

## JOURNAL OF THE HOUSE

## Fiftieth Legislative Assembly

\* \* \* \* \*

## SIXTY-SEVENTH DAY

Bismarck, April 10, 1987

The House convened at 8:00 a.m., with Speaker Kloubec presiding.

The prayer was offered by Daniel Wissmann, Good Shepherd Lutheran Church, Bismarck, North Dakota.

## ROLL CALL

The roll was called and all Representatives were present, except Representatives R. Berg, Dorso, Klundt, Knudson, Kretschmar, Lang, Laughlin, Meyer, and O'Connell.

A quorum was declared by the Speaker.

## ANNOUNCEMENT BY SPEAKER

SPEAKER KLOUBEC ANNOUNCED that Rep. O'Connell was absent due to the death of his father. It was also announced that since elected in 1982, Rep. O'Connell had never missed a roll call vote until today.

## CORRECTION AND REVISION OF THE JOURNAL

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

REP. THOMPSON, Chairman

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

## REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2030 has had the same under consideration and recommends by a vote of 12 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 14, delete the numerals "1,837,684" and insert in lieu thereof the numerals "1,415,199"

On page 1 of the engrossed bill, line 15, delete the numerals "3,103,110" and insert in lieu thereof the numerals "2,187,423"

On page 1 of the engrossed bill, line 16, delete the numerals "60,293" and insert in lieu thereof the numerals "54,293"

On page 1 of the engrossed bill, line 17, delete the numerals "550,000" and insert in lieu thereof the numerals "315,000"

On page 1 of the engrossed bill, line 19, delete the numerals "17,780" and insert in lieu thereof the numerals "11,500"

On page 1 of the engrossed bill, line 20, delete the numerals "5,620,929" and insert in lieu thereof the numerals "4,035,477"

On page 1 of the engrossed bill, line 21, delete the numerals "2,638,437" and insert in lieu thereof the numerals "2,380,367"

On page 1 of the engrossed bill, line 22, delete the numerals "2,982,492" and insert in lieu thereof the numerals "1,655,110"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Economic Development Commission

These amendments make the following changes:

	<u>Total All Funds</u>	<u>General Fund</u>	<u>Other Funds</u>
<u>Salaries and wages</u>			
Delete six FTE positions for the small business development centers	\$ (422,485)	\$ (211,242)	\$(211,243)
<u>Operating expenses</u>			
Delete funds relating to six FTE positions	(165,687)	(25,000)	(140,687)
Delete funds for home-based industry development and marketing	(200,000)	(200,000)	
Delete funds for statewide tourism site development study	(100,000)	(100,000)	
Delete funds for alternate crops feasibility studies	(250,000)	(250,000)	
Reduce additional funds for tourism promotion from \$500,000 to \$300,000	(200,000)	(200,000)	
<u>Equipment</u>			
Delete funds relating to six FTE	(6,000)	(3,000)	(3,000)
<u>Grants</u>			
Delete funds for regional	(320,000)	(320,000)	

development organizations			
Reduce additional grant funds	(15,000)	(15,000)	
for Center for Innovation from			
\$45,000 to \$30,000			
Add funds for the receipt and	100,000		100,000
expenditure of revenue			
collected pursuant to Senate			
Bill No. 2319			
<u>Data processing</u>			
Delete funds for six FTE	(6,280)	(3,140)	(3,140)
Total change	\$ (1,585,452)	\$ (1,327,382)	\$ (258,070)

REP. PETERSON, Chairman

SB 2030 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2030 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS.

## MOTION

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

## REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2030, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendments to SB 2030, the roll was called and there were 59 YEAS, 39 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Christman; Cleveland; Dalrymple; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Kretschmar; Kuchera; Larson; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rico; Rydall; Schindler; Shaft; Shaw; Shide; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Kolbo; Lautenschlager; Linderman; Marks; Mertens; Nelson, C.; Nelson, J.; Nowatzki; Oban; Opedahl; O'Shea; Riehl; Scherber;

Schneider; Shockman; Skjerven; Solberg; Starke;  
Stofferahn; Tomac; Ulmer; Watne; Wilkie; Williams, C.;  
Williams, W.

**ABSENT AND NOT VOTING:** Berg, R.; Dorso; Klundt; Knudson;  
Lang; Laughlin; Meyer; O'Connell

The motion to adopt the amendments to SB 2030 passed.

#### MOTION

**REP. STRINDEN MOVED** that the rules be suspended and that SB 2030 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2030:** A BILL for an Act making an appropriation for defraying the expenses of the economic development commission of the state of North Dakota; and providing for a transfer from the state highway fund.

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 61 YEAS, 37 NAYS, 8 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Christman; Cleveland; Dalrymple; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Koland; Kretschmar; Kuchera; Larson; Lindgren; Martin; Martinson; Melby; Moore; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Winkelman; Speaker Kloubec

**NAYS:** Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Graba; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Kolbo; Lautenschlager; Linderman; Marks; Mertens; Murphy; Nelson, C.; Nelson, J.; Nowatzki; Oban; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shockman; Solberg; Starke; Stofferahn; Tomac; Ulmer; Watne; Williams, C.; Williams, W.

**ABSENT AND NOT VOTING:** Berg, R.; Dorso; Klundt; Knudson;  
Lang; Laughlin; Meyer; O'Connell

SB 2030 passed and the title was agreed to.

\*\*\*\*\*

## MESSAGES FROM THE SENATE

## SENATE CHAMBER

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

SB 2113: Sens. W. Meyer, Axtman, Lodoen

PERRY GROTBERG, Secretary

## SENATE CHAMBER

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

HB 1233: Sens. Dotzenrod, Langley, Holmberg

HB 1359: Sens. Schoenwald, Maixner, Nething

PERRY GROTBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

HB 1027: Sens. Wogsland, Redlin, Streibel

PERRY GROTBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2553 and subsequently passed the same.

PERRY GROTBERG, Secretary

## DELIVERY OF ENROLLED RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 8:15 a.m., April 10, 1987:

HCR 3007, HCR 3064

## MOTION

REP. STRINDEN MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

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

## MESSAGE TO THE SENATE

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report on HB 1470 and subsequently failed to pass the same.

ROY GILBREATH, Chief Clerk

MESSAGES 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 2012, SB 2542

PERRY GROTEBERG, 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 1052, HB 1666, HB 1242

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

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

HB 1183, HB 1634

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

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

HB 1017, HB 1020, HB 1465, HCR 3029

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1600 which the Senate has amended, and subsequently passed:

## SENATE FLOOR AMENDMENTS TO ENGROSSED HB 1600

On page 2257 of the Senate Journal, the 12th printed line, remove the overstrike over the numerals "1972" and delete the numerals "1985"

And renumber the lines, section, and pages accordingly

## SENATE AMENDMENTS TO ENGROSSED HB 1600

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 create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to the budget stabilization fund; to amend and reenact subsections 4 and 5 of section 38-08-04, and sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to the duties of the industrial commission, the definitions of "stripper well property," "qualifying secondary recovery project," and "qualifying tertiary recovery project" for oil extraction

purposes, the definition of "average price," the rate of the oil extraction tax, and exemption from the oil extraction tax; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Subsections 4 and 5 of section 38-08-04 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

4. To classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter, ~~and to classify and determine the status and depth of wells that are stripper well property as defined in subsection 5 8 of section 57-51.1-01, to certify to the tax commissioner which wells are stripper wells and the depth of those wells, and to certify to the tax commissioner which wells involve secondary or tertiary recovery operations under section 2 of this Act, and the date of qualification for the reduced rate of oil extraction tax for secondary and tertiary recovery operations.~~
5. To adopt and to enforce rules and orders to effectuate the purposes and the intent of this chapter and of subsections 1 ~~and, 4, 5, 6, and 8~~ of section 57-51.1-01.

**SECTION 2. AMENDMENT.** Section 57-51.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-51.1-01. Definitions for oil extraction tax.** For the purposes of the oil extraction tax law, the following words and terms shall have the meaning ascribed to them in this section:

1. "Average daily production" of a well means the qualified maximum total production of oil from the well during a calendar month period divided by the number of calendar days in that period; and "qualified maximum total production" of a well means that the well must have been maintained at the maximum efficient rate of production as defined and determined by rule adopted by the industrial commission in furtherance of its authority under chapter 38-08.
2. "Average price" of a barrel of crude oil means the average daily price for a barrel of west Texas intermediate cushing crude oil, as those prices appear in the wall street journal, midwest

edition, for the period June first through October thirty-first of any year.

2- 3. "Oil" means petroleum, crude oil, mineral oil, casinghead gasoline, and all liquid hydrocarbons that are recovered from gas on the lease incidental to the production of the gas.

3- 4. "Property" means the right which arises from a lease or fee interest, as a whole or any designated portion thereof, to produce oil. A producer shall treat as a separate property each separate and distinct producing reservoir subject to the same right to produce crude oil; provided, that such reservoir is recognized by the ~~appropriate governmental regulatory authority~~ industrial commission as a producing formation that is separate and distinct from, and not in communication with, any other producing formation.

5. "Qualifying secondary recovery project" means a project employing water flooding. To be eligible for the tax reduction provided under section 57-51.1-02, a secondary recovery project must be certified as qualifying by the industrial commission, the project must have been unitized after the effective date of this Act, and the project operator must have achieved for six consecutive months an average production level of at least twenty-five percent above the level that would have been recovered under normal recovery operations.

6. "Qualifying tertiary recovery project" means a project for enhancing recovery of oil which meets the requirements of section 4993(c), Internal Revenue Code of 1954, as amended through December 31, 1986, and includes the following methods for recovery:

- a. Miscible fluid displacement.
- b. Steam drive injection.
- c. Microemulsion.
- d. In situs combustion.
- e. Polymer augmented water flooding.
- f. Cyclic steam injection.
- g. Alkaline flooding.



- h. Carbonated water flooding.
- i. Immiscible carbon dioxide displacement.
- j. New tertiary recovery methods certified by the industrial commission.

It does not include water flooding, unless the water flooding is used as an element of one of the qualifying tertiary recovery techniques described in this subsection, or immiscible natural gas injection. To be eligible for the tax reduction provided under section 57-51.1-02, a tertiary recovery project must be certified as qualifying by the industrial commission, the project operator must continue to operate the unit as a qualifying tertiary recovery project, and the project operator must have achieved for at least one month a production level of at least fifteen percent above the level that would have been recovered under normal recovery operations.

- ~~4-~~ 7. "Royalty owner" means an owner of what is commonly known as the royalty interest and shall not include the owner of any overriding royalty or other payment carved out of the working interest.
- ~~5-~~ 8. "Stripper well property" means a "property" whose average daily production of oil, excluding condensate recovered in nonassociated production, per well did not exceed ten barrels per day for wells of a depth of six thousand feet or less, fifteen barrels per day for wells of a depth of more than six thousand feet but not more than ten thousand feet, and twenty barrels per day for wells of a depth of more than ten thousand feet during any preceding consecutive twelve-month period beginning after December 31, ~~1972~~ 1985. Wells which did not actually yield or produce oil during the qualifying twelve-month period, including disposal wells, dry wells, spent wells, and shut-in wells, are not production wells for the purpose of determining whether the stripper well property exemption applies.

**SECTION 3. AMENDMENT.** Section 57-51.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-51.1-02. Imposition of oil extraction tax.** There is hereby imposed an excise tax, to be known as the "oil extraction tax", upon the activity in this state of extracting oil from the earth, and every owner, including

any royalty owner, of any part of the oil extracted shall be deemed for the purposes of this chapter to be engaged in the activity of extracting that oil. The rate of tax shall be six and one-half percent of the gross value at the well of the oil extracted, except that for wells drilled and completed after the effective date of this Act, and not otherwise exempt under section 57-51.1-03, and for a qualifying secondary recovery project or for a qualifying tertiary recovery project, the rate of tax shall be four percent of the gross value at the well of the oil extracted. However, if the average price of a barrel of crude oil between June first and October thirty-first of any year is thirty-two dollars or more then the rate of tax for the following calendar year on all taxable wells is six and one-half percent of the gross value at the well of the oil extracted.

**SECTION 4. AMENDMENT.** Section 57-51.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-51.1-03. Exemptions from oil extraction tax.** The following activities are specifically exempted from the oil extraction tax:

1. The activity of extracting from the earth any oil that is exempt from the gross production tax imposed by chapter 57-51.
2. The activity of extracting from the earth any oil from a stripper well property.
3. The activity not otherwise exempt of extracting from the earth the oil that is owned by a royalty owner or royalty owners in the first one hundred barrels, or any lesser amount, of the average daily production of oil that is produced during each calendar day from any well.
4. For a well drilled and completed after the effective date of this Act, the initial production of oil from the well is exempt from any taxes imposed under this chapter for a period of one year. Oil recovered during testing prior to well completion is exempt from the oil extraction tax.

**SECTION 5.** If House Bill No. 1596 does not become effective, a new section to chapter 57-51.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Deposit of funds collected at restored rates. Any additional amounts collected by the tax commissioner which

are attributable to the average price of a barrel of crude oil being at a level that causes elimination of the two and one-half percentage point reduction provided under section 57-51.1-02 must be paid to the state treasurer and deposited in the state general fund.

SECTION 6. If House Bill No. 1596 becomes effective, a new section to chapter 57-51.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Deposit of funds collected at restored rates. Any additional amounts collected by the tax commissioner which are attributable to the average price of a barrel of crude oil being at a level that causes elimination of the two and one-half percentage point reduction provided under section 57-51.1-02 must be paid to the state treasurer and deposited in the budget stabilization fund.

SECTION 7. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

PERRY GROTEBERG, Secretary

#### REPORT OF PROCEDURAL COMMITTEE

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

HCR 3096

REP. STRINDEN, Chairman

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

#### DELIVERY OF ENROLLED BILLS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 9:13 a.m., April 10, 1987:

HB 1001, HB 1037, HB 1578, HB 1601, HB 1625, HB 1679

#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2012 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2285-2286 of the House Journal and that Engrossed SB 2012 be amended as follows:

That the House recede from its amendments as found on pages 2285-2286 of the House Journal and pages 1957-1958 of the Senate Journal and that engrossed Senate Bill No. 2012 be amended as follows:

On page 1 of the engrossed bill, line 19, delete the numerals "1,702,925" and insert in lieu thereof the numerals "1,678,788"

On page 1 of the engrossed bill, line 20, delete the numerals "226,646" and insert in lieu thereof the numerals "218,656"

On page 1 of the engrossed bill, line 21, delete the numerals "5,807" and insert in lieu thereof the numerals "10,807"

On page 1 of the engrossed bill, line 22, delete the numerals "1,935,378" and insert in lieu thereof the numerals "1,908,251"

On page 1 of the engrossed bill, line 23, delete the numerals "1,937,087" and insert in lieu thereof the numerals "1,909,960"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Parole and Probation Office

The amendment deletes \$28,957 from the general fund as follows:

	<u>General Fund (Decrease)</u>
<u>Salaries and wages</u>	
Delete funds for .5 FTE secretary	(13,717)
Delete funds for vacancy as a result of agent retiring	<u>(10,420)</u>
Total salaries and wages	\$(24,137)
<u>Operating expenses</u>	
Reduce funds for operating expenses	(7,990)
<u>Equipment</u>	
Increase funds for equipment	<u>5,000</u>
Total	\$(27,127)

The amendment reduces by \$22,869 the House reduction of \$49,996. The House had additional reductions of \$11,219 in salaries and wages and \$6,650 in operating expenses. A \$5,000 increase in equipment is also provided.

**For the Senate:** Sens. Waldera, Wogsland, Naaden

**For the House:** Reps. Kent, Payne, Hoffner

Engrossed SB 2012 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2542 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2080-2081 of the House Journal and that engrossed SB 2542 be amended as follows:

- On page 1 of the engrossed bill, line 3, delete the words "; and to provide for transition"
- On page 2 of the engrossed bill, line 3, delete the word "to"
- On page 2 of the engrossed bill, delete line 4
- On page 2 of the engrossed bill, line 5, delete the word "section"
- On page 2 of the engrossed bill, line 14, delete the words "with the approval of the"
- On page 2 of the engrossed bill, line 15, delete the word "committee", after the word "charge" insert an underscored comma, and delete the word "six" and insert in lieu thereof the word "two"
- On page 2 of the engrossed bill, line 16, after the word "dollars" insert the words "per year or part of a year,"
- On page 2 of the engrossed bill, line 27, delete the words "of three years from the date of issuance" and insert in lieu thereof the words "determined by the registrar"
- On page 2 of the engrossed bill, line 35, delete the words "and five dollars" and insert in lieu thereof the words ". The rest of the fee"
- On page 3 of the engrossed bill, line 5, after the word "state" insert the words ". If a certificate is lost, mutilated, or destroyed, the person to whom the certificate was issued is entitled to a replacement certificate. The person shall furnish proof satisfactory to the registrar that the certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars"
- On page 3 of the engrossed bill, line 7, delete the word "committee" and insert in lieu thereof the word "registrar of motor vehicles"
- On page 3 of the engrossed bill, line 11, delete the word "committee" and insert in lieu thereof the word "registrar"
- On page 3 of the engrossed bill, line 12, delete the word "committee" and insert in lieu thereof the word "registrar"

On page 3 of the engrossed bill, line 33, after the period insert the following sentence: "For particular events, a public or a private agency may reserve additional parking spaces for use by motor vehicles operated by mobility impaired persons. In that case, the temporarily reserved spaces must be indicated by signs or other suitable means."

On page 4 of the engrossed bill, delete lines 12 through 15

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Schoenwald, Hilken, Nething

For the House: Reps. Almlie, Knell, Scherber

Engrossed SB 2542 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### MESSAGE TO THE SENATE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has amended, and subsequently passed:

SB 2030

ROY GILBREATH, Chief Clerk

#### MESSAGE FROM THE SENATE SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1010 and HB 1015 which the Senate has amended and subsequently passed:

#### SENATE AMENDMENTS TO ENGROSSED HB 1010

On page 1 of the engrossed bill, line 3, delete the word "and", delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "6-01-17" insert the word and numerals "and 6-09-29"

On page 1 of the engrossed bill, line 4, after the comma insert the words "and subsection 4 of section 6-06-08 of the North Dakota Century Code as amended by section 1 of House Bill No. 1218, as approved by the fiftieth legislative assembly," after the word "assessment" insert the words "and examination fees", and after the word "banks" insert the words "and credit unions; and to provide an effective date"

On page 1 of the engrossed bill, line 14, delete the numerals "1,375,569" and insert in lieu thereof the numerals "1,409,033"

On page 1 of the engrossed bill, line 17, delete the numerals "1,675,100" and insert in lieu thereof the numerals "1,708,564"

- On page 2 of the engrossed bill, line 10, overstrike the words "the following" and insert immediately thereafter the word "a" and overstrike the colon and insert immediately thereafter the word "of"
- On page 2 of the engrossed bill, line 12, overstrike the word "each" and insert immediately thereafter the word "that"
- On page 2 of the engrossed bill, line 16, overstrike the words "and not more than seven thousand five"
- On page 2 of the engrossed bill, line 17, overstrike the words "hundred dollars"
- On page 2 of the engrossed bill, line 23, overstrike the comma
- On page 2 of the engrossed bill, overstrike lines 24 and 25
- On page 2 of the engrossed bill, line 26, overstrike the words "first yearly assessment"
- On page 2 of the engrossed bill, after line 34, insert the following sections:

"SECTION 5. AMENDMENT. If House Bill No. 1218 becomes effective, then subsection 4 of section 6-06-08 of the North Dakota Century Code, as amended by section 1 of House Bill No. 1218, is hereby amended and reenacted to read as follows:

4. Every state credit union placed under the jurisdiction and control of the state credit union board and the commissioner by the provisions of this title shall pay into the state treasury ~~the following~~ a yearly assessment of one and one-half hundredths of one percent of the gross amount of the assets of the corporation or association on June thirtieth of ~~each~~ that year, exclusive of expenses, interest, and taxes paid, and inclusive of any valuation allowance or allowances deducted by the credit union from any asset account. The fee may not be less than three hundred dollars ~~and not more than seven thousand five hundred dollars~~. The assessment must be paid to the state treasurer within thirty days of each June thirtieth, except that those credit unions whose examination has begun within the six months immediately prior to July 1, 1987, do not have to pay the first yearly assessment. Credit unions that have not been examined by the commissioner or the state credit union board for three years prior to any assessment date are not required to pay the assessment. The state treasurer shall report the payments of fees to

the state credit union board, and if any credit union is delinquent more than twenty days in making payment, the board may make an order suspending the functions of the delinquent credit union until payment of the amount due, plus a penalty of five dollars a day additional for the delay. The examination fee for North Dakota central credit union shall be one hundred thirty-five dollars per examiner day for the time used charged by the department at an hourly rate to be set by the commissioner or other person or persons designated by the commissioner in making and otherwise preparing and typing the reports of, sufficient to cover all reasonable expenses of the department associated with the examination.

SECTION 6. AMENDMENT. Section 6-09-29 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09-29. Department of banking and financial institutions and the industrial commission responsible for examinations and audit reports. The industrial commission shall be responsible for contracting with a nongovernment certified public accounting firm to annually audit the Bank of North Dakota in accordance with generally accepted auditing standards, which shall include inspection and verification of the assets in its possession and under its control with sufficient thoroughness to ascertain with reasonable certainty whether the valuations are carried correctly on its books. The auditor so hired shall audit the Bank's methods of operation and accounting, shall report the results to the industrial commission as soon as practicable, and shall furnish one copy to the legislative assembly. The costs of such audit shall be paid for by the Bank of North Dakota. The department of banking and financial institutions, through the commissioner, shall be responsible for performing an examination of the Bank of North Dakota at least once each twenty-four months and for any investigation of the Bank which may be necessary. The examination results, and the results of any necessary investigation, shall be reported to the industrial commission as soon as practicable and to the legislative assembly. Fees for such examinations shall be charged by the department of banking and financial institutions ~~for the examinations provided for by this section at the an hourly rate of one hundred thirty-five dollars per day for the time used to be set by the commissioner or other person designated by the commissioner in supervising, filing, and corresponding in connection with such examination and report of examination and for the time used by each deputy examiner, or other person or persons in making and otherwise preparing and typing the reports of examinations~~



required, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section.

SECTION 7. EFFECTIVE DATE. The first assessments under sections 4 and 5 of this Act apply to assets as of June 30, 1987."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Department of Banking and Financial Institutions

The Senate restores to the salaries and wages line item the \$33,464 general fund reduction made in the House.

The general fund revenue fiscal impact of the assessment increase from one and one-quarter to one and one-half hundredths of one percent of the bank's gross assets is estimated at \$150,000, which was included in the executive recommendation.

In this amendment, North Dakota Century Code sections 6-01-17 and 6-06-08 are amended, deleting the \$7,500 yearly assessment cap. The increase in general fund revenues for 1987-89 is estimated at \$133,550. As a result of all the increases in assessments, total collections are estimated to cover 76 percent of the total expenses of the department.

The credit union examination fee contained in North Dakota Century Code section 6-06-08 is changed from a \$135 per day amount to an hourly rate to be determined by the commissioner to cover sufficiently the reasonable expenses of the examination. It is not anticipated that any revenue change will occur for the 1987-89 biennium.

The examination fee for the Bank of North Dakota is changed from a \$135 per day amount to an hourly rate to be determined by the commissioner to cover sufficiently the reasonable expenses of the examination. It is not anticipated that any revenue change will occur for the 1987-89 biennium.

SENATE AMENDMENTS TO ENGROSSED HB 1015

On page 1 of the engrossed bill, line 16, delete the numerals "1,209,690" and insert in lieu thereof the numerals "1,254,390"

On page 1 of the engrossed bill, line 17, delete the numerals "1,628,237" and insert in lieu thereof the numerals "1,672,937"

On page 1 of the engrossed bill, line 19, delete the numerals "423,813" and insert in lieu thereof the numerals "468,513"

And renumber the lines, sections, and pages accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## Council on the Arts

The Senate restores \$44,700 to the grants line item from the general fund for the touring arts program deleted by the House.

PERRY GROTEBERG, Secretary

## MOTION

REP. STRINDEN MOVED that the House stand in recess until 11:00 a.m., which motion prevailed.

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

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1247 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2309 of the House Journal and that Engrossed HB 1247 be amended as follows:

On page 1 of the engrossed bill, line 3, delete the word "sections" and insert in lieu thereof the word "section", after the second comma insert the words and numerals "subsection 3 of section 47-30.1-24, sections", and delete the third comma

On page 6 of the engrossed bill, after line 4, insert the following section:

"SECTION 5. AMENDMENT. Subsection 3 of section 47-30.1-24 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator, together with any additional amount required by section 47-30.1-25. If the claim is for property presumed abandoned under section 47-30.1-10 which was sold by the administrator within three years after the date of delivery, the amount payable for that claim is the value of the property at the time the claim was made or the net proceeds of sale, whichever is greater 47-30.1-21."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Schoenwald, Keller, Todd  
For the House: Reps. Koland, Dalrymple, Oban

Engrossed HB 1247 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF PROCEDURAL COMMITTEE

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

HB 1685

REP. STRINDEN, Chairman

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

#### MOTION

REP. STRINDEN MOVED that the House stand in recess until 12:30 p.m., which motion prevailed.

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

#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1233 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 1547-1548 of the House Journal:

For the Senate: Sens. Dotzenrod, Langley, Holmberg  
For the House: Reps. Lindgren, Gorman, Linderman

Engrossed HB 1233 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORTS OF CONFERENCE COMMITTEES

REP. KENT MOVED that the conference committee report on Engrossed SB 2012 be adopted, which motion prevailed.

REP. ALMLIE MOVED that the conference committee report on SB 2542 be adopted, which motion prevailed.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that SB 2542 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2542: A BILL for an Act to amend and reenact section 39-01-15 of the North Dakota Century Code, relating to parking privileges for mobility impaired persons.

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, 8 NAYS, 6 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Belter; Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Knell; Knudson; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Gunsch; Haugen; Kingsbury; Klundt; Olsen, D.; Rice; Shide; Whalen

**ABSENT AND NOT VOTING:** Berg, R.; Dorso; Koland; Martinson; O'Connell; Peterson

SB 2542 passed and the title was agreed to.

\*\*\*\*\*

## REPORT OF CONFERENCE COMMITTEE

**REP. LINDGREN MOVED** that the conference committee report on HB 1233 be adopted, which motion prevailed.

## MOTION

**REP. STRINDEN MOVED** that the rules be suspended, that HB 1233 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1233:** A BILL for an Act to provide a formula for allocating North Dakota's private activity bond ceiling under federal law among the governmental units in North Dakota having authority to issue private activity bonds; and to provide an effective date.

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, 3 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Melby; Mertens; Meyer; Moore; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Myrdal; Sorensen; Ulmer

ABSENT AND NOT VOTING: Berg, R.; Martinson; O'Connell

HB 1233 passed and the title was agreed to.

\*\*\*\*\*

## REPORT OF CONFERENCE COMMITTEE

REP. KOLAND MOVED that the conference committee report on HB 1247 be adopted, which motion prevailed.

## MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1247 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to amend and reenact section 47-30.1-22, subsection 3 of section 47-30.1-24, sections 47-30.1-26 and 47-30.1-35 of the North Dakota Century Code, relating to abandoned property under the Uniform Unclaimed Property Act.

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 99 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Brokaw; Hamerlik; Hanson, O.; Kingsbury

ABSENT AND NOT VOTING: Berg, R.; Hausauer, R.; O'Connell

HB 1247 passed and the title was agreed to.

\*\*\*\*\*

## FIRST READING OF HOUSE BILL

Reps. Dorso, A. Olson introduced:

(Approved by the Committee on Delayed Bills)

HB 1685: A BILL for an Act to amend and reenact section 19-10-03.1 of the North Dakota Century Code, relating to disclosure of contents of certain gasoline.

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

## FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. G. Berg, Kingsbury, Nicholas and Sens. Thane, Mutch introduced:

(Approved by the Committee on Delayed Bills)

HCR 3096: A concurrent resolution directing the Legislative Council to study the economic impact that implementation of a "no net loss of wetlands" policy would have in this state; the effect that implementation of such a policy would have on rivers, lakes, and farmland in this state; the number of resident and migratory waterfowl that rely on wetlands in this state; and the effect that drained and undrained wetlands have on the water table of salt affected soils.

Was read the first time.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3096 not be printed, not be referred to committee, be read in title only, and placed on the calendar for second reading and final passage, which motion prevailed.

#### SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3096: A concurrent resolution directing the Legislative Council to study the economic impact that implementation of a "no net loss of wetlands" policy would have in this state; the effect that implementation of such a policy would have on rivers, lakes, and farmland in this state; the number of resident and migratory waterfowl that rely on wetlands in this state; and the effect that drained and undrained wetlands have on the water table of salt affected soils.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3096 was declared adopted on a voice vote.

\*\*\*\*\*

#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4069: A concurrent resolution directing the Legislative Council to study state aid to local fire departments and districts.

Was read the first time.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that SCR 4069 not be printed, not be referred to committee, not be read in its entirety, not be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4069: A concurrent resolution directing the Legislative Council to study state aid to local fire departments and districts.

Which has been read.

The question being on the final adoption of the resolution, as amended.

SCR 4069 was declared adopted on a voice vote.

\*\*\*\*\*

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1010 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1010:

Reps. Kingsbury, Smette, Laughlin

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1015 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1015:

Reps. Wald, Rice, Kelly

## REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1684 has had the same under consideration and recommends by a vote of 15 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. PETERSON, Chairman

HB 1684 was placed on the Eleventh order of business on the calendar.

## 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 Kloubec presiding.

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1002, HB 1028, HB 1038, HB 1062, HB 1121, HB 1131,  
HB 1161, HB 1167, HB 1176, HB 1192, HB 1228, HB 1266,  
HB 1274, HB 1350, HB 1355, HB 1365, HB 1369, HB 1416,  
HB 1535, HB 1561, HB 1643

ROY GILBREATH, Chief Clerk



MESSAGES TO THE SENATE  
HOUSE CHAMBER

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

HB 1002, HB 1028, HB 1038, HB 1062, HB 1121, HB 1131,  
HB 1161, HB 1167, HB 1176, HB 1192, HB 1228, HB 1266,  
HB 1274, HB 1350, HB 1355, HB 1365, HB 1369, HB 1416,  
HB 1535, HB 1561, HB 1643

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

HCR 3095

ROY GILBREATH, Chief Clerk

MESSAGE FROM THE SENATE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following on which the Senate has sustained the Governor's veto on a vote of 30 YEAS, 23 NAYS, and 0 ABSENT AND NOT VOTING:

HB 1621

PERRY GROTEBERG, Secretary

## MOTIONS

REP. A. HAUSAUER MOVED that SB 2552, which is on the Fourteenth order, be rereferred to the Committee on Finance and Taxation, which motion prevailed.

REP. DORSO MOVED that the House reconsider its action whereby HB 1026 passed, which motion prevailed.

REP. DORSO MOVED that the House reconsider its action whereby the House concurred in the Senate amendments to HB 1026, which motion prevailed.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KINGSBURY MOVED that the House do not concur in the Senate amendments to HB 1026 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a verification vote.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1026:

Reps. Kingsbury, Gunsch, Solberg

MESSAGES TO THE SENATE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1010 and HB 1015 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1010: Reps. Kingsbury, Smette, Laughlin

HB 1015: Reps. Wald, Rice, Kelly

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

HCR 3096

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

SCR 4069

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

HB 1233, HB 1247

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

SB 2542

ROY GILBREATH, Chief Clerk

## REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2512 has had the same under consideration and recommends by a vote of 20 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. PETERSON, Chairman

SB 2512 was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

SB 2512: A BILL for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to the maximum state transportation aid payments that may be made to schools; and to provide for the distribution of excess funds.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 15 YEAS, 87 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: DeMers, J.; Halmrast; Hanson, L.; Hausauer, A.; Kelly; Larson; Lindgren; Martinson; Meyer; Oban; Payne; Riehl; Rydell; Sorensen; Winkelman

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gertholz; Goetz; Gorman; Graba; Gunsch; Hamerlik; Haugen; Haugland; Hausauer, R.; Hill; Hoffner; Hokana; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martin; Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson; Rice; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, R.; Hanson, O.; O'Connell; Solberg

SB 2512 was declared lost.

\*\*\*\*\*

## MOTION

REP. STRINDEN MOVED that SB 2453 be placed at the top of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2453: A BILL for an Act making an appropriation for defraying the expenses of the energy development impact office of the state of North Dakota, and providing for a transfer of funds from the coal development impact fund.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 23 YEAS, 78 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: DeMers, P.; Goetz; Gunsch; Haugen; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Klundt; Knell; Knudson; Kolbo; Mertens; Oban; O'Shea; Rice; Schneider; Stofferahn; Tomac; Ulmer; Wald; Williams, C.

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Kent; Kingsbury; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Riehl; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Berg, R.; Dorso; Hanson, O.; Koland; O'Connell

SB 2453 was declared lost.

\*\*\*\*\*

## REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2002 has had the same under consideration and recommends by a vote of 13 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, delete the word "making" and insert in lieu thereof the words "to provide"

On page 1 of the engrossed bill, line 3, delete the word "providing" and insert in lieu thereof the words "to provide"

On page 1 of the engrossed bill, line 4, delete the word "and" and insert in lieu thereof the words "to provide an appropriation for establishing electronic media instruction in school districts and to provide for a transfer of funds from the interest income of the state school construction fund; to provide an appropriation for developing computer software to promote the study of North Dakota and to provide for a transfer from the interest income of the state school construction fund; to provide for a

legislative council study of education finance issues; to create and enact a new section to chapter 15-21 and a new subsection to section 15-60-03 of the North Dakota Century Code, providing for an adult basic and secondary education fund and a continuing appropriation and relating to use of interest income from the state school construction fund;"

- On page 1 of the engrossed bill, line 6, after the comma insert the words and numerals "and section 15-40.1-16 of the North Dakota Century Code,"
- On page 1 of the engrossed bill, line 7, after the word "pupil" insert the words "and state transportation aid payments to schools; and to provide an expiration date"
- On page 1 of the engrossed bill, line 19, delete the numerals "4,746,723" and insert in lieu thereof the numerals "4,712,629"
- On page 1 of the engrossed bill, line 20, delete the numerals "3,017,767" and insert in lieu thereof the numerals "2,986,752"
- On page 1 of the engrossed bill, line 23, delete the numerals "361,621,126" and insert in lieu thereof the numerals "349,300,704"
- On page 1 of the engrossed bill, line 26, delete the numerals "1,260,000" and insert in lieu thereof the numerals "1,116,000"
- On page 1 of the engrossed bill, line 27, delete the numerals "216,000" and insert in lieu thereof the numerals "400,000"
- On page 2 of the engrossed bill, delete line 3
- On page 2 of the engrossed bill, line 7, delete the numerals "501,956,944" and insert in lieu thereof the numerals "490,261,413"
- On page 2 of the engrossed bill, line 8, delete the numerals "110,730,300" and insert in lieu thereof the numerals "111,413,253"
- On page 2 of the engrossed bill, line 9, delete the numerals "391,226,644" and insert in lieu thereof the numerals "378,848,160"
- On page 2 of the engrossed bill, after line 27, insert the following new sections:

"SECTION 4. APPROPRIATION - TRANSFER. There is hereby appropriated, and shall be transferred, out of any interest income in the state school construction fund, not

otherwise appropriated, the sum of \$400,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of making grants to school districts for electronic media instruction for the biennium beginning July 1, 1987, and ending June 30, 1989.

**SECTION 5. APPROPRIATION - TRANSFER.** There is hereby appropriated, and shall be transferred, out of any interest income in the state school construction fund, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of developing computer software to promote the study of North Dakota in light of the 1989 centennial celebration for the biennium beginning July 1, 1987, and ending June 30, 1989."

On page 3 of the engrossed bill, after line 8, insert the following new section:

"**SECTION 8.** A new section to chapter 15-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

Adult basic and secondary education fund - Continuing appropriation. The superintendent of public instruction may receive and accept any grant, gift, devise, or bequest of any money from any private or public source for adult basic and secondary education programs. Any money received for adult basic and secondary education programs by grant, gift, devise, or bequest not specifically appropriated by the legislature must be deposited in the adult basic and secondary education fund in the state treasury. All moneys in the fund, and any interest upon moneys in the fund, are hereby appropriated to the superintendent of public instruction for the purpose of administering and implementing adult basic and secondary education programs. Any funds appropriated under this section are not subject to section 54-44.1-11."

On page 3 of the engrossed bill, line 15, overstrike the word "four" and insert immediately thereafter the word "three" and delete the word "thirteen" and insert in lieu thereof the words "eighty-two"

On page 3 of the engrossed bill, line 18, delete the word "forty"

On page 3 of the engrossed bill, after line 27, insert the following sections:

"**SECTION 10. AMENDMENT.** Section 15-40.1-16 of the 1985 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-eight~~ thirty-six cents during each year of the 1985-87 1987-89 biennium for vehicles having a capacity of nine or fewer pupils and ~~seventy-six~~ sixty-nine cents per mile [1.61 kilometers] for each year of the 1985-87 1987-89 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 entitled to an amount equal to nineteen 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 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 11. A new subsection to section 15-60-03 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Interest income from the state school construction fund may be used to promote the study of North Dakota and to make grants to school districts within the limits of legislative appropriations to enable school districts to establish electronic media instruction. The state board of public school education shall establish the criteria for making grants to school districts. No grant may exceed fifty percent of the cost of implementing electronic media instruction. To be eligible to receive a grant, a school district must provide fifty percent matching funds. The superintendent of public instruction shall administer the grants.

SECTION 12. LEGISLATIVE COUNCIL STUDY OF EDUCATION FINANCE ISSUES. An interim legislative council committee, consisting of six members of the legislative assembly and three professional educators to be selected by the legislative council, shall conduct a study during the 1987-88 interim of education finance issues, including the issues of adequate funding for school districts, the amount of money spent by school districts for noninstructional purposes, inequities in the distribution of transportation aid to schools, local effort in support of schools, other funding sources including federal programs and energy taxes revenue, and the special needs of schools in sparsely populated areas of the state.

SECTION 13. FOUNDATION AID PAYMENTS. Notwithstanding the provisions of chapter 15-40.1 of the North Dakota Century Code relating to school aid, no school district shall receive an amount in total from foundation aid per-pupil and transportation payments for each year of the 1987-89 biennium that is less than the school district received for per-pupil and transportation payments for the 1986-87 school year.

SECTION 14. EXPIRATION DATE. Section 11 of this Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Department of Public Instruction

<u>General</u> <u>Fund</u>	<u>Other</u> <u>Funds</u>	<u>Total</u>
-------------------------------	------------------------------	--------------



<u>Salaries and wages</u>			
Delete funding for one FTE clerical position	\$ (17,047)	\$ (17,047)	\$ (34,094)
<u>Operating expenses</u>			
Delete funding for the printing and distribution of the North Dakota School Code Supplement	\$ (11,700)		\$ (11,700)
Delete funding for an enhancement to the review of college teacher education programs for teacher certification	\$ (19,315)		\$ (19,315)
Total operating expenses	\$ (31,015)		\$ (31,015)
<u>Grants - foundation aid</u>			
Reduce funding to provide per-pupil payments of \$1382 and \$1400 and transportation payments of 36¢ and 69¢	\$ (12,320,422)		\$ (12,320,422)
<u>Grants - school food program</u>			
Reduces funding for school food service grants based on revised matching estimates	\$ (144,000)		\$ (144,000)
<u>Grants - adult basic education</u>			
Increase funding	\$ 184,000		\$ 184,000
<u>Grants - educational broadcasting</u>			
Deletes funds to contract with Educational Broadcasting Council for instructional television. The funds were restored in the educational broadcasting councils appropriation.	\$ (50,000)		\$ (50,000)
Total	\$ (12,378,484)	\$ (17,047)	\$ (12,395,531)

A section is added that appropriates \$400,000 for electronic media instruction from state school construction fund interest. The \$400,000 is to be used for matching grants.

A section is added that appropriates \$100,000 from state school construction fund interest for public instruction's development of computer software to promote the study of North Dakota in light of the 1989 centennial.

A section is added authorizing the receipt of and appropriating any funds received for adult basic and secondary education programs.

A section is added providing that school districts per-pupil and transportation aid payments received for each year of the 1987-89 biennium must at least equal the amount received from these payments during 1986-87.

Also, a section is added requiring a Legislative Council interim study of educational finance issues.

A comparison of the amended grants - foundation aid line item to the executive budget recommendation and Senate version is as follows:

<u>Grants - foundation aid</u>	<u>Executive Budget and Senate Version</u>	<u>House Amendments</u>	<u>Difference</u>
Executive budget - Senate version <u>per-pupil payments</u>			
1987-88 1,413	\$321,552,316		
1988-89 1,440			
House Amendments - <u>per-pupil payments</u>			
1987-88 1,382		\$312,573,454	\$ (8,978,862)
1988-89 1,400			
Executive budget - Senate version <u>transportation</u>			
Small buses - 38¢ per mile	\$ 40,068,810		
Large buses - 76¢ per mile			
House Amendments - <u>transportation</u>			
Small buses - 36¢ per mile		\$ 36,727,250	\$ (3,341,560)
Large buses - 69¢ per mile			
Total	\$361,621,126	\$349,300,704	\$(12,320,422)

REP. PETERSON, Chairman

SB 2002 was placed on the Sixth order of business on the calendar.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended and that SB 2002 be placed on the Sixth order of business, and after action taken on the Sixth order, that SB 2002 be placed on the Fourteenth

order, as amended, for second reading and final passage, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2002 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS.

#### MOTION

REP. GOETZ MOVED the previous question, which motion failed on a verification vote.

#### CALL OF THE HOUSE

REP. STRINDEN REQUESTED a call of the House, which request was granted.

#### MOTION

REP. STRINDEN MOVED that we dispense with the Call of the House, which motion prevailed.

#### REQUEST

REP. KLUNDT REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2002, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to SB 2002, the roll was called and there were 59 YEAS, 44 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Cleveland; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shaw; Shide; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Wentz; Whalen; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Brokaw; Christman; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Berg, R.; Hanson, O.; O'Connell

The motion to adopt the amendments to SB 2002 passed.

## SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act making an appropriation for defraying the expenses of the superintendent of public instruction of the state of North Dakota; providing for a transfer of funds from the displaced homemaker fund; and to amend and reenact subsection 2 of section 15-40.1-06 of the North Dakota Century Code as amended by Senate Bill No. 2904 as approved by the fiftieth legislative assembly, relating to the educational support per pupil.

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 59 YEAS, 44 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Cleveland; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shaw; Shide; Smette; Sorensen; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Wentz; Whalen; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Brokaw; Christman; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Berg, R.; Hanson, O.; O'Connell

SB 2002 passed and the title was agreed to.

\*\*\*\*\*

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 the same:

HB 1448, HB 1633, HB 1645

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on SB 2339 and the President Pro Tem has appointed as a new conference committee to act with a like committee from the House on:

SB 2339: Sens. W. Meyer, Axtman, Tennesos

PERRY GROTBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

HB 1005: Sens. Tallackson, Stromme, Thane

HB 1544: Sens. Waldera, Yockim, Naaden

PERRY GROTBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2010, SB 2017, and SCR 4047 and subsequently passed the same but has refused to concur in the House amendments to SB 2021, SB 2022, and SB 2477 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2021: Sens. Stromme, Shea, Thane

SB 2022: Sens. Wogsland, Yockim, Tweten

SB 2477: Sens. Stromme, Wogsland, Nelson

PERRY GROTBERG, 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:

SB 2557

PERRY GROTBERG, Secretary

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1231 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1844 of the House Journal.

For the Senate: Sens. Keller, Krauter, Reiten

For the House: Reps. Dalrymple, Vander Vorst, Scherber

Engrossed HB 1231 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2021:

Reps. Kingsbury, Peterson, Graba

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2022:

Reps. Kingsbury, Peterson, Graba

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on SB 2339:

Reps. Martinson, Gorman, Hokana

MESSAGE FROM THE SENATE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1065 which the Senate has amended, and subsequently passed:

In lieu of the amendments to engrossed House Bill No. 1065 adopted by the Senate, engrossed House Bill No. 1065 is amended as follows:

On page 1 of the engrossed bill, line 1, delete the word "two" and insert in lieu thereof the words and numerals "a new subsection to section 57-60-01 and a" and delete the word "sections" and insert in lieu thereof the word "section"

On page 1 of the engrossed bill, line 2, after the word "to" insert the words "definition of the term installed capacity for coal conversion facilities privilege tax purposes,"

On page 1 of the engrossed bill, line 4, after the word "facilities" insert a comma

On page 1 of the engrossed bill, line 5, after the word "reenact" insert the words and numerals "subsection 2 of section 57-60-02,"

On page 1 of the engrossed bill, line 7, after the second word "the" insert the words "coal conversion facilities privilege tax and"

On page 1 of the engrossed bill, after line 11, insert the following new sections:

"SECTION 1. A new subsection to section 57-60-01 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Installed capacity" means the number of kilowatts a power unit can produce according to

the nameplate assigned to the power unit generator by the manufacturer.

SECTION 2. AMENDMENT. Subsection 2 of section 57-60-02 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 2.. For electrical generating plants, the tax shall be at a rate of twenty-five one-hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale times sixty percent of the installed capacity of each unit times the number of hours in the taxable period. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity."

On page 2 of the engrossed bill, line 16, delete the word "ninety-five" and insert in lieu thereof the word "seventy-five"

On page 2 of the engrossed bill, delete lines 27 through 34

On page 3 of the engrossed bill, delete lines 1 and 2

On page 5 of the engrossed bill, line 3, delete the word "Thirty-two" and insert in lieu thereof the word "Thirty-five"

On page 9 of the engrossed bill, line 4, delete the word "Fifty-three" and insert in lieu thereof the word "Fifty"

On page 9 of the engrossed bill, line 12, delete the numeral "3" and insert in lieu thereof the numeral "4"

On page 9 of the engrossed bill, after line 13, insert the following new section:

"SECTION 7. APPROPRIATION. There is hereby appropriated the sum of \$1,050,000 out of any moneys in the coal development impact fund, not otherwise appropriated, to the energy development impact office of the state of North Dakota, for the purpose of making coal development impact grants, for the biennium beginning July 1, 1987, and ending June 30, 1989. If the unobligated balance on September 1, 1987, exceeds the appropriation contained in this section, the state emergency commission may authorize the expenditure of those amounts at the request of the board of university and school lands."

On page 9 of the engrossed bill, line 14, delete the numeral "3" and insert in lieu thereof the numeral "4"

And renumber the lines, sections, and pages accordingly  
PERRY GROTEBERG, Secretary

#### MOTIONS

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

REP. GOETZ MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 8:00 a.m., Monday, April 13, 1987, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2554 has had the same under consideration and recommends by a vote of 13 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 18, after the third comma insert the word "transportation,"

On page 2 of the engrossed bill, delete lines 6 and 7

On page 2 of the engrossed bill, line 16, delete the word "five" and insert in lieu thereof the word "fifty"

On page 2 of the engrossed bill, line 17, delete the word "hundred" and delete the words "An industrial business receiving program"

On page 2 of the engrossed bill, delete the lines 18 through 21

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### State Board of Vocational Education

This amendment expands the definition of "industrial business" to include transportation, deletes administrative expenses from the definition of "program services," reduces the award for any one project from \$500,000 to \$50,000, and deletes the portion relating to initial compensation of employees who have completed the program.

REP. PETERSON, Chairman

SB 2554 was placed on the Sixth order of business on the calendar for the succeeding legislative day.



FIRST READING OF SENATE BILL

SB 2557: A BILL for an Act to amend and reenact subsection 1 of section 57-43.1-02, subsection 1 of section 57-43.2-02, and section 57-43.2-03 of the North Dakota Century Code, relating to the tax imposed on motor vehicle fuels and special fuels and a special fuel tax exemption for state and political subdivisions.

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

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

ROY GILBREATH, Chief Clerk