2355 DO PASS, which motion prevailed.

SB 2355 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to amend and reenact section 6-08-16.2 of the North Dakota Century Code, relating to issuing checks with insufficient funds or without an account; and to provide a penalty.

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 100 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven;

Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Conmy; Kuchera

ABSENT AND NOT VOTING: Gullickson; Koland; Lipsiea; Meyer

SB 2355 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. NALEWAJA MOVED that the conference committee report on SB 2410 be adopted, and when so adopted, recommends that SB 2410 DO PASS, which motion prevailed.

SB 2410 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2410: A BILL for an Act to provide for licensure of environmental health practitioners; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 75 YEAS, 28 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Berg, G.; Berg, R.; Cleveland; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Keller; Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Laughlin; Lautenschlager; Lloyd; Martin; Martinson; Mertens; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson, J.; Retzer; Richard; Riehl; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Hausauer, R.

NAYS: Anderson, R.; Belter; Brokaw; Conmy; Dalrymple; Dorso; Goetz; Hanson, O.; Hausauer, A.; Hughes; Kloubec; Larson; Linderman; Lindgren; Melby; Murphy;

Olsen, D.; Pederson, R.; Rice; Riley; Shide; Skjerven;
Strinden; Thompson; Timm; Wald; Whalen; Winkelman

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Meyer

SB 2410 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. R. ANDERSON MOVED that the amendments to SB 2413 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2413 DO PASS, which motion prevailed.

SB 2413 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2413: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to registration fees of motor vehicles owned by collectors.

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 17 YEAS, 83 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Brokaw; Frey; Gunsch; Halmrast; Keller; Klundt;
Kretschmar; Laughlin; Linderman; Mertens; O'Connell;
O'Shea; Richard; Riehl; Shockman; Solberg, O.;
Vander Vorst

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.;
Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod;
Eckroth; Enget; Gates; Gerntholz; Goetz; Graba;
Hamerlik; Hanson, L.; Hanson, O.; Haugland;
Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Kelly;
Kent; Kingsbury; Kloubec; Knudson; Koland; Lang;
Larson; Lautenschlager; Lindgren; Lloyd; Martin;
Martinson; Melby; Moore; Murphy; Myrdal; Nalewaja;
Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.;
Olson, V.; Opedahl; Payne; Pederson, R.; Peterson, J.;
Retzer; Rice; Riley; Rydell; Sauter; Schindler;
Schmidt; Schneider; Shaw; Shide; Skjerven; Smette;
Solberg, R.; Starke; Stofferahn; Strinden; Timm;
Tollefson; Ulmer; Unhjem; Wald; Watne; Wentz; Whalen;
Williams, A.; Williams, C.; Williams, W.; Winkelman;
Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Kuchera;
Lipsiea; Meyer; Thompson

SB 2413 was declared lost.

MESSAGE TO THE SENATE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report:

HB 1019

ROY GILBREATH, Chief Clerk

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2014 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 2427 of the House Journal and that Engrossed SB 2014 be amended as follows:

That the House recede from its amendments as found on page 2427 of the House Journal and on pages 1897 and 1898 of the Senate Journal and that engrossed Senate Bill No. 2014 be amended as follows:

On page 1 of the engrossed bill, line 19, delete the numerals "2,235,377" and insert in lieu thereof the numerals "1,935,377"

On page 1 of the engrossed bill, line 20, delete the numerals "441,167" and insert in lieu thereof the numerals "741,167"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Weather Modification Board

The general fund line item is increased by \$300,000, with a corresponding decrease to the estimated income line item to provide general fund support for the weather modification operations program. The \$300,000 is a decrease of \$50,000 from the \$350,000 general fund increase in the amendments adopted by the House.

For the Senate: Sens. Tweten, Thane (refused to sign), Walsh

For the House: Reps. Unhjem, Rice, Opedahl

REP. UNHJEM MOVED that the report be adopted, which motion prevailed.

Engrossed SB 2014 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2021 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 2428-2429 of the House Journal.

For the Senate: Sens. Wenstrom, Nelson (refused to sign), Mushik
For the House: Reps. Unhjem, O. Hanson, Kelly

REP. UNHJEM MOVED that the report be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. MURPHY MOVED that the amendments to SB 2438 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2438 DO PASS, which motion prevailed.

SB 2438 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2438: A BILL for an Act to amend and reenact sections 14-05-17 and 14-06-06 of the North Dakota Century Code, relating to residency requirements for divorce and for separation.

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 83 YEAS, 19 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Graba; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Larson; Laughlin; Linderman; Lindgren; Lloyd; Martinson; Mertens; Moore; Murphy; Malewaja; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Belter; Brokaw; Gerntholz; Goetz; Gunsch; Halmrast; Hanson, O.; Kingsbury; Lang; Lautenschlager; Martin; Melby; Myrdal; Olsen, D.; Riehl; Shide; Thompson; Wald; Whalen

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Lipsiea;
Meyer

SB 2438 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. DALRYMPLE MOVED that the amendments to SB 2464 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2464 DO PASS, which motion prevailed.

SB 2464 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2464: A BILL for an Act to amend and reenact sections 44-11-02, 44-11-10, and 44-11-13 of the North Dakota Century Code, relating to the number of persons who must sign a complaint seeking the gubernatorial removal of a public official, the fees of the special commissioner and payment of stenographer's expenses, and payment of costs upon dismissal and the filing of an indemnity bond with regard to gubernatorial removal of public officials.

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 97 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Malewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Gunsch; Hanson, O.; Kuchera; Thompson; Whalen

ABSENT AND NOT VOTING: Berg, G.; Gullickson; Lipsiea;
Meyer

SB 2464 passed and the title was agreed to.

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

SB 2062

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following on which the House has adopted the conference committee report:

SB 2012, SB 2028, SB 2432

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2204, SB 2260, SB 2273, SB 2355, SB 2410, SB 2438,
SB 2464

ROY GILBREATH, Chief Clerk

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred SCR 4022 has had the same under consideration and recommends by a vote of 6 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1, line 4, after the word "ballot" insert the words ", or in the alternative for the amendment of the new section to the new article V of the Constitution of the State of North Dakota as created by section 1 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, relating to the requirement that the tax commissioner be elected on a no-party ballot"

On page 1, line 11, after the word "Dakota" insert the words "if House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, having been submitted to the voters, is not approved in the primary election held in 1986, or the following proposed amendment to the new

section to the new article V of the Constitution of the State of North Dakota if House Concurrent Resolution No. 3003 is approved at the primary election,"

On page 2, after line 27, insert the following new section:

"SECTION 2. AMENDMENT. The new section to the new article V of the Constitution of the State of North Dakota as created by section 1 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly and the voters at the primary election, is hereby amended and reenacted to read as follows:

The qualified electors of the state at the times and places of choosing members of the legislative assembly shall choose a governor, lieutenant governor, agriculture commissioner, attorney general, auditor, insurance commissioner, three public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer. The legislative assembly may by law provide for a department of labor to be administered by a public official who may be either elected or appointed.

The tax commissioner must be elected on a no-party ballot and must be nominated and elected in the manner now provided for the nomination and election of the superintendent of public instruction.

The powers and duties of the agriculture commissioner, attorney general, auditor, insurance commissioner, public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer must be prescribed by law. If the legislative assembly establishes a department of labor, the powers and duties of the officer administering that department must be prescribed by law."

And renumber the lines and pages accordingly

REP. MARTIN, Cochairman

SCR 4022 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. MARTIN MOVED that the amendments to SCR 4022 as recommended by the Committee on Joint Constitutional Revision be adopted, and when so adopted, recommends that SCR 4022 BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

SCR 4022 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4022: A concurrent resolution for the amendment of section 12 of article V of the Constitution of the State of North Dakota, relating to the requirement that the tax commissioner be elected on a no-party ballot, or in the alternative for the amendment of the new section to the new article V of the Constitution of the State of North Dakota as created by section 1 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, relating to the requirement that the tax commissioner be elected on a no-party ballot.

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

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were 65 YEAS, 39 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Smette; Strinden; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Wentz; Whalen; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Berg, G.; Brokaw; DeMers; Enget; Frey; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Keller; Kelly; Klundt; Laughlin; Lautenschlager; Linderman; Lloyd; Mertens; Meyer; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Richard; Riehl; Sauter; Schneider; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Ulmer; Watne; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Lipsiea

SCR 4022 was declared adopted.

MESSAGES TO THE SENATE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following on which the House has adopted the conference committee report and subsequently failed to pass:

SB 2413

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following on which the House has adopted the conference committee report:

SB 2021

ROY GILBREATH, Chief Clerk

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on State and Federal Government to which was rereferred Engrossed SB 2388 has had the same under consideration and recommends by a vote of 7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

In lieu of the amendments to engrossed Senate Bill No. 2388 adopted by the House of Representatives as found on page 2048 of the House Journal, engrossed Senate Bill No. 2388 is amended as follows:

On page 1 of the engrossed bill, line 6, delete the first word "and", and after the numerals "54-52-05" insert the word and numerals ", section 54-52-13,"

On page 1 of the engrossed bill, line 7, delete the numeral "2,", and delete the second comma

On page 1 of the engrossed bill, line 9, after the word "system" insert the words "; to provide for a transfer of funds in the public employees retirement system; and to provide a continuing appropriation"

On page 1 of the engrossed bill, line 23, delete the words "the state parole board,"

On page 1 of the engrossed bill, line 24, delete the words "the state parks and"

On page 1 of the engrossed bill, line 25, delete the words "recreation department,"

On page 1 of the engrossed bill, line 28, after the word "institutions" insert the words ", but not including agents of the state parole board, agents of the state parks and"

recreation department, and members of the state highway patrolmen's retirement system"

On page 3 of the engrossed bill, after line 19, insert the following new section:

"SECTION 4. AMENDMENT. Section 54-52-13 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-13. **Deposit of moneys - Appropriation.** All moneys, including but not limited to employers' contributions, employees' contributions, grants, donations, legacies, and devises for the benefit of the fund, shall be deposited in the public employees retirement fund account with the Bank of North Dakota. However, all employers' contributions, employees' contributions, grants, donations, legacies, and devises made in relation to law enforcement officer retirement under this chapter shall be deposited in the law enforcement officers retirement fund account with the Bank of North Dakota. All of said moneys, not otherwise appropriated, are hereby appropriated for the purpose of making investments for the employees retirement fund funds and the moneys in each fund under this chapter are hereby appropriated to make payments to beneficiaries under the program respective retirement programs."

On page 3 of the engrossed bill, line 20, delete the numeral "2," and delete the second comma

On page 3 of the engrossed bill, delete lines 23 through 35

On page 4 of the engrossed bill, delete lines 1 through 5

On page 4 of the engrossed bill, line 13, after the word "years" insert the words "and has completed at least twenty consecutive years of employment as a law enforcement officer immediately preceding retirement"

On page 4 of the engrossed bill, line 31, delete the word "fifty" and insert in lieu thereof the word "fifty-five"

On page 4 of the engrossed bill, line 32, after the word "completed" insert the words "at least", and after the word "ten" insert the words "but less than twenty"

On page 7 of the engrossed bill, after line 5, insert the following new sections:

"SECTION 6. TRANSFER. There is hereby authorized the transfer to the law enforcement officers retirement fund account with the Bank of North Dakota, the sum of \$6,000,000 from the public employees retirement fund account with the Bank of North Dakota for the purpose of

establishing a separate fund for the payment of benefits to law enforcement officers under this Act.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the legislative assembly that any necessary future increases in the funding obligations for the retirement benefits of law enforcement officers under this Act be paid from contributions by law enforcement officers. The legislative assembly further declares that the establishment of the law enforcement officer retirement benefit program under this Act is contrary to the general policy followed by the legislative assembly of the last ten years to consolidate and streamline public employee retirement programs."

And renumber the lines, sections, and pages accordingly

REP. MARTINSON, Chairman

Engrossed SB 2388 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to SB 2388 as recommended by the Committee on State and Federal Government as printed on page 2048 of the House Journal be adopted, and when so adopted, recommends that SB 2388 DO NOT PASS, which motion prevailed.

SB 2388 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to create and enact a new subsection to section 54-52-01 and a new section to chapter 54-52 of the North Dakota Century Code, relating to the definition of law enforcement officer and to employee and employer contributions by and for law enforcement officers under the public employees retirement system; and to amend and reenact subsection 3 of section 54-52-05 and subsections 2, 3, and 4 of section 54-52-17 of the North Dakota Century Code, relating to retirement benefits of law enforcement officers under the public employees retirement system.

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

MOTION

REP. HUGHES MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 58 YEAS, 43 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Klundt; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Mertens; Meyer; Myrdal; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Rice; Richard; Riehl; Sauter; Schneider; Shaw; Shide; Solberg, O.; Solberg, R.; Starke; Stofferahn; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Dorso; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Kent; Kingsbury; Kloubec; Knudson; Koland; Kuchera; Lang; Martin; Martinson; Melby; Moore; Murphy; Nalewaja; Nicholas; Olson, A.; Payne; Pederson, R.; Retzer; Riley; Rydell; Schindler; Schmidt; Shockman; Skjerven; Smette; Strinden; Thompson; Timm; Unhjem; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Hausauer, A.; Lipsiea; Wald; Whalen

SB 2388 passed and the title was agreed to.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills recommends that the following be introduced:

HB 1662, HCR 3107

REP. STRINDEN, Chairman

REP. KRETSCHMAR MOVED that the report be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rule be suspended, that sets the time of introduction of agency bills to allow a bill to be introduced by the Department of Office of Management and Budget, which motion prevailed on a verification vote.

FIRST READING OF HOUSE BILLS

Rep. Strinden introduced:

(Approved by the Committee on Delayed Bills)

HB 1662: A BILL for an Act to authorize the board of university and school lands to invest permanent funds of the common schools for the construction of buildings and plant improvements and to provide authority for construction of buildings and plant improvements.

Was read the first time and referred to the Committee on Appropriations.

Committee on Finance and Taxation introduced:

(At the request of the Office of Management and Budget)

HB 1663: A BILL for an Act to provide for a contingent sales, use, and motor vehicle excise tax increase if general fund revenue receipts fall below a specified level; and to provide an expiration date.

Was read the first time and referred to the Committee on Finance and Taxation.

MESSAGES FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on SB 2019 and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2019: Sens. Tweten, Nelson, Walsh

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1027, HB 1031, HB 1196, and HB 1636 which the Senate has amended:

SENATE AMENDMENTS TO ENGROSSED HB 1027

- On page 2 of the engrossed bill, line 9, delete the numerals "101,304" and insert in lieu thereof the numerals "111,304"
- On page 2 of the engrossed bill, line 11, delete the numerals "243,405" and insert in lieu thereof the numerals "253,405"
- On page 2 of the engrossed bill, line 12, delete the numerals "60,000" and insert in lieu thereof the numerals "70,000"
- On page 2 of the engrossed bill, line 15, delete the numerals "80,000" and insert in lieu thereof the numerals "90,000"
- On page 2 of the engrossed bill, line 16, delete the numerals "20,325,031" and insert in lieu thereof the numerals "20,335,031"
- On page 2 of the engrossed bill, line 29, delete the words "fifty-eight thousand two" and insert in lieu thereof the words "fifty-six thousand eight hundred sixty-five"
- On page 2 of the engrossed bill, line 31, remove the overstrike over the words "~~five hundred~~", and delete the words "six hundred fourteen" and insert in lieu thereof the word "eighty-two"
- On page 2 of the engrossed bill, line 32, after the word "annum" insert the words "and commencing on July 1, 1986, each judge of the supreme court shall receive an annual salary of fifty-nine thousand one hundred forty dollars except that the chief justice of the supreme court shall receive

an additional one thousand six hundred forty-five dollars per annum."

On page 3 of the engrossed bill, line 3, delete the words "fifty-four thousand" and insert in lieu thereof the words "fifty-three thousand three hundred eighty-three dollars and commencing July 1, 1986, an annual salary of fifty-five thousand five hundred nineteen"

On page 3 of the engrossed bill, line 4, delete the words "four hundred fifty-one"

On page 3 of the engrossed bill, line 11, delete the words "ninety-one" and insert in lieu thereof the words "sixty-six", and after the word "annum" insert the words "commencing July 1, 1985, and one thousand three hundred sixteen dollars per annum commencing July 1, 1986"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Judicial Qualifications Commission and Disciplinary Board

The operating expenses line item is increased by \$10,000 from other funds for a grant received from the American Law Institute/ABA for continuance of the attorney assistance program.

Supreme Court

Salaries of the Supreme Court judges are set at a level reflecting a 5.5 percent increase for the first year of the biennium and a four percent increase for the second year of the biennium.

District Courts

Salaries of the district judges are set at a level reflecting a 5.5 percent increase for the first year of the biennium and a four percent increase for the second year of the biennium.

SENATE AMENDMENTS TO ENGROSSED HB 1031

On page 1 of the engrossed bill, line 18, delete the numerals "7,238,528" and insert in lieu thereof the numerals "7,338,528"

On page 1 of the engrossed bill, line 19, delete the numerals "4,380,090" and insert in lieu thereof the numerals "4,330,090"

On page 1 of the engrossed bill, line 22, delete the numerals "12,525,478" and insert in lieu thereof the numerals "12,575,478"

- On page 1 of the engrossed bill, line 23, delete the numerals "266,158" and insert in lieu thereof the numerals "316,158"
- On page 1 of the engrossed bill, line 27, delete the numerals "999,537" and insert in lieu thereof the numerals "1,054,537"
- On page 1 of the engrossed bill, line 28, delete the numerals "4,080,426" and insert in lieu thereof the numerals "4,249,762"
- On page 2 of the engrossed bill, line 3, delete the numerals "5,871,963" and insert in lieu thereof the numerals "6,076,299"
- On page 2 of the engrossed bill, line 4, delete the numerals "12,259,320" and insert in lieu thereof the numerals "12,334,320"
- On page 2 of the engrossed bill, line 5, delete the numerals "6,138,121" and insert in lieu thereof the numerals "6,667,457"
- On page 2 of the engrossed bill, line 6, delete the numerals "18,397,441" and insert in lieu thereof the numerals "19,001,777"
- On page 2 of the engrossed bill, after line 24, insert the following new section:

"SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to roughrider industries, \$75,000, or so much thereof as may be necessary, for the purpose of paying expenses associated with the assumption of responsibility for the warehousing and distribution of food commodities. There is also hereby appropriated the sum of \$275,000, or so much thereof as may be necessary, from the proceeds of a loan, to roughrider industries, for the purpose of paying expenses associated with the assumption of responsibility for the warehousing and distribution of food commodities."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Penitentiary

The salaries and wages line item is increased by \$100,000 to provide additional funds for overtime and temporary salaries. This increase is to be offset by a \$50,000 decrease to the operating expenses line item and a \$50,000 increase in the

estimated income line item, with no change to the general fund appropriation amount.

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

Penitentiary Industries

The salaries and wages line item is increased by \$35,000 from other funds to provide additional funds for overtime salaries.

The remaining salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

The operating expenses line item is increased by \$144,336 from other funds to provide authorization for repayment of a loan from the Bank of North Dakota in June 1984. The operating expenses line item is further increased by \$25,000 from other funds to provide funds for additional payments to the motor pool.

A new section is added which appropriates \$75,000 from the general fund and authorizes a loan and expenditure of an additional \$275,000 to allow the Penitentiary Industries to assume the responsibility of warehousing and distributing food commodities.

SENATE AMENDMENTS TO HB 1196

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 amend and reenact section 50-01-09.2 of the North Dakota Century Code, relating to increased state reimbursements to counties for optional supplementation of supplemental security income benefits; to repeal chapter 522 of the 1983 Session Laws; and to provide an effective date.

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

SECTION 1. AMENDMENT. Section 50-01-09.2 of the parent volume for title 50 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-01-09.2. Reimbursement to counties by state for general assistance provided. Within the limits of legislative appropriations, the department of human services shall reimburse each county upon claim being made by the county,

for one-half of the amounts expended on behalf of persons unable to provide themselves with a reasonable subsistence compatible with decency and health and who are not otherwise provided for under the laws of this state. Claim for reimbursement along with a certification of amounts paid shall be presented quarterly by the board of county commissioners to the department of human services. An amount not to exceed one-half of the sums so certified shall be paid to the county by the department of human services, except that the department shall reimburse the county for sixty-five percent of the cost of supplementary payments to or on behalf of those individuals residing in adult family care homes and custodial care homes who are in receipt of supplemental security income benefits under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] and who are determined by the department to need assistance to enable them to meet the reasonable costs of custodial care in those homes, upon the audit and approval of the claim in the manner provided by law.

SECTION 2. REPEAL. Chapter 522 of the 1983 Session Laws is hereby repealed.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 1986."

And renumber the lines and pages accordingly

FLOOR AMENDMENTS TO HB 1196

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 amend and reenact section 50-01-09.2 of the North Dakota Century Code, relating to increased state reimbursements to counties for optional supplementation of supplemental security income benefits; to repeal chapter 522 of the 1983 Session Laws.

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

SECTION 1. AMENDMENT. Section 50-01-09.2 of the parent volume for title 50 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-01-09.2. Reimbursement to counties by state for general assistance provided. Within the limits of legislative appropriations, the department of human services shall reimburse each county upon claim being made by the county, for one-half of the amounts expended on behalf of persons unable to provide themselves with a reasonable subsistence compatible with decency and health and who are not otherwise provided for under the laws of this state. Claim for reimbursement along with a certification of amounts paid shall be presented quarterly by the board of county

commissioners to the department of human services. An amount not to exceed one-half of the sums so certified shall be paid to the county by the department of human services, except that beginning July 1, 1986, the department shall reimburse the county for sixty-five percent, and beginning July 1, 1987, the department shall reimburse the county for eighty percent of the cost of supplementary payments to or on behalf of those individuals residing in adult family care homes and custodial care homes who are in receipt of supplemental security income benefits under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] and who are determined by the department to need assistance to enable them to meet the reasonable costs of custodial care in those homes, upon the audit and approval of the claim in the manner provided by law.

SECTION 2. REPEAL. Chapter 522 of the 1983 Session Laws is hereby repealed."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1636

In lieu of the amendments to page 2 of the engrossed bill, line 16, as reported back by the Committee on Agriculture, that that line of the engrossed bill be amended by removing the overstrike over the words "~~three years~~", and deleting the words "one year"

And renumber the lines accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1636

In lieu of the amendments adopted by the Senate as found on page 1688 of the Senate Journal, engrossed House Bill No. 1636 is amended as follows:

- On page 2 of the engrossed bill, line 16, after the word "~~three~~" insert the word "two", remove the overstrike over the word "~~years~~", and delete the words "one year"
- On page 2 of the engrossed bill, line 18, delete the words "For five years, the" and insert in lieu thereof the word "The"
- On page 2 of the engrossed bill, line 21, after the word "to" insert the words "the prior mortgagor with an option to buy"
- On page 2 of the engrossed bill, line 23, delete the words "if any mineral interest owned by that prior mortgagor is"
- On page 2 of the engrossed bill, line 24, delete the words "not severed from the interest in the surface to the land,"

On page 2 of the engrossed bill, line 29, after the period insert the following sentence: "The exemption in the preceding sentence is unlimited in duration in the case of a contract for deed, and five years in all other cases but the exemption applies only if the property is appraised. The appraisal must be made by three independent appraisers, one selected by the corporation, one selected by the prior mortgagor, and the third selected by the first two appraisers. If the exemption is because the property is being sold, the sale price cannot exceed the price determined by the appraisers. If the exemption is because the land is being leased, the annual lease payments required of the tenant cannot exceed seven percent of the appraised value."

On page 2 of the engrossed bill, line 21, after the word "to" insert the following words: "the prior mortgagor with an option to buy"

On page 2 of the engrossed bill, line 23, delete the words ", if any mineral interest owned by that prior mortgagor is"

On page 2 of the engrossed bill, line 24, delete the words "not severed from the interest in the surface to the land,"

And renumber the lines and pages accordingly

LEO LEIDHOLM, Secretary

MOTIONS

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

REP. KRETSCHMAR MOVED that the House stand adjourned until 9:00 a.m., April 3, 1985, which motion prevailed.

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

ROY GILBREATH, Chief Clerk