

FRIDAY, APRIL 10, 1987

.2313

## JOURNAL OF THE SENATE

### Fiftieth Legislative Assembly

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### SIXTY-SEVENTH DAY

Bismarck, April 10, 1987  
The Senate convened at 8:00 a.m., with President Pro Tem Redlin Presiding.

The prayer was offered by Reverend Lynn Smith-Roberts, Unitarian Church, Bismarck.

Let us pray.

Spirit of Life, grant that we always be aware of the interdependent web of life of which we are a part. Open our eyes that we may see the wakan-force that quickens all beings and gives them, and us, meaning. May our seeing of the sacred connections give us joy to greet the sun in the morning and the stars at night, and may we walk gently and reverently upon Mother Earth all the day through.

As we go through each day, let us be aware of the sacred trust that brings us here - the sacred tie to the people of North Dakota and to each other. We are indeed related one to another, and what we do has implications, even as a stone thrown into a pond may impact the farthest shore. We carry a great burden, but we know that it can be lightened by our vision of one another and the sacred ties that connect us: the trust of North Dakota. Grant us wisdom and courage to see clearly and to make our decisions wisely so that we all may continue to walk bravely upon the earth together. May the wakan-force be with you. So be it. Amen.

### ROLL CALL

The roll was called and all Senators were present, except Senator Nething.

A quorum was declared by the President Pro Tem.

### CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: 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.

SEN. J. MEYER, Chairman

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

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

ROY GILBREATH, Chief Clerk

## CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1010 as recommended by the Committee on Appropriations as printed on pages 2296-2299 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act making an appropriation for defraying the expenses of the department of banking and financial institutions of the state of North Dakota; to amend and reenact sections 6-01-17 and 6-09-29 of the North Dakota Century Code, 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, relating to yearly assessment and examination fees of banks and credit unions; and to provide an effective date.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nothing

HB 1010 passed and the title was agreed to.

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MESSAGES TO THE HOUSE  
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 GROTEBERG, 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:

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

PERRY GROTEBERG, 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 GROTEBERG, 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 GROTEBERG, Secretary

## CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1015 as recommended by the Committee on Appropriations as printed on pages 2299-2300 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

## SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act making an appropriation for defraying the expenses of the council on the arts of the state of North Dakota.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 39 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern;

Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik;  
 Nalewaja; Olson; Redlin; Reiten; Richard; Satrom;  
 Schoenwald; Shea; Stenehjem; Stromme; Tallackson;  
 Tennefos; Thane; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Moore; Mutch;  
 Naaden; Nelson; Peterson; Streibel; Todd; Vosner;  
 Wright

ABSENT AND NOT VOTING: Nothing

HB 1015 passed and the title was agreed to.

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#### MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1010 and HB 1015 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1010 and HB 1015 be messaged to the House immediately, which motion prevailed.

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

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

#### MESSAGES TO THE HOUSE

##### 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 GROTBERG, 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 GROTBERG, 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 GROTBERG, Secretary

## SENATE CHAMBER

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

HB 1600

PERRY GROTBORG, Secretary

## 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 GROTBORG, Secretary

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2113 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1282 of the Senate Journal.

For the Senate: Sens. W. Meyer, Axtman, Lodoen

For the House: Reps. Gorman, Tokach, Skjerven (refused to sign)

Engrossed SB 2113 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## MESSAGE TO THE HOUSE

## SENATE CHAMBER

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

HB 1010, HB 1015

PERRY GROTBORG, Secretary

## MESSAGE FROM THE HOUSE

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2030 which the House has amended and subsequently passed:

## HOUSE AMENDMENTS TO ENGROSSED SB 2030

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</u> <u>All</u> <u>Funds</u>	<u>General</u> <u>Fund</u>	<u>Other</u> <u>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)

Grants

Delete funds for regional development organizations	(320,000)	(320,000)	
Reduce additional grant funds for Center for Innovation from \$45,000 to \$30,000	(15,000)	(15,000)	
Add funds for the receipt and expenditure of revenue collected pursuant to Senate Bill No. 2319 relating to	100,000		100,000

Data processing

Delete funds for six FTE	(6,280)	(3,140)	(3,140)
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Total change	\$(1,585,452)	\$(1,327,382)	\$(258,070)
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ROY GILBREATH, Chief Clerk

## CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to HB 1677 as recommended by the Committee on Judiciary as printed on page 2300 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1677 was rereferred to the Committee on Appropriations.

## MOTIONS

SEN. HEIGAARD MOVED that HB 1621 be moved to the head of the Fourteenth order on the calendar, which motion prevailed.

SEN. OLSON MOVED that the Senate override the Governor's veto on HB 1621, which motion prevailed.

## RECONSIDERATION OF A VETOED MEASURE - HB 1621

HB 1621: A BILL for an Act to create and enact four new sections to chapter 6-03 of the North Dakota Century Code, relating to charging off real estate, and amortization of certain loan losses by banks.

Which has been read.

## ROLL CALL

The question being on the motion that the Senate override the veto by the Governor on HB 1621, the roll was called and there were 30 YEAS, 23 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelsh; Lips; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Schoenwald; Stenehjelm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wogsland; Wright

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelly; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Mushik; Redlin; Reiten; Richard; Satrom; Shea; Stromme; Tallackson; Waldera; Yockim

ABSENT AND NOT VOTING: None

The veto of the Governor was sustained on HB 1621.

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#### DELIVERY OF ENROLLED BILLS

THE PRESIDENT PRO TEM ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 10:03 a.m., April 10, 1987:

SB 2006, SB 2024, SB 2028, SB 2068, SB 2080, SB 2294,  
SB 2303

#### DELIVERY OF ENROLLED RESOLUTION

THE PRESIDENT PRO TEM ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 10:00 a.m., April 10, 1987:

SCR 4026

#### MOTION

SEN. HEIGAARD MOVED that SB 2103, which is on the Seventh order, be rereferred to the conference committee, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

SEN. W. MEYER MOVED that the conference committee report on Engrossed SB 2339 as printed on page 2272 of the Senate Journal be adopted, which motion lost on a verification vote.

#### MOTION

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

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

#### MESSAGE TO THE HOUSE

##### 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



REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2387 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1755-1756 of the Senate Journal:

For the Senate: Sens. Dotzenrod, Holmberg, Lodoen  
For the House: Reps. Gorman, Lindgren, Enget

SB 2387 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGE FROM THE HOUSE  
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

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1005, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1005:

Sens. Tallackson, Stromme, Thane

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1544, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1544:

Sens. Waldera, Yockim, Naaden

SEN. D. MEYER MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2339, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2339:

Sens. W. Meyer, Axtman, Tennefos

MOTION

SEN. HEIGAARD MOVED that SB 2010, SB 2017, SB 2021, SB 2022, SB 2477, and SCR 4047 be moved to the head of the Twelfth order on the calendar, which motion prevailed.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2010 as printed on pages 2099-2100 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act making an appropriation for defraying the expenses of the radio communications department 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 43 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Bakewell; David; Moore; Mutch; Nething; Streibel; Teneffos; Wright

ABSENT AND NOT VOTING: Freborg; Tweten

SB 2010 passed and the title was agreed to.

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## EXPLANATION OF VOTE

SEN. TENNEFOS: Mr. President, I would like to explain my "no" vote on SB 2010. I don't think it is within the North Dakota Constitution to take funds from the highway department trust funds to fund the Radio Communications Department of North Dakota. Thank you.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2017 as printed on pages 2014-2017 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act making an appropriation for defraying the expenses of the atmospheric resource board of the state of North Dakota; to provide for changing the name of the North Dakota weather modification board to the North Dakota atmospheric resource board; and to amend and reenact

subsection 3 of section 61-04.1-24 and sections 61-04.1-26 and 61-04.1-32 of the North Dakota Century Code, relating to mill levies for weather modification.

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 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Nalewaja; Olson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Kelsh; Moore; Mushik; Mutch; Naaden; Nelson; Nothing; Peterson; Richard; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: None

SB 2017 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2021 as printed on page 2230 of the Senate Journal, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2021:

Sens. Stromme, Shea, Thane

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2022 as printed on page 2230 of the Senate Journal, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2022:

Sens. Wogsland, Yockim, Tweten

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2477 as printed on pages 2240-2242 of the Senate Journal, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2477:

Sens. Stromme, Wogsland, Nelson

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STROMME MOVED that the Senate do concur in the House amendments to SCR 4047 as printed on page 2263 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4047: A concurrent resolution for the amendment of section 5 of article X of the Constitution of the State of North Dakota, relating to taxation of property owned by the United States when Congress has waived exemption of the property to allow imposition of property taxes and state oil and gas taxes or other taxes imposed in lieu of property taxes on minerals or property owned by the federal land bank and relating to taxation of state or local government property if exemption of the property is waived by the legislative assembly.

Which has been read.

## ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennesfos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SCR 4047 was declared adopted and the title was agreed to on a roll call vote.

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## REPORT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the conference committee report on Engrossed SB 2480 as printed on pages 2309-2311 of the Senate Journal be adopted.

## REQUEST

SEN. WRIGHT REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2480, which request was granted.

## ROLL CALL

The question being on the adoption of the conference committee report on Engrossed SB 2480, the roll was called and there were 24 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; David; Dotzenrod; Holmberg; Ingstad; Langley; Lips; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper

NAYS: Axtman; Bakewell; Freborg; Heigaard; Heinrich; Hilken; Keller; Kelly; Kelsh; Krauter; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: None

So the report of the conference committee on Engrossed SB 2480 failed.

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 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

## REPORT OF CONFERENCE COMMITTEE

SEN. J. MEYER MOVED that the conference committee report on Engrossed HB 1448 as printed on pages 2283-2284 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1448: A BILL for an Act to provide for the setting of rates to be paid for services provided to residents of nursing homes and to provide conditions for the receipt of medical assistance payments by nursing homes; to amend and reenact subsection 18 of section 54-12-01 of the North Dakota

Century Code, relating to the duties of the attorney general regarding appointment of hearing officers; and to repeal subsection 21 of section 50-06-05.1 and section 50-24.1-09 of the North Dakota Century Code, relating to the powers and duties of the department of human services regarding administrative hearings and limitation on reimbursement of long-term care facilities.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Tweten

ABSENT AND NOT VOTING: None

HB 1448 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the conference committee report on Engrossed HB 1633 as printed on pages 2285-2296 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1633: A BILL for an Act to provide for the establishment of a North Dakota venture capital corporation; to create and enact a new subsection to section 7-02-10, a new subsection to section 10-04-05, a new subsection to section 10-04-06, a new subdivision to subsection 1 of section 57-38-01.2, and a new subdivision to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to legal investments of savings and loan associations, exempt securities and transactions, and adjustments to taxable income for income tax purposes; to amend and reenact sections 6-03-38 and 6-09.2-01, subsection 1 of section 6-09.2-03, sections 6-09.2-04, 6-09.2-05, 6-09.2-07, 6-09.2-08, 6-09.2-09, 6-09.2-10, 6-09.2-11, and 10-30.1-05, subsection 14 of section 15-03-04 as amended by section 1 of House Bill No. 1031, as approved by the fiftieth

legislative assembly, subsection 14 of section 21-10-07, and subsection 30 of section 26.1-05-19 of the North Dakota Century Code, relating to the industrial development revenue bond guarantee program, venture capital corporations, and legal investments of banks, the board of university and school lands, the state investment board, and insurance companies; and to repeal section 6-09.2-06 of the North Dakota Century Code, relating to the industrial development revenue bond 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

HB 1633 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the conference committee report on Engrossed HB 1645 as printed on pages 2284-2285 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1645: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for research and experimental expenditures; 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

HB 1645 passed and the title was agreed to.

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#### MOTION

SEN. HEIGAARD MOVED that HB 1683 be moved to the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1683: A BILL for an Act to amend and reenact section 54-03-10 of the North Dakota Century Code and section 54-03-20 of the North Dakota Century Code as contained in House Bill No. 1575, as approved by the fiftieth legislative assembly, relating to compensation of certain subcommittee chairmen and to reimbursement for expenses for members of the legislative assembly; and to declare an emergency.

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

#### ROLL CALL

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

YEAS: Krauter; Meyer, D.; Schoenwald; Stenehjem

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: None

HB 1683 lost.

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## MOTION

SEN. HEIGAARD MOVED that the vote by which SB 2010, SB 2017, and SCR 4047 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred Engrossed HB 1006 has had the same under consideration and recommends by a vote of 10 YEAS, 4 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 3, delete the words "and providing" and insert in lieu thereof the words "; to provide"
- On page 1 of the engrossed bill, line 4, after the word "funds" insert the words "; and to amend and reenact sections 23-16-03 and 23-17.2-09 of the North Dakota Century Code, relating to the licensing of medical hospitals and application for certification of need for expansion of hospital facilities"
- On page 1 of the engrossed bill, line 16, delete the numerals "14,686,372" and insert in lieu thereof the numerals "14,716,010"
- On page 1 of the engrossed bill, line 20, delete the numerals "6,670,700" and insert in lieu thereof the numerals "6,887,700"
- On page 1 of the engrossed bill, line 22, delete the numerals "39,805,258" and insert in lieu thereof the numerals "40,051,896"
- On page 1 of the engrossed bill, line 24, delete the numerals "12,812,165" and insert in lieu thereof the numerals "13,058,803"
- On page 2 of the engrossed bill, after line 21, insert the following sections:

"SECTION 6. Section 23-16-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-16-03. Application for license - License fee.  
Applicants for license shall file applications under oath with the state department of health upon forms prescribed. Applications ~~shall~~ must be signed by the owner, or in the case of a corporation by two of its officers, or in the case of a county or municipal unit by the head of ~~such~~ the governmental department having jurisdiction over it.

Applications ~~shall~~ must set forth the full name and address of the owner of the institution for which license is sought, the names of the persons in control thereof and such additional information as the state department of health may require, including affirmative evidence of ability to comply with such minimum standards, rules, and regulations as may be lawfully prescribed ~~hereunder~~ pursuant to this section. An application for a license for facilities not owned by the state or its political subdivisions must be accompanied by the following fees:

1. For each licensed acute care bed, ten dollars.
2. For each licensed skill care bed, seven dollars.
3. For each licensed intermediate care bed, five dollars.

License fees collected pursuant to this section must be deposited in the state department of health and consolidated laboratory services operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

SECTION 7. Section 23-17.2-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17.2-09. Application for certificate of need - Filing fee. Applicants for certificate of need shall file notification of intent and applications under oath with the department upon forms prescribed. Notification of intent and applications ~~shall~~ must be signed by the owner, or in the case of a corporation by two of its officers, or in the case of a public institution by the head of ~~such~~ the governmental unit or agency having jurisdiction over it. Notification of intent and applications ~~shall~~ must set forth the full name and address of the owner of the institution for which certificate of need is sought, the names of the persons in control thereof, and such additional information as the department may require including affirmative evidence of ability to comply with licensing or certification requirements when the proposal is implemented. Applicants shall comply with criteria of rules and regulations as set forth therein. The health council shall provide by rule for a notification of intent filing fee not to exceed one hundred dollars for each notification of intent. An application for certificate of need must be accompanied by a fee equaling three-tenths of one percent of the total proposed capital expenditure which fee may not exceed ten thousand dollars and may not be less than five hundred dollars. Fees collected pursuant to this section must be deposited in the state department of health and consolidated laboratory services operating fund in the

state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly. The department shall consider the application and determine from its findings whether such application qualifies the applicant for certification of need under criteria as set forth in the rules and regulations. The determination shall be made after receipt of recommendations from the health systems agency in which the applicant is located and the determination ~~shall~~ must be communicated to the facility or its owners or operators, the respective health systems agency, and all persons filing an appearance immediately after being made. A notice of intent must be filed with the department when a health care facility is acquired."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Health Department

	General Fund Increase <u>(Decrease)</u>
<u>Salaries and wages</u>	
Reinstates clerk II position in the Emergency Health Services Division deleted by the House	\$ 29,638
<u>Grants</u>	
Reinstates aid to local health districts to \$1,000,000 (House reduction)	250,000
Adds funds to match federal funds for the required cleanup of inactive uranium processing sites in North Dakota	92,000
Deletes funds added by the House for child evaluation and treatment programs to provide a total of \$125,000 for the program	(125,000)
Total	<u>\$246,638</u>

In addition, these amendments amend sections 23-16-03 and 23-17.2-09 to provide license fees for facilities of \$10 for each acute care bed, \$7 for each skill care bed, and \$5 for each intermediate care bed and to provide a filing fee, for notification of intent of proposed health care capital expenditures, not to exceed \$100 and a fee for certificate of need application of three-tenths of one percent of the proposed capital expenditure not to exceed \$10,000 and not less than \$500.

SEN. TALLACKSON, Chairman

HB 1006 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Appropriations to which was rereferred Engrossed HB 1019 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to engrossed House Bill No. 1019 adopted by the Senate as printed on pages 1721 and 1722 of the Senate Journal, engrossed House Bill No. 1019 is amended as follows:

On page 1 of the engrossed bill, line 3, delete the words "; and to declare an emergency"

On page 1 of the engrossed bill, line 8, delete the words "out of any moneys in the general fund in the state"

On page 1 of the engrossed bill, line 9, delete the words "treasury, not otherwise appropriated, and"

On page 1 of the engrossed bill, delete line 21

On page 1 of the engrossed bill, line 23, delete the word "all" and insert in lieu thereof the word "special" and delete the numerals "3,207,412" and insert in lieu thereof the numerals "1,428,371"

On page 1 of the engrossed bill, delete lines 24 through 25

On page 2 of the engrossed bill, delete lines 10 through 13

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Land Department

This amendment deletes the \$1,779,041 general fund appropriation for special assessments at the old Dickinson Experiment Station; the sum of \$531,435 will be included in House Bill No. 1003 (Board of Higher Education) for this purpose.

SEN. TALLACKSON, Chairman

HB 1019 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Finance and Taxation to which was referred HB 1065 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended,

recommends the same DO PASS and be rereferred to the Committee on Appropriations:

- 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 fund, and the oil and gas 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  
SEN. SATROM, Chairman

#### MOTION

SEN. MAIXNER MOVED that Rule 601 in its entirety be suspended, and that HB 1065 be placed on the Sixth order of business, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1065 as recommended by the Committee on Finance and Taxation be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1065 was rereferred to the Committee on Appropriations.

## FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Martin, Kretschmar, Stofferahn and Sens. Stromme, Holmberg, Maxson introduced:

(Approved by the Committee on Delayed Bills)

**HCR 3095:** A concurrent resolution directing the Legislative Council to establish a constitutional revision committee to study and make recommendations regarding revision of the Constitution of North Dakota.

Was read the first time.

## MOTION

**SEN. STROMME MOVED** that the rules be suspended, that HCR 3095 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Martin, Kretschmar, Stofferahn and Sens. Stromme, Holmberg, Maxson introduced:

## HOUSE CONCURRENT RESOLUTION NO. 3095

A concurrent resolution directing the Legislative Council to establish a constitutional revision committee to study and make recommendations regarding revision of the Constitution of North Dakota.

**WHEREAS**, the Constitution of the State of North Dakota was adopted nearly 100 years ago in 1889; and

**WHEREAS**, although the product of the 1972 Constitutional Convention was not approved by the voters in that year, much of the 1972 constitution has since been adopted on a piecemeal basis; and

**WHEREAS**, since 1977 the Legislative Assembly has had a Joint Constitutional Revision Committee to which all resolutions proposing amendments or repeals to the Constitution of North Dakota are referred; and

**WHEREAS**, there is insufficient time during legislative sessions to adequately consider the complexities of constitutional revision issues;

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

That the Legislative Council establish an interim constitutional revision committee and that the committee study the Constitution of North Dakota, which study may include proposed revisions considered during the 1987 session or proposed by legislators or other citizens subsequent to the 1987 session; and

BE IT FURTHER RESOLVED, that the interim constitutional revision committee function in the same way as other interim Legislative Council committees; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-first Legislative Assembly.

#### SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3095: A concurrent resolution directing the Legislative Council to establish a constitutional revision committee to study and make recommendations regarding revision of the Constitution of North Dakota.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3095 was declared adopted on a voice vote.

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#### MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:30 p.m., which motion prevailed.

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

#### MESSAGES TO THE HOUSE

##### 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 GROTEBERG, 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 GROTEBERG, Secretary



FRIDAY, APRIL 10, 1987

2337

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, Tennefos

PERRY GROTBORG, 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 GROTBORG, 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 1448, HB 1633, HB 1645

PERRY GROTBORG, Secretary

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota  
EXECUTIVE OFFICE  
Bismarck

April 10, 1987

The Honorable Rolland Redlin  
President Pro Tempore  
North Dakota Senate  
Senate Chamber  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. President Pro Tempore:

This is to inform you that on April 9, 1987, I signed the following:

SB 2023, SB 2037.

Sincerely,

GEORGE A. SINNER  
Governor

MESSAGES FROM THE HOUSE  
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. PRESIDENT: Your Committee on Appropriations to which was rereferred Engrossed HB 1065 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

## MOTIONS

SEN. HEIGAARD MOVED that HB 1065 be moved to the head of the Fourteenth order on the calendar, which motion prevailed.

SEN. TALLACKSON MOVED that in lieu of the amendments to Engrossed HB 1065 previously adopted by the Senate, Engrossed HB 1065 be amended as follows, which motion prevailed:

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

The proposed amendments to HB 1065 were adopted.

#### SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to create and enact a new subsection to section 57-60-01 and a new section to chapter 57-61 of the North Dakota Century Code, relating to definition of the term installed capacity for coal conversion facilities privilege tax purposes, a reduction in the rate of the coal severance tax for coal mined for use in coal conversion facilities, and a separate and additional coal severance tax and allocation of revenue from the tax; to amend and

reenact subsection 2 of section 57-60-02, sections 57-61-01, 57-61-10, and 57-62-02 of the North Dakota Century Code, relating to the rate of the coal conversion facilities privilege tax and coal severance tax and the allocation of moneys in the coal development fund; to provide an appropriation; and to provide an expiration date.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Krauter; Langley; Richard; Schoenwald

ABSENT AND NOT VOTING: Stenehjem

HB 1065 passed and the title was agreed to.

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#### MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1065, HB 1448, HB 1633, and HB 1645 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1065, HB 1448, HB 1633, and HB 1645 be messaged to the House immediately, which motion prevailed.

SEN. MAIXNER MOVED that Rule 507 be temporarily amended for the remainder of the Fiftieth Legislative Session and that all bills that were to be reported out of committee on the Sixty-sixth Legislative Day be further extended to the Seventieth Legislative Day, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: 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 Senate 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.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: 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 pages 1688-1689 of the Senate 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.

FRIDAY, APRIL 10, 1987

2343

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

HB 1065

PERRY GROTEBERG, Secretary

MOTIONS

SEN. MAIXNER MOVED that the absent Senators 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 of business, be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Seventh order of business, and at the conclusion of the Seventh order of business, the Senate adjourn and convene at 8:00 a.m., Monday, April 13, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary