

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, April 20, 1989

The Senate convened at 10:00 a.m., with President Omdahl presiding.

The prayer was offered by Sen. Krauter.

Heavenly Father, we want to thank You for the wisdom and guidance You have given us thus far. Help guide us to narrow these differences and bring them to a productive conclusion.

This closing day of the Fifty-first Legislative Session, direct this Senate Assembly that their decisions are in unison for the prosperity of North Dakota.

Help us preserve our natural resources, the greatest of which are our citizens.

Heavenly Father, we are here because we love this great state called North Dakota. We pray that You will acknowledge our decisions. Amen.

The roll was called and all Senators were present, except Senators Dotzenrod, Ingstad, Lashkowitz, Naaden, Tallackson, Vosper, and Wogsland.

A quorum was declared by the President.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SCR 4075.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: SB 2008, SB 2011, SB 2012, SB 2013.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2008, SB 2011, SB 2012, SB 2013.

MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 10:30 a.m., which motion prevailed.

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed: SB 2008, SB 2011, SB 2012, SB 2013.

MOTIONS

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

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

SEN. MAIXNER MOVED that the Senate stand at recess until 11:30 a.m., which motion prevailed.

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1037 and HB 1259 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1037: Reps. A. Hausauer, R. Anderson, Kelly

HB 1259: Reps. A. Hausauer, R. Anderson, Kelly

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1037, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1037: Sens. Satrom, Maixner, Thane.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1259, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1259: Sens. Satrom, Maixner, Thane.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

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

HB 1037: Sens. Satrom, Maixner, Thane

HB 1259: Sens. Satrom, Maixner, Thane

MOTIONS

SEN. MAIXNER MOVED that the Senate stand at recess until 12:00 noon, which motion prevailed.

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

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

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

POINT OF PERSONAL PRIVILEGE

SEN. HEIGAARD: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Mr. President: Recently I had the pleasure of attending the State Class "B" Basketball Tournament at the Bismarck Civic Center. At the tournament I was impressed with spirit, competitiveness, and sportsmanship of all teams, cheerleaders, coaches, and fans.

I am proud to rise and recognize the Bisbee-Egeland Panthers on winning the State Class "B" Basketball Tournament. Bisbee-Egeland overcame many

obstacles to become Class "B" champions. As one of the smallest schools in its district, Bisbee-Egeland played with heart and showed tremendous character as it defeated opponent after opponent through the district, regional, and state tournaments.

All of this could not have been accomplished without good coaching. Head Coach Alan Olson and Assistant Coach Pat Flanagan molded a group of young men, who were not given much of a chance of surviving their district tournament, into a championship team. For his exceptional work, Coach Olson was elected "Coach of the Year" by his peers.

The tenacity and resolve of the Bisbee-Egeland players should also be lauded. This team, led by All State selection Ryan Flanagan, never quit. Travis Bursinger, Jayson Knutson, Cory Hagler, Waylan Starr, Duane Carter, Jeff Krick, Chad Christopherson, Rick Lindberg, Tracey Bucholz, Erik Barwicki, and Tim Cookman were much more than a supporting cast. Each was an important part of the giant machine that made up the team.

The Bisbee-Egeland players and coaches will be the first to admit that the support they received from their fans was second to none. The cheerleaders, Carlyss Kurtti, Shelly Carter, Lisa Swenson, Sarah Jones, Cindy Lindberg, and Sherry Carter deserve credit for providing support and spirit to players and fans.

Bisbee-Egeland and all of Region 3 is proud of the Panther's accomplishments. For such a small school to win the state tournament says a lot about the spirit, determination, and character of the players and their communities. Congratulations, Panthers!

MOTION

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

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

SIGNING OF BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: SB 2002, SB 2243, SB 2332, SB 2412.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2002, SB 2243, SB 2332, SB 2412.

MOTION

SEN. MAIXNER MOVED that the Senate recede before the conference committee on HB 1037, which motion prevailed.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1001, HB 1023, HB 1040.

SIGNING OF BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1001, HB 1023, HB 1040.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed: HB 1001, HB 1023, HB 1040.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1637 and subsequently passed the same.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Reengrossed HB 1637 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1356-1364 of the Senate Journal and that Reengrossed HB 1637 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15-34.2-03, subsections 2 and 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, 15-40.1-16, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to the foundation aid weighting factors, the per-pupil payment, the equalization factor, and transportation aid to schools; to provide for transition; and to provide for contingent additional per-pupil foundation aid payments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-34.2-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.2-03. Transportation - Payment optional with school board - Schedule. The school board of any school district in the state may pay, ~~in its discretion,~~ to each family living more than two miles [3.22 kilometers] from a school in the district which is taught the required length of time, a sum per day for each day's attendance of a student or students of such family, when transported by a member of the family or by a conveyance furnished or paid for by the family, or when the family has paid for lodging for the child, according to the distance between the home of the family and the school, at the rate of ~~ten~~ twenty cents per day for each one-half mile [.80 kilometer] over two miles [3.22 kilometers]. Such distance shall be measured by the route from the front door of the nearest operating school to the front door of the family's residence according to the most convenient public course of travel. Payments for transportation shall not be limited to the amount set forth in this section where the student or students are required to be transported to another school because the school which they had been attending is closed.

SECTION 2. AMENDMENT. Subsections 2 and 3 of section 15-40.1-06 of the 1987 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. a. The educational support per pupil during the first year of the ~~1987-89~~ 1989-91 biennium shall be one thousand ~~four~~ five hundred ~~twenty-five~~ twenty-five dollars and for the second year of the biennium the educational support per pupil shall be one thousand ~~four~~ five hundred ~~twelve~~ forty-five dollars and shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in sections 15-40.1-07 and 15-40.1-08.
- b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 shall be

supported in the amount of two hundred twenty dollars, which shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in section 15-40.1-07.

3. In determining the amount of payment due school districts for per-pupil aid under this section, the product of twenty twenty-one mills for the 1989-90 school year and twenty-two mills for each year thereafter times the latest available net assessed and equalized valuation of property of the school district ~~shall~~ must be subtracted from the amount of such aid.

SECTION 3. AMENDMENT. Section 15-40.1-07 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-07. High school per-pupil payments - Amount - Proportionate payments. ~~There~~ Payments must be paid made each year from state funds to all each school districts of the county district operating a high schools school and to each school districts district contracting to educate high school pupils in a federal school, subject to adjustment as provided in section 15-40.1-09, payments as follows:

1. For each high schools school district having under seventy-five pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.70~~ 1.635 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.625 times the number of high school pupils in grades nine through twelve registered in that school district, times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
2. For each high schools school district having seventy-five or more, but less than one hundred fifty pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.40~~ 1.35 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.335 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
3. For each high schools school district having one hundred fifty or more, but less than five hundred fifty pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.30~~ 1.28 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.24 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
4. For each high schools school district having a total high school enrollment of five hundred fifty or more pupils in average daily membership in grades nine through twelve, the

amount of money resulting from multiplying the factor ~~1.20~~ 1.17 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.14 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 ~~for each high school pupil registered in the schools each year.~~

5. For high schools having an approved alternative education program, the amount of money resulting from multiplying the factor in:
 - a. Subsection 1 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has less than seventy-five pupils in average daily membership.
 - b. Subsection 2 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has seventy-five or more, but less than one hundred fifty pupils in average daily membership.
 - c. Subsection 3 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has one hundred fifty or more, but less than five hundred fifty pupils in average daily membership.
 - d. Subsection 4 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has five hundred fifty or more pupils in average daily membership.

Every high school district ~~shall~~ must receive at least as much in total payments as it would have received if it had the highest number of pupils in the next lower category. However, no payment ~~shall~~ may be made for those pupils for whom federal agencies provide education. Such payments ~~shall~~ may not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this chapter have been met. Payments ~~shall~~ must be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school district shall be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation or students enrolled in less than four units of standard high school work who are in their fourth year of high school coursework and who are enrolled in approved alternative high school curriculum programs, proportionate payments ~~shall~~ must be made to the public school district in which such student is enrolled for specific courses. School districts offering

high school summer school programs ~~shall be~~ are eligible for proportionate payments provided each course offered in such programs satisfies requirements for graduation, comprises at least as many clock hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction. The superintendent may adopt rules regarding eligibility for school districts to receive proportionate payments for such summer education programs.

Districts that did not maintain high schools during the year of 1964-1965 ~~shall be~~ are not be eligible for payments unless they have a minimum enrollment of twenty-five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school work are offered, a minimum enrollment of fifteen pupils if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school work is offered. Payments pursuant to this chapter to school districts in bordering states ~~shall must~~ must be made after subtracting the amount realized from a ~~twenty mill~~ the mill levy in subsection 3 of section 15-40.1-06 in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

SECTION 4. AMENDMENT. Section 15-40.1-08 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-08. Elementary per-pupil payments - Amount. There Payments must be paid made from state funds to each school districts of the county district operating an elementary schools school and to each school districts district contracting to educate elementary pupils in a federal school, employing teachers holding valid certificates or permits in accordance with section 15-47-46 and chapter 15-36, payments based on the number of registered students at the beginning of each school year, adjusted as provided in section 15-40.1-09, as follows:

1. For each one-room rural schools there must be paid that school, the amount of money resulting from multiplying the factor ~~1.30~~ 1.29 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.28 times the number of pupils in that school in grades one through eight in average daily membership, up to a maximum of sixteen pupils, times the educational support per pupil as provided in section 15-40.1-06 for each of the first sixteen pupils in grades one through eight in average daily membership; and for. There must be paid .9 times each additional pupil in its school in grades one through eight in average daily membership there shall be paid ~~1.9~~ times the educational support per pupil as provided in section 15-40.1-06, except that no payment may be made for more than twenty pupils in average daily membership. If the one-room rural school is located in a school district with another elementary school, the weighting factor for the pupils in grades one through six must be based on the average daily membership in the district in grades one through six as provided in subsections 2 through 4. If the one-room rural school is located in a school district with another school that has pupils in grade seven or eight, the weighting factor

for the pupils in grades seven and eight must be the same as that provided for in subsection 5.

2. For each elementary schools school in school districts having under one hundred pupils in average daily membership there must be paid that in grades one through six, the amount of money resulting from multiplying the factor ~~1.0~~ 1.045 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.09 times the number of pupils in that school in grades one through six in average daily membership in each classroom or for each teacher, up to a maximum of twenty pupils per classroom or per teacher, times the educational support per pupil as provided in section 15-40.1-06 for each of the first twenty pupils in grades one through six in average daily membership in each classroom or for each teacher and for. There must be paid .9 times each additional pupil in that school in grades one through six in average daily membership in each classroom or for each teacher there shall be paid .9 times the educational support per pupil as provided in section 15-40.1-06, except that no payment may be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher.
3. For each elementary schools school in school districts having one hundred or more pupils in average daily membership in grades one through six, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary pupils, there must be paid that in grades one through six, the amount of money resulting from multiplying the factor ~~.9~~ .9025 for the 1989-90 school year and, beginning July 1, 1990, the factor .905 times the number of pupils in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
4. For each elementary schools school in school districts having an average daily membership of one thousand or more elementary pupils, there must be paid that in grades one through six, the amount of money resulting from multiplying the factor .95 times the number of pupils in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
5. For each of the above classes of elementary schools, except for one-room rural schools that are not located in a district with another school that has pupils in grade seven or eight, there must be paid that to each school the amount of money

resulting from multiplying the factor ~~1.0~~ 1.005 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.01 times the number of pupils in that school in grades seven and eight in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades seven and eight in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.

6. For each elementary ~~schools~~ school having pupils under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, ~~there must be paid that the amount of money resulting from multiplying the factor ~~.49~~ .75 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.01 times the educational support per pupil as provided in section 15-40.1-06 for each number of special education pupil~~ pupils in that school under the compulsory age for school attendance in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06.
7. For each elementary schools school providing ~~kindergartens which are a kindergarten that is~~ established according to provisions of section 15-45-01, and for each out-of-state kindergarten programs program, approved by the state superintendent and utilized by North Dakota school districts bordering other states, ~~there must be paid that the amount of money resulting from multiplying the factor .50 times the number of pupils in that school in average daily membership in each classroom or for each teacher times the educational support per-pupil payment for that elementary school as determined under this section for each of the first twenty-five pupils in average daily membership in each classroom or for each teacher~~, except that no payment may be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher. The full per-pupil payment shall be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period shall receive a proportionately smaller per-pupil payment.

Every school district ~~shall~~ must receive at least as much in total payments for elementary pupils as it would have received if it had the highest number of pupils in the next lower category. Payments pursuant to this chapter to school districts in bordering states ~~shall~~ must be made after subtracting the amount realized from ~~a twenty-mill~~ the mill levy in subsection 3 of section 15-40.1-06 in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

SECTION 5. AMENDMENT. Section 15-40.1-16 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16. Aid for transportation. There shall be paid from state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city, the following amounts:

1. For schoolbuses and school vehicles transporting pupils who live outside the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to ~~thirty five and one-half~~ twenty-five cents during each year of the ~~1987-89~~ 1989-91 biennium for vehicles having a capacity of nine or fewer pupils and ~~seventy-two~~ sixty-eight cents per mile [1.61 kilometers] for each year of the ~~1987-89~~ 1989-91 biennium for schoolbuses having a capacity of ten or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of ten or more pupils ~~shall be~~ are entitled to an amount equal to ~~nineteen~~ twenty-five cents per day for each public school pupil living outside the city limits who is transported in such buses.
2. For pupils who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to ~~nine~~ twelve and one-half cents per pupil per one-way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1.

The mileage payments provided for in this section shall be made to each school district for transporting pupils to and from school. Such payments shall be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to the compliance with the laws of this state in regard to schoolbuses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section. The superintendent of public instruction shall do an onsite audit of the books and records, regarding transportation cost, pupils transported and miles traveled, of at least ten school districts each fiscal year to verify compliance with section 15-40.1-16.

SECTION 6. AMENDMENT. Subsection 1 of section 15-40.2-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Such payments as are received for ~~him~~ that pupil from state payments received by the admitting district, less the average amount per North Dakota resident pupil enrolled in the school district realized from ~~a twenty mill~~ the school district levy in subsection 3 of section 15-40.1-06; and

SECTION 7. TRANSITION. Notwithstanding the factors in section 15-40.1-07 and 15-40.1-08, the per-pupil payment in subsection 2 of section 15-40.1-06, and the mill levy in subsection 3 of section 15-40.1-06, every school district must receive at least as much in total payments for each year of the 1989-91 biennium as it would have

received had it received the amount of money resulting from multiplying the average daily membership for the previous year or the current year's fall enrollment, whichever is greater, times the appropriate factor in sections 15-40.1-07 and 15-40.1-08 in effect during the 1988-89 school year, times the educational support per pupil in the amount of one thousand three hundred sixty dollars, less the product of twenty mills times the latest available net assessed and equalized valuation of property of the school district. The enrollments must be adjusted as provided in section 15-40.1-09.

SECTION 8. CONTINGENT SEPARATE AND ADDITIONAL PER-PUPIL PAYMENT.

The superintendent of public instruction shall distribute a separate and additional per-pupil payment from any unspent amount appropriated to the grants - foundation aid program for the biennium beginning July 1, 1989, and ending June 30, 1991, in the May 1, 1991, foundation aid payment to schools. Any payment made under this section must be on a weighted basis to be determined according to chapter 15-40.1."

Renumber accordingly

For the Senate: Sens. O'Connell, Kelsh, Peterson
For the House: Reps. K. Thompson, Gates, L. Hanson

Reengrossed HB 1637 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. O'CONNELL MOVED that the conference committee report on Reengrossed HB 1637 as printed in the Journal of the Seventy-fifth day be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1637: A BILL for an Act to amend and reenact section 15-34.2-03, subsections 2 and 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, 15-40.1-16, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to the foundation aid weighting factors, the per-pupil payment, the equalization factor, and transportation aid to schools; to provide for transition; and to provide for contingent additional per-pupil foundation aid payments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Lashkowitz; Naaden

HB 1637 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The Speaker has signed: SB 2002, SB 2243, SB 2332, SB 2412.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has adopted the conference committee report on HB 1259 and subsequently passed the same.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1259 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 2029 of the Senate Journal and that Engrossed HB 1259 be amended as follows:

Page 1, line 3, after "fees" insert "and providing for allocation of the fees" and after the semicolon insert "and to provide an appropriation and a statement of legislative intent."

Page 1, remove line 4

Page 1, line 15, replace "The fees collected under this section must be paid" with "Until July 1, 1991, the fee assessed per vehicle under this section and collected before July 1, 1991, must be paid into the state treasury monthly and credited to the general fund. After July 1, 1991, three dollars of the fee assessed and collected per vehicle must be credited to the highway fund for the use of the highway patrol."

Page 1, remove lines 16 and 17

Page 2, replace lines 3 through 7 with:

SECTION 3. AMENDMENT. Section 1 of House Bill No. 1012, as approved by the fifty-first legislative assembly, is hereby amended and reenacted to read as follows:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of human services and its various divisions for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Salaries and wages		\$134,431,003
Data processing		11,330,151
Operating expenses		42,502,943
Equipment		1,082,113
Capital improvements		1,969,657
Grants, benefits, and claims		560,402,363
Community chemical dependency treatment enhancement		534,000
Developmentally disabled facility loan fund		1,837,956
Total all funds		\$754,090,186
Less estimated income	517,062,406	518,392,486
Total general fund appropriation	€ 237,027,700	\$235,697,700

SECTION 4. APPROPRIATION. There is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, the sum

of \$1,165,000 or so much thereof as may be necessary, to the state board of higher education for the purpose of providing student financial assistance for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the legislative assembly that, for purposes of section 11 of Senate Bill No. 2538, passed by the fifty-first legislative assembly, the revised estimated medicaid matching rate for the nine months ending June 30, 1991, is sixty-nine and eighty-two one hundredths percent. Other funds available from changes in the medicaid funding formula, as referred to in Senate Bill No. 2538, are those funds in excess of the revised estimated medicaid matching rate in this section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment amends 1989 House Bill No. 1012 to reflect \$1,330,000 of additional federal matching funds with a corresponding reduction in general fund appropriations. In addition, this amendment appropriates \$1,165,000 from the general fund to the board of higher education for student financial assistance. Also the amendment adds a section of legislative intent regarding the revised estimated federal medicaid matching rate for the nine months ending June 30, 1991, as referred to in Senate Bill No. 2538.

For the Senate: Sens. Satrom, Maixner, Thane
For the House: Reps. A. Hausauer, R. Anderson, Kelly

Engrossed HB 1259 was placed on the Seventh order of business on the calendar.

MESSAGE TO the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has recessed before conference on HB 1037. The Senate respectfully requests the return of HB 1037.

REPORT OF CONFERENCE COMMITTEE

SEN. SATROM MOVED that the conference committee report on Engrossed HB 1259 as printed in the Journal of the Seventy-fifth day be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1259: A BILL for an Act to amend and reenact sections 49-18-41.1 and 49-18-42 of the North Dakota Century Code, relating to the collection of fees for registration of interstate motor carriers and dedicating the use of the fees and providing for allocation of the fees; and to provide an appropriation and a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 10 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Ewen; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Mutch; Nalewaja; Nething; O'Connell; Olson; Peterson; Rediin; Richard; Robinson; Satrom; Schoenwald; Shea;

Stenehjelm; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: David; Hanson; Kinnoin; Langley; Meyer, D.; Meyer, W.; Moore; Nelson; Streibel; Vosper

ABSENT AND NOT VOTING: Dotzenrod; Lashkowitz; Naaden

HB 1259 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House accedes to the Senate's request for the return of HB 1037.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2540.

SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act to provide for allocation of a portion of sales, use, and motor vehicle excise tax collections to the capital construction fund to be used for lease payments associated with capital improvement projects financed under chapter 54-17.2 and other capital improvement projects, subject to legislative appropriation; to establish a capital construction account; to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and acquisition projects at institutions of higher education; to provide for a transfer from the general fund to the capital construction fund; to provide an appropriation; to provide legislative intent regarding the retirement of loan notes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 19 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Ewen; Heigaard; Heinrich; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjelm; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Freborg; Hanson; Hilken; Keller; Kelsh; Kinnoin; Krauter; Langley; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Nelson; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Dotzenrod; Lashkowitz; Naaden; Nothing

HB 1037 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1037, HB 1259, and HB 1637 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1037, HB 1259, and HB 1637 be messaged to the House immediately, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has adopted the conference committee report on HB 1637 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has adopted the conference committee report on HB 1259 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HB 1037.

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)
MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Seventy-fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 2010, after line 37, insert:

"REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2016 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1798-1799 of the Senate Journal and that Engrossed SB 2016 be amended as follows:

Page 1, line 11, replace "65,470,373" with "63,866,654"

Page 1, line 15, replace "242,788,420" with "243,226,507"

Page 1, line 17, replace "376,248,950" with "375,083,318"

Page 1, line 18, replace "376,220,236" with "375,054,604"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - HIGHWAY DEPARTMENT

This amendment provides for the following changes:

Salaries and wages	\$(1,603,719)
Capital improvements	438,087
Total reduction	<u>\$(1,165,632)</u>

This reduces the salaries and wages line item by \$1,603,719 for engineer and engineer technician increases because an increase for engineers of \$1,165,632 will be provided in House Bill No. 1004. The balance, \$438,087, is restored to capital improvements.

For the Senate: Sens. Tallackson, Redlin, Naaden
For the House: Reps. Kingsbury, Gunsch, Solberg

SEN. TALLACKSON MOVED that the report be adopted."

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1002, HB 1004, HB 1007, HB 1025, HB 1037, HB 1049, HB 1259, HB 1507, HB 1626, HB 1637.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1002, HB 1004, HB 1007, HB 1025, HB 1037, HB 1049, HB 1259, HB 1507, HB 1626, HB 1637.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed: HB 1002, HB 1004, HB 1007, HB 1025, HB 1037, HB 1049, HB 1259, HB 1507, HB 1626, HB 1637.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate returns HB 1294. The Senate laid the conference committee report on HB 1294 on the table.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolution: SB 2016, SB 2021, SB 2114, SB 2324, SCR 4075.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2016, SB 2021, SB 2114, SB 2324, SCR 4075.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed: SB 2016, SB 2021, SB 2114, SB 2324, SCR 4075.

MOTION

SEN. MAIXNER MOVED that the President appoint a committee of three to notify the Governor that the Senate has completed its business and is about to adjourn sine die, which motion prevailed.

THE PRESIDENT APPOINTED as such committee: Sens. Mathern, Maxson, Nelson.

MOTION

SEN. MAIXNER MOVED that the President appoint a committee of three to notify the House that the Senate has completed its business and is about to adjourn sine die, which motion prevailed.

THE PRESIDENT APPOINTED as such committee: Sens. Wogsland, Shea, Ingstad.

ANNOUNCEMENT

SEN. MATHERN ANNOUNCED that the committee appointed to inform the Governor that the Senate has completed its business and is about to adjourn sine die, has completed its task, and requested that the committee be discharged, which request was granted.

REQUEST

SEN. MAIXNER REQUESTED that the Governor's remarks be printed in the Journal, which request was granted.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

Please convey my sincere appreciation for all of your hard work and commitment to the people of North Dakota.

You are among the few who have the unique opportunity to serve the great people of North Dakota. That honor is even more meaningful during this our Centennial year. Thank you for everything you have accomplished.

You have done extremely well. Best wishes to you all.

ANNOUNCEMENTS

SEN. WOGSLAND ANNOUNCED that the committee appointed to inform the House that the Senate has completed its business and is about to adjourn sine die, has completed its task, and requested that the committee be discharged, which request was granted.

A committee from the House was received and announced that the House had completed its business and was ready to adjourn sine die.

MOTIONS

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

SEN. MAIXNER MOVED that the Senate be on the Fourth order of business, and at the conclusion of the Fourth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Fifteenth order of business, and at the conclusion of the Fifteenth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the Senate adjourn sine die, which motion prevailed.

PATRICIA CONRAD, Secretary

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 9:30 a.m., April 24, 1989: SB 2002, SB 2003, SB 2004, SB 2005, SB 2006, SB 2008, SB 2011, SB 2012, SB 2013, SB 2014, SB 2025, SB 2243, SB 2270, SB 2309, SB 2332, SB 2335, SB 2361, SB 2382, SB 2412, SB 2462, SB 2500, SB 2520.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 11:35 a.m., April 24, 1989: SCR 4075.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 10:20 a.m., April 25, 1989: SB 2016, SB 2021, SB 2114.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bill was delivered to the Governor for his approval at the hour of 10:34 a.m., April 28, 1989: SB 2324.

POSTSESSION ACTION BY GOVERNOR

Postsession Governor's action on Senate Bills delivered after adjournment:

	DATE SIGNED:
Senate Bill No. 2001	April 28, 1989
2002	April 28, 1989
2003	April 28, 1989
2004	April 28, 1989
2005	April 28, 1989
2006	April 28, 1989
2008	April 28, 1989
2010	April 28, 1989
2011	April 28, 1989
2012	April 28, 1989
2013	April 28, 1989
2014	April 28, 1989
2015	April 28, 1989
2016	April 28, 1989
2018	April 28, 1989
2019	April 28, 1989
2021	April 28, 1989
2022	April 28, 1989
2023	April 28, 1989
2024	April 28, 1989
2025	April 28, 1989
2037	April 28, 1989
2062	April 28, 1989
2090	April 28, 1989
2094	April 28, 1989
2114	April 28, 1989
2153	April 28, 1989
2210	April 28, 1989
2222	April 28, 1989
2237	April 28, 1989
2243	April 28, 1989
2261	April 28, 1989
2270	April 28, 1989
2309	April 28, 1989
2324	April 28, 1989
2335	April 28, 1989
2361	April 28, 1989
2382	April 28, 1989
2412	April 28, 1989
2417	April 28, 1989
2455	April 28, 1989
2462	April 28, 1989
2475	April 28, 1989
2500	April 28, 1989
2520	April 28, 1989
2536	April 28, 1989
2538	April 28, 1989
2539	April 28, 1989
2542	April 28, 1989

75th DAY

THURSDAY, APRIL 20, 1989

2113

VETO MESSAGES

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 28, 1989

Mr. Jim Kusler
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Kusler:

Senate Bill 2192 provides for a change of hearing officer at the request of any of the parties to a hearing before an administrative agency, with certain exceptions.

I appreciate the concerns which this Bill addresses. My veto message on Senate Bill 2193 also addresses some of those concerns more specifically.

However, I believe that, without an administrative law judge system, this requirement would be unworkable for many state agencies. It is also likely that it would have budget impacts which could be significant and for which no appropriations have been provided. And it would certainly result in delays of hearings.

Therefore, I veto Senate Bill 2192.

Sincerely,

GEORGE A. SINNER
Governor

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 28, 1989

Mr. Jim Kusler
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Kusler:

Senate Bill 2193 would provide for the appointment of an independent hearing officer at the request of one of the parties to a hearing before an administrative agency.

North Dakota has no system of administrative law judges, and no such system has been created by law. Nor has an appropriation been made for such a system.

I realize that we may need a system which is perceived as more fair to those who appear at hearings before state agencies. Such a system would provide for hearing officers who are not employees of the administrative agencies whose cases they hear.

Therefore, I intend to work with the Attorney General, other elected officials and my appointees to set in motion a pilot program in which the administrative law judges would be separate from state agencies.

If we can find an efficient, fair system that will work and is affordable, we will put it in place on a limited basis and report our results to the next session.

Therefore, I veto Senate Bill 2193.

Sincerely,

GEORGE A. SINNER
Governor

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 28, 1989

Mr. Jim Kusler
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Kusler:

Senate Bill 2332 requires minimum and enhanced sentences in a variety of drug-related cases.

I firmly believe that judges are in the best position to address the unique cases that may come before them. Judges must impose strict sentences on those who are so evil as to maliciously prey on our children and young people, and they currently have all of the authority they need to do so.

However, I am especially concerned about first-time offenders for whom a jail or prison sentence, instead of providing any sort of rehabilitation, may only serve to confirm in them their worst instincts and result in lifetime criminals. All of us know that there are many cases--many people--who could have been saved had some form of alternative sentence been allowed and provided.

I believe in a system in which the judges who are present at trial, who have heard the evidence, who have available to them a pre-sentence investigation report and who have the input of the victims are able to make an appropriate decision which conforms to the criminal, the crime and the victim.

75th DAY

THURSDAY, APRIL 20, 1989

2115

Furthermore, no appropriation has been provided to address the significant increase in prison sentences which are likely to result from this Bill. Corrections budgets in other states which have enacted mandatory sentences have gone out of control.

Therefore, I veto Senate Bill 2332.

Sincerely,

GEORGE A. SINNER
Governor