

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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SEVENTY-THIRD DAY

Bismarck, April 18, 1987

The Senate convened at 8:00 a.m., with President Pro Tem Redlin presiding.

The prayer was offered by Senator Kelly.

Our Father in Heaven, what a privilege to come before Thee during this Holy Week. Yes, Lord, on this day, the day before Easter, a Holy Saturday, well remembered for nineteen hundred and eighty-seven years ago today Your Son, Jesus Christ, arose from the dead. We pause to give heartfelt thanks to You, Lord, for You allowing Your Son to die on the cross so that our sins might be forgiven.

We thank Thee for Thy sustaining love and guidance during this Fiftieth Legislative Session. Thanks to You, Lord, for allowing each of us gathered today to serve the people of this great State of North Dakota. Thanks, too, for the many friendships that we have made. Bless us in this final day of deliberation that the Session comes to an end and we adjourn sine die. Be with Your flock as they return to their families. Amen.

ROLL CALL

The roll was called and all Senators were present.

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 Seventy-second Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

MOTION

SEN. TALLACKSON MOVED that HB 1590, which is on the Sixth order, be rereferred to the Committee on Appropriations, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1686 as recommended by the Committee on Finance and Taxation as printed on pages

2618-2619 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

SEN. STROMME REQUESTED that his remarks be printed in the Journal, which request was granted.

SEN. STROMME: I wanted to add in legislative intent to all bills that have been cut or, in my estimation, not properly funded which can be funded with a mill levy but I waited too long. This is what the intent would have said:

"LEGISLATIVE INTENT

It is the intent of the Legislative Assembly that, if the appropriations passed by the Fiftieth Legislative Assembly providing assistance to political subdivisions will result in limited or reduced programs, political subdivisions are urged not to increase property taxes but to reduce programs during the 1987-89 program."

I think if the Legislative Assembly fails to properly fund programs they should also keep taxes from shifting to mill levies. There are rumors that we have added sixty-one and a half mills this session; add that to the mill levies we will raise for budgets not properly funded this biennium and we will be ready for Proposition 13.

REQUEST

SEN. OLSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1686, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1686, the roll was called and there were 26 YEAS, 27 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjelm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

The motion to adopt the amendments to HB 1686 lost.

SECOND READING OF HOUSE BILL

HB 1686: 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 surtax based on income tax liability of individuals, estates, or trusts; and to provide an effective date and 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, the roll was called and there were 38 YEAS, 15 NAYS, 0 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.; Moore; Mushik; Nalewaja; Olson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Meyer, W.; Mutch; Naaden; Nelson; Nething; Peterson; Streibel; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: None

HB 1686 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1686 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 1686 be messaged to the House immediately, which motion prevailed.

SEN. RICHARD MOVED that SB 2559 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

SEN. MAIXNER MOVED that SB 2559 be placed on the Eleventh order of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2559: A BILL for an Act to provide for contingent reduction in general fund appropriation authority regarding foundation aid grants.

Which has been read.

ROLL CALL

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

YEAS: Langley; Richard; Schoenwald

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; 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; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: None

SB 2559 lost.

REPORT OF CONFERENCE COMMITTEE

SEN. YOCKIM MOVED that the conference committee report on Engrossed SB 2030 as printed on pages 2629-2631 of the Senate Journal be adopted, 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 33 YEAS, 17 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Freborg; Heinrich; Hilken; Ingstad; Keller; Kelsh; Krauter; Langley; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Waldera; Wogsland; Yockim

NAYS: Bakewell; David; Kelly; Lashkowitz; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Richard; Schoenwald; Streibel; Tennefos; Vosper; Wright

ABSENT AND NOT VOTING: Heigaard; Holmberg; Mushik

SB 2030 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. SHEA MOVED that the conference committee report on HB 1004 as printed on pages 2628-2629 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act making an appropriation for defraying the expenses of the state board of vocational education of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 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; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Mushik; Yockim

HB 1004 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that HB 1019 be moved to the head of the Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. HEIGAARD MOVED that the Senate do not adopt the conference committee report on HB 1019 as printed on pages 2614-2616 of the Senate Journal, which motion prevailed.

MOTION

SEN. MAIXNER 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.

JOURNAL OF THE SENATE

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 1004

PERRY GROTBERG, 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 2030

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

HB 1686

PERRY GROTBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on HB 1019 and the President Pro Tem has appointed as a new conference committee to act with a like committee from the House on:

HB 1019: Sens. Waldera, Wogsland, Nelson

PERRY GROTBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2002 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2346-2352 of the Senate Journal and that Engrossed SB 2002 be amended as follows:

That the House recede from its amendments, as printed on pages 2782-2788 of the House Journal and pages 2346-2352 of the Senate Journal, and that engrossed Senate Bill No. 2002 be amended as follows:

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 sections 15-40.1-16 and 57-19-06 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 school district authority to withdraw from the special reserve fund; 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 "3,006,752"
- On page 1 of the engrossed bill, line 23, delete the numerals "361,621,126" and insert in lieu thereof the numerals "354,609,408"
- 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 "495,590,117"
- 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 "384,176,864"

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, line 3, delete the words ", to conduct a feasibility study of" and insert in lieu thereof the words "and to establish programs to provide instructional courses by electronic media"

On page 3 of the engrossed bill, delete line 4

On page 3 of the engrossed bill, line 5, delete the words "interactive televised teaching"

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 legislative assembly 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, delete the word "thirteen"

On page 3 of the engrossed bill, line 18, delete the word "forty" and insert in lieu thereof the word "twelve"

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-five and one-half cents during each year of the ~~1985-87~~ 1987-89 biennium for vehicles having a capacity of nine or fewer pupils and ~~seventy-six~~ seventy-two 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. Section 57-19-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-19-06. Special reserve fund - How and when used.

1. Whenever collections from the taxes levied for the current budget are insufficient to meet the requirements of ~~such~~ the budget for teacher salaries, heat, light, and fuel, a majority of the governing body of the school district, by resolution, may provide for the issuance of vouchers directed to the county treasurer, drawing on funds in ~~said~~ the special reserve fund of ~~such~~ the district. ~~Such~~ The voucher may be substantially in the same form as a warrant, but ~~shall~~ may not be a negotiable instrument, and ~~shall~~ must direct the county treasurer to pay

over to the school district from the special reserve fund the amount of money specified in the voucher. Subject to the limitations in ~~the next~~ section 57-19-07, the county treasurer shall transfer from the special reserve fund to the school district general fund the sum so specified, and shall enter ~~such~~ the voucher in a book to be known as the special reserve fund voucher register in the order in which they are issued.

2. The governing body of the school district, by resolution, may withdraw without repayment fifty percent of the funds from the special reserve fund of the school district.

SECTION 13. LEGISLATIVE COUNCIL STUDY OF EDUCATION FINANCE ISSUES. An interim legislative council committee, consisting of eight members of the legislative assembly and three professional educators, including one educator from each of the following: a small, medium, and large school district, to be selected by the legislative council, shall conduct a study during the 1987-88 interim of education finance issues, including but not limited to 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 14. CONTINGENT SEPARATE AND ADDITIONAL PER-PUPIL PAYMENT. The superintendent of public instruction shall distribute a separate and additional per-pupil payment from any unspent amount appropriated to the grants - foundation aid program for the biennium beginning July 1, 1987, and ending June 30, 1989, in the May 1, 1989, foundation aid payment to schools. Any payment made under this section must be on a weighted basis to be determined according to chapter 15-40.1.

SECTION 15. APPROPRIATION - TRANSFER TO REVOLVING PRINTING FUND. The amount appropriated in section 1 of this Act for the operating expenses line item includes \$10,000 from the general fund which is to be transferred to the revolving printing fund to print and distribute the North Dakota school code supplement for the biennium beginning July 1, 1987, and ending June 30, 1989.

SECTION 16. LEGISLATIVE INTENT - NORTH DAKOTA SCHOOL CODE SUPPLEMENT. The superintendent of public instruction shall issue one set of the North Dakota school code supplement to each North Dakota school district

without charge and may issue the supplement to other interested parties for the cost of printing and distribution of the supplement. The amount received for sale of the supplement must be deposited in the superintendent of public instruction revolving printing fund.

SECTION 17. EXPIRATION DATE. Sections 11 and 12 of this Act are effective through June 30, 1989, and after that date are ineffective."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Department of Public Instruction

	<u>General Fund</u>	<u>Other 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>			
Reduce funding for the printing and distribution of the North Dakota School Code Supplement	\$ (1,700)		\$ (1,700)
Reduce funding for an enhancement to the review of college teacher education programs for teacher certification	\$ (9,315)		\$ (9,315)
Total operating expenses	\$ (11,015)		\$ (11,015)
<u>Grants - foundation aid</u>			
Reduce funding to provide per-pupil payments of \$1400 and \$1412 and transportation payments of 35.5¢ and 72¢	\$ (7,011,718)		\$ (7,011,718)
<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

Grants - educational broadcasting

Deletes funds to contract \$ (50,000) _____ \$ (50,000)
 with Educational
 Broadcasting Council for
 instructional television.
 The funds were restored
 in the educational
 broadcasting councils
 appropriation.

Total \$ (7,049,780) \$ (17,047) \$ (7,066,827)

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 distribution of the unspent foundation aid appropriation at the end of the biennium.

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

A section is added authorizing school districts to withdraw up to 50 percent of their special reserve funds.

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

Two sections are added which transfer \$10,000 to the revolving printing fund for distribution of the school code to each school district. Any other parties who receive a supplement must pay for it.

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>Conference Committee</u>
Executive budget -			
Senate version			
<u>per-pupil payments</u>			
1987-88 1,413	\$321,552,316		
1988-89 1,440			

House Amendments -
per-pupil payments

1987-88	1,382	
1988-89	1,400	\$312,573,454

Conference Committee

per-pupil payments

1987-88	1,400	
1988-89	1,412	\$316,500,022

Executive budget

Senate version

transportation

Small buses - 38¢ per mile \$ 40,068,810
 Large buses - 76¢ per mile

House Amendments -

transportation

Small buses - 36¢ per mile \$ 36,727,250
 Large buses - 69¢ per mile

Conference Committee

transportation

Small buses - 35.5¢ per mile \$ 38,104,386
 Large buses - 72¢

Total	\$361,621,126	\$349,300,704	\$354,609,408
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These amendments restore \$20,000 to operating expenses and \$5,328,704 to the grants - foundation aid line of the general fund reductions made by the House.

For the Senate: Sens. Heinrich, Kelsh, Freborg

For the House: Reps. R. Hausauer, Gates, Hoffner

Engrossed SB 2002 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

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 9:30 a.m., April 18, 1987:

SB 2035, SB 2036, SB 2063, SB 2103, SB 2259, SB 2510

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

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

SB 2346

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. MAIXNER MOVED that SB 2002 be placed on the Seventh order at the head of the calendar, which motion prevailed.

SEN. TALLACKSON MOVED that Sen. Stromme replace Sen. Redlin on the Conference Committee on HB 1027, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the conference committee report on SB 2002 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted.

REQUEST

SEN. MAIXNER REQUESTED a call of the Senate, which request was granted.

MOTION

SEN. MAIXNER MOVED that the call of the Senate be dispensed with, which motion prevailed.

The motion to adopt the conference committee report on SB 2002 prevailed.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the superintendent of public instruction of the state of North Dakota; to provide for a transfer of funds from the displaced homemaker fund; 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; 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, and sections 15-40.1-16 and 57-19-06 of the North Dakota Century Code, relating to the educational support per pupil and state transportation aid payments to schools, and school district authority to withdraw from the special reserve fund; and to provide an expiration 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; Nothing; 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

SB 2002 passed and the title was agreed to.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that Sen. Stromme will replace Sen. Redlin on the Conference Committee on HB 1027.
PERRY GROTEBERG, Secretary

MOTION

SEN. OLSON MOVED that the Senate remove from the table the motion to appeal the decision of the chair by which the chair refused to accept HB 1346, as printed on page 1115 of the Senate Journal.

REQUEST

SEN. OLSON REQUESTED a recorded roll call vote on the motion to remove from the table the decision of the motion to appeal the decision of the chair on HB 1346, which request was granted.

ROLL CALL

The question being on the motion to remove from the table the motion to appeal the decision of the chair on HB 1346, the roll was called and there were 26 YEAS, 27 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.

Mushik; Redlin; Richard; Satrom; Schoenwald; Shea;
Stromme; Tallackson; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

The motion to remove from the table the motion to appeal the decision of the chair on HB 1346 lost.

MOTION

SENATOR MAIXNER MOVED that the decision from the Supreme Court on matters relating to House Bill No. 1346 be printed in its entirety in the Senate Journal, and a summary of that decision be read from the desk, which motion prevailed.

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

State of North Dakota
ex rel. Nicholas J. Spaeth,
Attorney General, and
ex rel. Richard Kloubec,
Speaker of the North Dakota
House of Representatives,

Petitioners

v.

Ruth Meiers, President
of the North Dakota
Senate; and Rolland W. Redlin,
President Pro Tempore of the
North Dakota Senate,

Respondents

No. 870053CV

Original Proceeding.
APPLICATION DENIED.

Opinion of the Court by Levine, Justice.
Nicholas J. Spaeth, Attorney General, and Laurie Loveland,
Assistant Attorney General, Office of Attorney General, State
Capitol, Bismarck, ND 58505, for petitioners; argued by Laurie
Loveland.

Kenneth M. Jakes, Special Assistant Attorney General, 1735
N. 7th, Bismarck, ND 58501, and Christine A. Hogan, Special
Assistant Attorney General, P.O. Box 400, Bismarck, ND
58502-0400, for respondents; argued by Christine A. Hogan.

John Schneider, State Representative, for Charles Mertens,
Minority Leader. Amicus Curiae.

Wayne Stenehjem, State Senator, for John Olson, Senate
Minority Leader. Amicus Curiae.

State of North Dakota ex rel. Spaeth v. Meiers

No. 870053CV

LEVINE, Justice.

The petitioners, Nicholas J. Spaeth, Attorney General of the State of North Dakota, and Richard Kloubec, Speaker of the North Dakota House of Representatives (House) request this court to exercise its original jurisdiction and to issue an alternative writ of mandamus requiring the respondents, Ruth Meiers, President of the North Dakota Senate (Senate), and Rolland Redlin, President Pro Tempore of the Senate, "to accept HB No. 1346 from the House of Representatives and submit that bill to the Senate for its consideration." We decline the invitation to exercise our original jurisdiction.

On February 20, 1987, the House approved HB No. 1346 by a majority vote and thereafter Speaker Kloubec signed and transmitted the bill to the Senate for consideration. Senator Redlin, acting in his capacity as President Pro Tempore of the Senate, refused to accept HB No. 1346 on the ground that the bill, which repeals an initiated measure, failed to pass the House by a two-thirds majority vote which Redlin believed was necessary under Art. III, §8, N.D. Const. Redlin returned the bill to the House without first submitting it for consideration by the Senate. The petitioners then filed this application for an alternative writ of mandamus.

On February 25, 1987, Kloubec requested and received an Attorney General's opinion which concluded:

"... an initiated measure approved by the electors may be amended or repealed by less than a two-thirds vote of the Legislative Assembly where the Legislature's amendment or repeal is enacted less than seven years after the initiated measure's effective date but becomes effective after that seven-year period has passed." N.D. Attorney General's Opinion 87-5.

After receiving the Attorney General's opinion, Kloubec transmitted HB No. 1346 and a copy of the opinion to the Senate. Senator Redlin again refused to accept HB No. 1346 and ordered the bill returned to the House. Senator John Olson subsequently moved to appeal the President Pro Tempore's decision; however, Senator Richard Maixner moved to table the motion to appeal, and the motion to table carried. 1987 S.J. pp. 1115-1116.

This court's authority to exercise original jurisdiction under Art. VI, §2, N.D. Const., is a discretionary authority which cannot be invoked as a matter of right. State ex rel. Link v. Olson, 286 N.W.2d 262 (N.D. 1979). This court will determine for itself whether or not to exercise its original

jurisdiction. See State ex rel. Peterson v. Olson, 307 N.W.2d 528 (N.D. 1981).

The petitioners contend that this case, like State ex rel. Sanstead v. Freed, 251 N.W.2d 898 (N.D. 1977), requires constitutional interpretation and is therefore appropriate for judicial review. The issue, petitioners argue, is whether the state constitution requires that HB No. 1346 be approved by two-thirds of the members of each house. We, however, conclude that the constitutional issue is not the dispositive issue in this case and is not ripe for adjudication at this time.¹ The key issue on the merits, requiring resolution were we to exercise original jurisdiction, is whether or not the President or President Pro Tempore of the Senate may, under that legislative body's procedural rules, refuse to accept a bill which has been sent to that body from the House for consideration.

In Sanstead the Lieutenant Governor requested this court to exercise its original jurisdiction to enjoin the Senate from conducting its proceedings under rules which allegedly violated his constitutional right to cast the deciding vote in the Senate on the final passage of a bill. We exercised our original jurisdiction and granted the writ to the extent required to prevent the Senate from operating under an unconstitutional rule. In discussing the jurisdictional issue in Sanstead, we rejected the argument that our assumption of jurisdiction would create a confrontation between equal branches of state government:

"It is the responsibility of this Court to act as the ultimate interpreter of the Constitution of the State of North Dakota."

* * * * *

"Our consideration of State Senate Rules 26 and 55 requires only that the Constitution of the State of North Dakota be interpreted, in the instant case. This determination falls squarely within the traditional role accorded this Court." (251 N.W.2d at 903-904.)

We believe the circumstances in Sanstead, under which we determined it was appropriate to exercise original jurisdiction, are clearly distinguishable from the circumstances in this case. In Sanstead this court was requested to interpret the constitution to determine if the Senate was operating under unconstitutional rules or procedure. In this case there is not allegation that the respondents are operating under unconstitutional rules. Unlike the dispositive issue in Sanstead requiring constitutional interpretation, the dispositive issue in this case merely concerns the interpretation and application of the legislature's procedural rules. In Sanstead there was conflict, with constitutional ramifications, between the executive and the legislative branches of government. In this

case the conflict is a procedural intra-branch dispute among members of the legislature.

The legislative, executive, and judicial branches are coequal branches of government, and each branch is supreme in its own sphere. Art. XI, §26, N.D. Const.; State ex rel. Mason v. Baker, 69 N.D. 488, 288 N.W. 202 (1939). This court has long recognized that the creation of the three branches of government by our constitution operates as an apportionment of the different classes of power whereby there is an implied exclusion of each branch from the exercise of the functions of the others. Ranta v. McCarney, 391 N.W.2d 161 (N.D. 1986); City of Carrington v. Foster County, 166 N.W.2d 377 (N.D. 1969); Kermott v. Bagley, 19 N.D. 345, 124 N.W. 397 (1910). In recognition of these abiding principles, the judiciary exercises great restraint when requested to intervene in matters entrusted to the other branches of government.

Section 48 of the North Dakota Constitution authorizes each house of the legislative assembly to establish its procedural rules. The Senate's construction of its own rules applicable to the lawmaking process is a legislative function. Such legislative action which does not exceed constitutional authority is open only to political challenge. Cf. Baker v. Carr, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962); see also Henkin "Is There a 'Political Question' Doctrine?" 85 Yale L.J. 597 (1976). Senator Redlin's interpretation of the Senate's procedural rules and the subsequent refusal of the Senate members to overrule his determination are internal matters capable of resolution by the legislative branch, which has various nonjudicial remedies available to it within the political forum. See, e.g., Mason's Manual of Legislature Procedure, §§230, 576.

This court ordinarily will not issue its prerogative writs in order to bring about that which voluntary political action can perform. State ex rel. McArthur v. McLean, 35 N.D. 203, 159 N.W. 847 (1916). We therefore deem the instant case an inappropriate one in which to exercise our original jurisdiction.

The application is denied.

Beryl J. Levine
Gerald Vandewalle
Herbert L. Meschke
H.F. Gierke

1 Until a party aggrieved by the application of a statute raises the issue of its constitutionality in an actual litigated controversy, a determination of the constitutional question would constitute the rendering of an advisory opinion. Boedecker v. St. Alexius Hospital, 298 N.W.2d 372 (N.D. 1980). It is well

settled that courts cannot give advisory opinions. Peoples State Bank v. State Bank of Towner, 258 N.W.2d 144 (N.D. 1977); Langer v. State, 69 N.D. 129, 284 N.W. 238 (1939).

State of North Dakota ex rel. Spaeth v. Meiers
No. 870053CV

ERICKSTAD, concurring specially.

Lest the members of the House of Representatives be caused to believe that we may have somewhat cavalierly or indifferently declined to exercise original jurisdiction in this case to resolve the dispute between the House and Senate, and think that we have ignored precedent in doing so, I feel compelled to speak briefly on this subject.

Another reason for further explanation is that I am the only Justice remaining on the Court who participated on the side of the majority of this Court in State ex rel. Sanstead v. Freed, 251 N.W.2d 898 (N.D. 1977), wherein we accepted original jurisdiction and acted to resolve a dispute between the Lieutenant Governor in his capacity as presiding officer of the Senate, and a majority of the membership of the Senate over the Lieutenant Governor's authority to break a tie vote on second reading and final passage of a bill.

I do this fully realizing that precedent is recognized as a stabilizing element in our system of jurisprudence and that, as it contributes to predictability, it should not be abandoned without careful study nor should its meaning be curtailed by finding distinguishing features which have little real meaning. This does not mean, however, that once a decision has been made upon an issue of law that it should never be reconsidered. As we said in Lembke v. Unke, 171 N.W.2d 837 at 841 (N.D. 1969), "we do not see our function as limited to deciding today's controversies in light only of yesterday's opinions." If such were the case then all we would need is a good computer and a competent operator once the computer was properly programmed and the data supplied.

In her inimitable way, Justice Levine, speaking for this Court, has explained why it was appropriate for this Court to assume jurisdiction in Sanstead and not in this case. I shall attempt to complement her efforts in a small way.

In Sanstead, Justice Paulson, speaking for the majority of this Court, in finding it appropriate to assume jurisdiction to decide the dispute between Lieutenant Governor Sanstead and the majority of the membership of the Senate, said:

"We make such finding based on the following factors: (1) the Lieutenant Governor openly declared his intent to cast a tie-breaking vote if the members of the State Senate are

equally divided on the final consideration on a bill; (2) members of the State Senate have openly declared an intent to challenge any attempt by the Lieutenant Governor to vote on the final consideration on a bill; (3) the 45th Legislative Assembly is currently in session; (4) the legal status of any bill passed by the State Senate with a tie-breaking vote cast by the Lieutenant Governor would be in doubt; and (5) it is in the best interests of the State of North Dakota that a direct confrontation between the Lieutenant Governor and the State Senate be avoided, so as to assure an orderly law-making process during the term of the 45th Legislative Assembly." 251 N.W.2d at 903. [Emphasis added.]

Factor number four, which impressed me the most in *Sanstead*, is non-existent in this case. House Bill 1346 passed the House with a majority vote, but it was rejected by the presiding officer of the Senate, Senator Redlin, acting as President Pro Tempore, and his action has now been sustained by a majority vote of the Senate. It was rejected for the reasons set forth in Justice Levine's opinion because the bill did not pass the House of Representatives by a two-thirds vote. As a result, there will be no law in existence arising from the rejection of House Bill 1346 over which there could be any doubt or which could produce any problems. The Senate has, in effect, killed the bill by this procedure, and it is as dead as though it had been considered on its merits after normal first reading, referral to committee, report to the Senate, and vote for indefinite postponement on the report to the Senate. Some people, including the House members, may have preferred that the Senate would have considered the merits of the bill and discussed it openly in committee and on the floor of the Senate, and some people may attempt to hold the Senate accountable for not having done so, but such is the legislative process and the nature of our political system.

Accordingly, I see no crisis which would justify our intervention in this case, but I say this reserving the right to decide in another case, under different circumstances, that it may be imperative, as we found it to be in *Sanstead*, to accept jurisdiction.

Notwithstanding that we might have resolved the problem between the House and Senate in this case had we intervened, I think that the precedent would be such that henceforth we would be expected to act as an arbiter in the settlement of disputes as they arise between the House and Senate which would leave us little time to perform the constitutional duties which constantly press heavily upon us. This is more appropriately the function of the Attorney General in his opinion-rendering capacity. What I advocate here is a common sense basis for declining to accept jurisdiction which is in addition to the reason Justice Levine so succinctly yet graphically articulates in her opinion which relates to the restraint the judiciary must exercise when requested to intervene in matters entrusted to another of the

three co-equal branches of government. With this additional practical reason, I join Justice Levine and my colleagues in her conclusion that this is not an appropriate case for us to exercise our original jurisdiction.

Ralph J. Erickstad

EXCERPTS FROM THE OPINION OF THE NORTH DAKOTA SUPREME COURT
IN STATE EX REL SPAETH AND KLOUBEC VS. MEIERS AND REDLIN

In holding that this is not an appropriate case in which to exercise its original jurisdiction, the Court said the following:

"[T]he constitutional issue [whether the State Constitution requires that House Bill 1346 be approved by two-thirds of the members of each house] is not the dispositive issue in this case and is not ripe for adjudication at this time. The key issue on the merits, requiring resolution were we to exercise original jurisdiction, is whether or not the President or President Pro Tempore of the Senate may, under that legislative body's procedural rules, refuse to accept a bill which has been sent to that body from the House for consideration."

"The legislative, executive, and judicial branches are coequal branches of government, and each branch is supreme in its own sphere. . . . This court has long recognized that the creation of the three branches of government by our constitution operates as an apportionment of the different classes of power whereby there is an implied exclusion of each branch from the exercise of the functions of the others. . . . In recognition of these abiding principles, the judiciary exercises great restraint when requested to intervene in matters entrusted to the other branches of government."

"[T]he North Dakota Constitution authorizes each house of the legislative assembly to establish its procedural rules. The Senate's construction of its own rules applicable to the lawmaking process is a legislative function. Such legislative action which does not exceed constitutional authority is open only to political challenge. . . . Senator Redlin's interpretation of the Senate's procedural rules and the subsequent refusal of the Senate members to overrule his determination are internal matters capable of resolution by the legislative branch, which has various nonjudicial remedies available to it within the political forum."

"This court ordinarily will not issue its prerogative writs in order to bring about that which voluntary political action can perform. . . . We therefore deem the instant

case an inappropriate one in which to exercise our original jurisdiction."

The opinion of the North Dakota Supreme Court was unanimous.

The Chief Justice, Ralph J. Erickstad, filed a special concurring opinion.

MOTION

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

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

MESSAGE TO THE HOUSE SENATE CHAMBER

MR. PRESIDENT: 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 2002

PERRY GROTEBERG, Secretary

MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

HB 1027

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it adopted the conference committee report on SB 2004, therefore placing SB 2004 back in conference committee.

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1027 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2146-2147 of the Senate Journal and that Engrossed HB 1027 be amended as follows:

That the Senate recede from its amendments, as printed on pages 2146-2147 of the Senate Journal and pages 2696-2697 of the House Journal, and that engrossed House Bill No. 1027 be amended as follows:

On page 1 of the engrossed bill, line 18, delete the numerals "186,123" and insert in lieu thereof the numerals "286,123"

On page 1 of the engrossed bill, line 19, delete the numerals "762,468" and insert in lieu thereof the numerals "862,468"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Soil Conservation Committee

That the Senate recede from its amendments and that engrossed House Bill No. 1027 be amended as follows:

The grants line item is increased by \$100,000 from the general fund for the soil conservation technician program. This amount is \$379,687 less than the \$479,687 level approved by the Senate.

For the Senate: Sens. Wogsland, Stromme, Streibel (refused to sign)

For the House: Reps. Thompson, R. Hausauer, Nowatzki (refused to sign)

HB 1027 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. HEIGAARD MOVED that HB 1027 be placed on the Seventh order at the head of the calendar, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HEIGAARD 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 2004, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2004:

Sens. Tallackson, Waldera, Nelson

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 1:00 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 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 2004: Sens. Tallackson, Waldera, Nelson
PERRY GROTEBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

SB 2005, SB 2012, SB 2013, SB 2029, SB 2339, SB 2468,
SB 2477, SB 2480, SB 2560, SB 2561
PERRY GROTEBERG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SB 2005, SB 2012, SB 2013, SB 2029, SB 2339, SB 2468,
SB 2477, SB 2480, SB 2560, SB 2561
PERRY GROTEBERG, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1019: Reps. Wald, Kuchera, Opedahl
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2558
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 2030
ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SEN. WOGSLAND MOVED that the conference committee report on HB 1027 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted.

REQUEST

SEN. WRIGHT REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on HB 1027, which request was granted.

ROLL CALL

The question being on the adoption of the conference committee report on HB 1027, the roll was called and there were 31 YEAS, 21 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Naaden; Nalewaja; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Langley; Lodoen; Meyer, W.; Moore; Mutch; Nelson; Nething; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Mushik

So the report of the conference committee on HB 1027 was adopted.

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and soil conservation districts of the state of North Dakota.

Which has been read.

ROLL CALL

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

YEAS: Adams; 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; 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: Mushik

HB 1027 passed and the title was agreed to.

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.

MESSAGE 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 1027

PERRY GROTEBERG, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

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

SB 2005, SB 2012, SB 2013, SB 2029, SB 2339, SB 2468,
SB 2477, SB 2480, SB 2560, SB 2561

ROY GILBREATH, Chief Clerk

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 1008, HB 1010, HB 1064, HB 1295, HB 1450

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2004: Reps. R. Hausauer, Payne, Hill

ROY GILBREATH, Chief Clerk

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2021 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 2230 of the Senate Journal.

For the Senate: Sens. Wogsland, Stromme, Thane
For the House: Reps. Kingsbury, Peterson, Graba

Engrossed SB 2021 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2022 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 2230 of the Senate Journal.

For the Senate: Sens. Wogsland, Stromme, Thane
For the House: Reps. Kingsbury, Peterson, Graba

Engrossed SB 2022 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

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 1:43 p.m., April 18, 1987:

SB 2005, SB 2012, SB 2013, SB 2029, SB 2339, SB 2468,
SB 2477, SB 2480, SB 2560, SB 2561

MOTION

SEN. HEIGAARD MOVED that SB 2021 and SB 2022 be placed on the Seventh order at the head of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. WOGSLAND MOVED that the conference committee report on Engrossed SB 2021 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for the distribution of funds for the replacement of personal property tax revenue; to amend and reenact section 57-58-01 of the North Dakota Century Code as it will exist on July 1, 1987, pursuant to section 5 of chapter 45 of the 1985 Session Laws, relating to distribution of personal property tax replacement revenues to counties and local subdivisions.

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 2 YEAS, 48 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Lashkowitz; Stromme

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

ABSENT AND NOT VOTING: Mushik; Nelson; Yockim

SB 2021 lost.

REPORT OF CONFERENCE COMMITTEE

SEN. WOGSLAND MOVED that the conference committee report on Engrossed SB 2022 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act making an appropriation for the distribution of state general fund revenue to local political subdivisions of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 1 YEA, 51 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Lashkowitz

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

ABSENT AND NOT VOTING: Mushik

SB 2022 lost.

REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on HB 1009 as printed on pages 2613-2614 of the Senate Journal be adopted.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on HB 1009, which request was granted.

ROLL CALL

The question being on the adoption of the conference committee report on HB 1009, the roll was called and there were 30 YEAS, 23 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Holmberg; Ingstad; Kelsh; Langley; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Naaden; Nelson; Olson; Redlin; Richard; Satrom; Shea; Stenehjem; Tallackson; Thane; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Hilken; Keller; Kelly; Krauter; Lashkowitz; Lodoen; Mushik; Mutch; Nalewaja; Nething; Peterson; Reiten; Schoenwald; Streibel; Stromme; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: None

So the report of the conference committee on HB 1009 was adopted.

SECOND READING OF HOUSE BILL

HB 1009: A BILL for an Act making an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs of the state of North Dakota; to provide for a transfer of principal and earnings from the veterans' postwar trust fund; and to amend and reenact section 37-14-14 of the North Dakota Century Code, relating to use of the veterans' postwar trust 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 41 YEAS, 12 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; David; Kelly; Lashkowitz; Maxson; Mutch; Nalewaja; Nething; Streibel; Tennefos; Todd; Wright

ABSENT AND NOT VOTING: None

HB 1009 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 3:30 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 return herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

HB 1009

PERRY GROTBERG, 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 failed to pass the same:

SB 2021, SB 2022

PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

HB 1008, HB 1010, HB 1064, HB 1295, HB 1450

PERRY GROTBERG, Secretary

MESSAGE TO THE HOUSE

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President Pro Tem has signed:

HB 1008, HB 1010, HB 1064, HB 1295, HB 1450

PERRY GROTBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2016 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2080-2084 of the Senate Journal and that Engrossed SB 2016 be amended as follows:

That the House recede from its amendments to engrossed Senate Bill No. 2016, as printed on pages 2518-2522 of the House Journal

and pages 2080-2084 of the Senate Journal, and that engrossed Senate Bill No. 2016 be amended as follows:

- On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the words "; authorizing the director of institutions to sell, lease, exchange, or transfer title or use of the properties of San Haven; to provide administrative supervision of the protection and advocacy project; to provide legislative intent regarding federally funded positions in the protection and advocacy project; to require emergency commission approval of new positions; and to provide an expiration date"
- On page 1 of the engrossed bill, line 19, delete the numerals "9,410,873" and insert in lieu thereof the numerals "8,660,873"
- On page 1 of the engrossed bill, line 23, delete the numerals "57,029,398" and insert in lieu thereof the numerals "56,279,398"
- On page 1 of the engrossed bill, line 25, delete the numerals "9,924,255" and insert in lieu thereof the numerals "9,174,255"
- On page 2 of the engrossed bill, line 3, delete the numerals "1,533,764" and insert in lieu thereof the numerals "1,360,923"
- On page 2 of the engrossed bill, line 4, delete the numerals "443,982" and insert in lieu thereof the numerals "411,238"
- On page 2 of the engrossed bill, line 5, delete the numerals "4,700" and insert in lieu thereof the numerals "500"
- On page 2 of the engrossed bill, line 6, delete the numerals "40,000" and insert in lieu thereof the numerals "11,000"
- On page 2 of the engrossed bill, line 7, delete the numerals "48,966" and insert in lieu thereof the numerals "16,291"
- On page 2 of the engrossed bill, line 8, delete the numerals "2,071,412" and insert in lieu thereof the numerals "1,799,952"
- On page 2 of the engrossed bill, line 9, delete the numerals "750,150" and insert in lieu thereof the numerals "578,690"
- On page 2 of the engrossed bill, line 10, delete the numerals "1,321,262" and insert in lieu thereof the numerals "1,221,262"
- On page 2 of the engrossed bill, line 13, delete the numerals "222,470" and insert in lieu thereof the numerals "192,000"

- On page 2 of the engrossed bill, line 14, delete the numerals "222,470" and insert in lieu thereof the numerals "192,000"
- On page 2 of the engrossed bill, line 15, delete the numerals "11,467,987" and insert in lieu thereof the numerals "10,587,517"
- On page 2 of the engrossed bill, line 16, delete the numerals "47,855,293" and insert in lieu thereof the numerals "47,683,833"
- On page 2 of the engrossed bill, line 17, delete the numerals "59,323,280" and insert in lieu thereof the numerals "58,271,350"
- On page 3 of the engrossed bill, after line 14, insert the following new sections:

"SECTION 6. Director may sell, lease, exchange, or transfer title or use to all or part of the San Haven properties. The director of institutions, with the approval of the governor and the budget section, is authorized to sell, lease, exchange, or transfer title or use of any part or all of the San Haven facilities and properties, located in sections nineteen, twenty-nine, and thirty, township one hundred sixty-two north, range seventy-two west, located in Hill Side Township in Rolette County, North Dakota, to the federal government or any public or private agency, organization, or business enterprise for any native American project or program or any other worthy undertaking, under the following provisions:

1. The transaction is exempt from the provisions of sections 54-01-05.2 and 54-01-05.5.
2. The transaction must be with the technical assistance and advice of the commissioner of university and school lands.
3. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.
4. Any funds realized by any transaction must be deposited in the state's general fund.

SECTION 7. PROTECTION AND ADVOCACY PROJECT - SUPERVISION. The activities of the protection and advocacy project shall be monitored by the office of management and budget, which shall make administrative recommendations to the project which the legislative assembly urges the protection and advocacy project to implement.

SECTION 8. LEGISLATIVE INTENT - PROTECTION AND ADVOCACY PROJECT - FEDERALLY FUNDED POSITIONS. It is the intent of the legislative assembly that if federal funds do not become available for the positions in the protection and advocacy project expected to be funded from that source during the 1987-89 biennium, the positions shall not be funded from the general fund and if other funds are not available, the positions shall be discontinued.

SECTION 9. EMERGENCY COMMISSION APPROVAL - PROTECTION AND ADVOCACY PROJECT. The funding for the five new regional advocates in the amount of \$342,990 contained in subdivision 2 of section 1 of this Act shall be for temporary staff and may be expended only upon the approval of the emergency commission.

SECTION 10. EXPIRATION DATE. Section 6 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:

Crafton State School

	Total All Funds Increase (Decrease)	Total General Fund Increase (Decrease)	Other Funds Increase (Decrease)
<u>Operating expenses</u>			
Reduce San Haven phaseout from \$1,000,000 to \$250,000	\$ (750,000)	\$ (750,000)	
Total subdivision 1	\$ (750,000)	\$ (750,000)	

Protection and Advocacy Project

<u>Salaries and wages</u>			
Delete funding for 1 new FTE - one program administrator in the citizen self-advocacy program	(55,000)	(55,000)	
Delete funding for: 3 FTE - added by Senate	(117,841)		\$ (117,841)
<u>Operating expenses</u>			
Delete funding for:			
1 new FTE	(14,000)	(14,000)	
3 new FTE added by Senate	(18,744)		(18,744)

Equipment

Delete funding for:

1 new FTE	(2,000)	(2,000)	
3 new FTE added by Senate	(30,675)		(30,675)

Grants

Delete funding for 1 new FTE described above	(29,000)	(29,000)	
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Data Processing

Delete funding for 3 new FTE added by Senate	(4,200)		(4,200)
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Total subdivision 2	\$ (271,460)	\$ (100,000)	\$ (171,460)
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Court MonitorOperating expenses

Reduce funding to \$400 per day for 480 days	\$ (30,470)	\$ (30,470)	
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Total subdivision 3	\$ (30,470)	\$ (30,470)	
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Total changes to engrossed SB 2016	\$(1,051,930)	\$ (880,470)	\$ (171,460)
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Legislative intent is added that should the federal funds in the protection and advocacy project not be available the positions expected to be funded from that source shall not be funded from the general fund and if other funds are not available shall be discontinued.

New sections are added requiring the Office of Management and Budget to monitor the activities of the Protection and Advocacy Project and requiring Emergency Commission approval for the expenditure of funds for five regional advocates.

For the Senate: Sens. Wogsland, Mushik, Streibel (refused to sign)
For the House: Reps. Kingsbury, Gunsch, Graba

Engrossed SB 2016 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that SB 2016 be placed on the Seventh order of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. WOGSLAND MOVED that the conference committee report on Engrossed SB 2016 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the Grafton state school, protection and advocacy project, and deinstitutionalization court monitor of the state of North Dakota; authorizing the director of institutions to sell, lease, exchange, or transfer title or use of the properties of San Haven; to provide administrative supervision of the protection and advocacy project; to provide legislative intent regarding federally funded positions in the protection and advocacy project; to require emergency commission approval of new positions; and to provide an expiration 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 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Reiten; Streibel; Tennefos; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

SB 2016 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which SB 2016 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 SB 2016 be messaged to the House immediately, which motion prevailed.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House did not adopt the conference committee report on HB 1003, then subsequently reconsidered its action whereby it did not adopt the conference committee report on HB 1003, and then, again, did not adopt the conference committee report and the Speaker has

appointed as a new conference committee to act with a like committee from the Senate on:

HB 1003: Reps. Thompson, R. Hausauer, Hoffner

ROY GILBREATH, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. HEIGAARD 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 HB 1003, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1003:

Sens. Waldera, Tallackson, Streibel

MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

SB 2190

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 1019, HB 1544

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. BAKEWELL MOVED that the Senate adjourn until Tuesday at 10:00 a.m., which motion failed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 5:00 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 transmit herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

SB 2016

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 1003: Sens. Waldera, Tallackson, Streibel

PERRY GROTEBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2004 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1956-1957 of the Senate Journal and that Engrossed SB 2004 be amended as follows:

That the House recede from its amendments, as printed on pages 1956-1957 of the Senate Journal and pages 2258-2259 of the House Journal, and that engrossed Senate Bill No. 2004 be amended as follows:

On page 1 of the engrossed bill, line 5, delete the word "section" and insert in lieu thereof the word "sections"

On page 1 of the engrossed bill, line 6, after the numerals "54-16-11.1" insert the word and numerals "and 54-27-23"

On page 1 of the engrossed bill, line 8, after the word "agencies" insert the words "and budget section approval of office of management and budget cash flow financing"

On page 1 of the engrossed bill, line 23, delete the numerals "3,736,302" and insert in lieu thereof the numerals "3,556,302"

On page 1 of the engrossed bill, line 24, delete the numerals "2,245,573" and insert in lieu thereof the numerals "2,220,573"

On page 1 of the engrossed bill, line 28, delete the numerals "269,154" and insert in lieu thereof the numerals "173,154"

On page 2 of the engrossed bill, line 1, delete the numerals "35,670,383" and insert in lieu thereof the numerals "35,369,383"

On page 2 of the engrossed bill, line 3, delete the numerals "6,582,527" and insert in lieu thereof the numerals "6,281,527"

On page 2 of the engrossed bill, line 17, delete the numerals "6,582,527" and insert in lieu thereof the numerals "6,281,527"

On page 2 of the engrossed bill, line 19, delete the numerals "68,404,524" and insert in lieu thereof the numerals "68,103,524"

On page 3 of the engrossed bill, after line 7, insert the following section:

"SECTION 5. AMENDMENT. Section 54-27-23 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-23. Cash flow financing. In order to effectively meet the cyclical cash flow needs of state government, the office of management and budget upon approval of the emergency commission is hereby authorized to issue certificates in anticipation of revenue, notes, or bonds, to special funds on deposit in the state treasury. Any issue of such certificates, notes, or bonds must be approved by the emergency commission and are to be used for cash flow financing only, and not to offset projected deficits in state finances unless first approved by the budget section of the legislative council. The budget section may approve additional cash flow financing not to exceed eighty percent of estimated general fund revenues relating to sales or production occurring prior to June 30, to be collected in July and August after the end of the biennium. Such additional cash flow financing is only effective for sixty days unless an extension or reapproval is received from the budget section. The terms of any specific issue of such certificates, notes, or bonds may not exceed one hundred eighty days from the date of issuance whereupon the principal and interest on the certificates, notes, or bonds shall be paid in full from the state general fund or from another issue of a similar nature. All principal and interest on such issues made during a biennial period shall be repaid in full at the close of the biennial period from the state general fund except for cash flow financing as may be approved by the budget section as provided in this section. When certificates, notes, or bonds are issued for cash flow purposes to funds which otherwise would be invested, with the investment income accruing to the special fund, the certificate shall bear an investment rate of return which shall be agreed upon by the state investment board, and shall be at a level commensurate with the yield to be reasonably expected by such fund if invested in alternate securities."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Office of Management and Budget

An analysis of the \$301,000 general fund reduction is as follows:

	General Fund Increase <u>(Decrease)</u>
<u>Operating expenses</u>	
Reduce operating expenses	\$ (25,000)
Delete increase in state employee travel expense related to the statewide accounting and management information system (SAMIS)	(5,000)
Delete outside professional services funding related to SAMIS - work will now be handled by OMB staff	(150,000)
<u>Data processing</u>	
Reduce data processing	(25,000)
<u>State memberships</u>	
Delete funds for membership in the Midwest Technology Development Institute	(96,000)
Total increase (decrease)	\$(301,000)

A section is added to provide for the Office of Management and Budget to utilize cash flow financing to offset projected general fund deficits, not to exceed estimated general fund revenues relating to sales or production occurring prior to June 30, to be collected in July or August after the end of the biennium, upon approval by the Budget Section.

For the Senate: Sens. Tallackson, Waldera, Nelson (refused to sign)

For the House: Reps. R. Hausauer, Payne (refused to sign), Hill

Engrossed SB 2004 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 1019 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2332 of the Senate Journal and that Engrossed HB 1019 be amended as follows:

That the Senate recede from its amendments, as printed on page 2332 of the Senate Journal and page 2799 of the House Journal, and that in lieu of the conference committee amendments

adopted by the House, as printed on pages 3004-3005 of the House Journal, engrossed House Bill No. 1019 be amended as follows:

On page 1 of the engrossed bill, line 3, after the semicolon insert the words "to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness for payment of the loan, accrued interest, and special assessments on the old Dickinson experiment station; to provide for a transfer from the lignite research fund;"

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 and 25

On page 2 of the engrossed bill, after line 9, insert the following sections:

"SECTION 4. PROJECT AUTHORIZATION - APPROPRIATION.

The industrial commission may issue evidences of indebtedness under North Dakota Century Code chapter 54-17.2 in any amount up to but not exceeding \$7,204,000, to defray project costs associated with the payment of the loans, accrued interest, and special assessments on the old Dickinson experiment station, now known as the state addition to the city of Dickinson, and the working ranch unit, hereby declared to be in the public interest, during the biennium beginning on the effective date of this section, and ending June 30, 1989. For purposes of this Act, the term "project", as defined by section 54-17.2-01, includes the payment of the loans, accrued interest, and special assessments on the old Dickinson experiment station and working ranch unit. The evidences of indebtedness must be secured by the real estate of the various experiment stations under the direction of the board of higher education and are not a general obligation of the state of North Dakota. The proceeds received by the industrial commission from the sale of evidences of indebtedness and lease rental payments, and any other moneys received by the industrial commission or the state from revenue generated by the project authorized by this section are hereby appropriated for the project and the payment of lease rentals for the project. Proceeds from the sale of the old

Dickinson experiment station pursuant to section 6 of this Act must be used for the payment of the authorized evidences of indebtedness. The industrial commission, board of higher education, and board of university and school lands shall execute all transactions, and exercise all powers and functions, necessary and appropriate to carry out the purposes of this section.

SECTION 5. LIGNITE DEVELOPMENT RESEARCH - APPROPRIATION - TRANSFER. There is hereby appropriated and transferred by the industrial commission, at the direction of the office of management and budget, from the lignite research fund as created by the 1987 legislative assembly, to the university of North Dakota, the sum of \$250,000, or so much thereof as may be necessary, for lignite development research projects for the biennium beginning July 1, 1987, and ending June 30, 1989.

SECTION 6. LEGISLATIVE INTENT REGARDING SALE OF OLD DICKINSON EXPERIMENT STATION PROPERTY. The legislative assembly urges the board of university and school lands to sell the old Dickinson experiment station property at public auction to the highest bidder or bidders."

On page 2 of the engrossed bill, line 10, delete the words "The line item "Dickinson experiment" and insert in lieu thereof the word and numeral "Section 4"

On page 2 of the engrossed bill, line 11, delete the words and numeral "station in section 1"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Land Department

A section is added authorizing the Industrial Commission acting as the North Dakota building authority to issue evidences of indebtedness for the payoff of the loan, accrued interest, and special assessments on the old Dickinson Experiment Station and working ranch unit.

A section is added which appropriates \$250,000 from the lignite research fund for lignite development research projects at the University of North Dakota.

A section is added to reflect legislative intent that the Board of University and School Lands sell the old Dickinson Experiment Station property at public auction to the highest bidder or bidders. Proceeds of the sale must be used for payment of the evidences of indebtedness issued by the Industrial Commission.

For the Senate: Sens. Waldera, Wogsland, Nelson
For the House: Reps. Wald, Kuchera, Opedahl

HB 1019 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 1544 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2203-2204 of the Senate Journal and that Engrossed HB 1544 be amended as follows:

That the Senate recede from its amendments as found on pages 2203-2204 of the Senate Journal and on page 2701 of the House Journal, and that engrossed House Bill No. 1544 be amended as follows:

- On page 1 of the engrossed bill, line 3, after the comma insert the words "providing legislative intent regarding energy development impact grants and the energy development impact office,"
- On page 1 of the engrossed bill, line 9, delete the words "coal development impact" and insert in lieu thereof the word "general"
- On page 1 of the engrossed bill, line 10, delete the words "and the oil and gas development impact fund,"
- On page 1 of the engrossed bill, line 17, delete the numerals "3,500,000" and insert in lieu thereof the numerals "2,000,000"
- On page 1 of the engrossed bill, line 19, delete the numerals "8,684,693" and insert in lieu thereof the numerals "7,184,693"
- On page 1 of the engrossed bill, line 21, delete the numerals "3,684,693" and insert in lieu thereof the numerals "2,184,693"
- On page 2 of the engrossed bill, after line 13, insert the following new sections:

"SECTION 5. LEGISLATIVE INTENT - ENERGY DEVELOPMENT IMPACT OFFICE. It is the intent of the legislative assembly that the energy development impact office continue to function as a separate state agency during the 1987-89 biennium.

SECTION 6. LEGISLATIVE INTENT - GRANTS LINE ITEM.
The grants line item in section 1 of this Act totaling

\$2,000,000 from the general fund is to be used for oil development impact grants."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Energy Development Impact Office

This amendment adds a section of legislative intent that the grants line item of \$2,000,000 from the general fund is for oil development impact grants.

This amendment adds a new section providing legislative intent that the Energy Development Impact Office continue as a separate state agency.

This amendment reduces the grants line item by \$1,500,000 from the general fund, \$1,000,000 for coal development impact grants to be funded in House Bill No. 1065 from the coal development impact fund, and \$500,000 from the general fund to be used in another appropriation bill for payment of a portion of the special assessments on the old Dickinson Experiment Station. The remaining \$2,000,000 in the grants line item is to be used for oil development impact grants.

For the Senate: Sens. Waldera, Yockim, Naaden

For the House: Reps. Gunsch, Wald, Hill

HB 1544 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE

MR. PRESIDENT: Your Committee on Appropriations to which was rereferred Engrossed HB 1590 has had the same under consideration and recommends by a vote of 9 YEAS, 3 NAYS, 2 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 House Bill No. 1590 adopted by the Senate as found on pages 2577-2581 of the Senate Journal, House Bill No. 1590 is amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for allocation of a portion of sales, use, and motor vehicle excise tax collections to personal property tax replacement and state revenue sharing; to amend and reenact section 57-58-01 of the North Dakota Century Code, relating to personal property tax replacement; to repeal section 54-27-20.1 of the North Dakota Century Code, relating to determination of state revenue sharing; to provide an appropriation; and to provide an effective date."

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

SECTION 1. Allocation of sales, use, and motor vehicle excise tax revenues to revenue sharing and personal property tax replacement. Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to seventy-five percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate, that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. The total amount deposited in the state aid distribution fund during each fiscal year of the 1987-89 biennium may not exceed \$21,367,950 and any amount in excess of this amount must be deposited instead in the state general fund. The state aid distribution fund must be allocated, subject to legislative appropriation, as follows:

1. Fifty percent of the revenues must be allocated in the last month of each quarterly period for state revenue sharing as provided in sections 54-27-20.2 and 54-27-20.3.
2. Fifty percent of the revenues must be allocated for personal property tax replacement as provided in section 57-58-01.

SECTION 2. AMENDMENT. Section 57-58-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-58-01. Distribution to counties and local subdivisions. It is hereby provided that any political subdivision which has an existing bonded indebtedness for which a tax levy must be made in 1970 or any year thereafter, shall reduce its levy in each such year for current operating purposes by the amount which its tax levy on taxable property in that year for retirement of the bonded indebtedness is increased because of the exemption of personal property by subsection 25 of section 57-02-08. On or before February 1, 1971, the county auditor of each county shall certify to the state tax commissioner the total amount of taxes levied in the year 1968 for the state, county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes, and levies voted by the people, new or present levies increased by legislative action of such county on

those items of personal property exempt under the provisions of section 57-02-08, and, in addition, the total valuation of real estate and taxes levied on real estate for the year 1968. On or before June 1, 1980, and each year thereafter, the state tax commissioner shall certify for payment to the state treasurer an amount, for payment by the state treasurer to each county, determined to be due such county based upon the personal property taxes levied in the year 1968 for the political subdivisions herein mentioned on the items of personal property exempt from the personal property tax under the provisions of section 57-02-08, the per capita school tax under the provisions of former section 57-15-23, and the grain tax under the provisions of former chapter 57-03, together with any adjustments to be made in the manner hereinafter provided. Within sixty days after the receipt of the revenue as provided by this section, the county treasurer shall allocate and remit to the county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes that amount of revenue which is received from the state in the same ratio as he would have distributed the revenue from the personal property tax, adjusting such amount by any increase or decrease in real property taxes as levied by each taxing authority according to the formula hereinafter provided. Any amount that would be apportioned and credited to the retirement of a bonded indebtedness existing in 1970 for which a tax levy was made in 1970 and in any year thereafter, shall be credited to the general fund of the political subdivision. In the years after 1971, payments to the counties under this section shall be made based upon ninety-five percent of such payment for 1971 together with a growth factor which shall be based upon the dollar amount of increase or decrease in real property taxes levied within each county. For each seven dollar increase in real property taxation within a county, the state shall contribute an additional one dollar over that amount which equals ninety-five percent of such payment in the base year. For each seven dollar decrease in real property taxation within a county, the state shall contribute one dollar less than that amount which equals ninety-five percent of such payment in the base year.

On or before June 1, 1980, and each year thereafter, the state tax commissioner shall certify to the state treasurer the amount determined to be due to the state based upon the personal property taxes levied in the year 1968 for the North Dakota state medical center. The amount so certified shall be computed in accordance with the formula provided in this section for computing the amounts to be certified and paid to the counties. The state treasurer upon receiving the certification from the tax commissioner shall transfer from the general fund to the

credit of the North Dakota state medical center the amount so certified.

Any political subdivision which levied taxes on taxable property in the year 1970 for a specific fund or purpose for which a levy was not made by it in the year 1968 shall be entitled to a distribution of revenue from the state in the year 1971 for any such levy. The amount of such distribution shall be determined as follows: the county auditor shall certify to the state tax commissioner as soon as possible after March 30, 1971, the amount of each such levy made by and spread for each political subdivision on taxable real property in the county in the year 1970; the tax commissioner shall forthwith determine the correctness of such amounts and certify to the state treasurer for immediate payment to the county an amount that is determined by dividing the total of such levies made and spread in 1970 on taxable real property in the county by the growth factor that is provided in the first paragraph of this section; the county treasurer within fifteen days after the receipt of such revenue from the state treasurer shall allocate and remit to each political subdivision its proportionate amount of that revenue.

If the classification of any property for taxation purposes is changed from real to personal property or from personal to real property because of legislative or judicial action, the county auditor of the county in which the property is located shall forthwith certify to the tax commissioner the amount of real estate taxes or personal property taxes that was levied on all such property by each taxing district in the year 1968 and in any other year thereafter that the tax commissioner may request. The tax commissioner, in determining the amount to be certified to the state treasurer for payment to the county pursuant to this section, shall adjust the amounts of taxes certified by the county auditor as levied on real property and on personal property in 1968 and in any other year as may be necessary by adding to or subtracting from each such amount the taxes on the reclassified property so that the distribution by the state to the county will be determined as though such property had been taxed in 1968 and all later years in the classification into which it was reclassified.

Notwithstanding the other provisions of this section, personal property tax replacement is an amount as determined under section 1 of this Act, subject to legislative appropriation. If moneys appropriated by the legislative assembly for personal property tax replacement are not in the amount that would be provided under this section for distribution, the tax commissioner and the state treasurer shall provide for pro rata distribution of

available funds on the basis of the formula contained in this section.

SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the state aid distribution fund in the state treasury, not otherwise appropriated, the sum of \$42,735,900, or so much thereof as may be necessary, to the state treasurer for distribution in equal amounts for state revenue sharing and personal property tax replacement for the biennium beginning July 1, 1987, and ending June 30, 1989.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the legislative assembly that revenue sharing allocations for the fiscal year beginning July 1, 1987, be made in a manner that provides greater allocations to political subdivisions during the first two quarters of the fiscal year than during the second two quarters of the fiscal year.

SECTION 5. REPEAL. Section 54-27-20.1 of the 1985 Supplement to the North Dakota Century Code is hereby repealed.

SECTION 6. EFFECTIVE DATE. Section 1 of this Act is effective for sales and use tax collections received by the state tax commissioner after June 30, 1987."

And renumber the lines, sections, and pages accordingly

SEN. TALLACKSON, Chairman

HB 1590 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MESSAGES FROM THE HOUSE 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 2002

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 1018

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1018 has had the same under consideration and

recommends that the SENATE RECEDE from its amendments as found on pages 2130-2140 of the Senate Journal and that Engrossed HB 1018 be amended as follows:

That the Senate recede from its amendments as printed on pages 2130-2140 of the Senate Journal and pages 2651-2660 of the House Journal and that engrossed House Bill No. 1018 be amended as follows:

On page 1 of the engrossed bill, line 1, delete the word "making" and insert in lieu thereof the words "to amend and reenact subdivisions a, b, and c of subsection 2, and subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to vehicle registration fees; to provide"

On page 1 of the engrossed bill, line 2, after the word "Dakota" insert the words "; to provide for application of this Act; to provide an effective date; and to provide an expiration date"

On page 1 of the engrossed bill, after line 4, insert the following sections:

"SECTION 1. AMENDMENT. If Senate Bill No. 2259 does not become effective, subdivisions a, b, and c of subsection 2, and subsection 5 of section 39-04-19 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

a. Passenger motor vehicles including buses for hire, hearses, and ambulances:

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, and 4th Years	5th, 6th, and 7th Years	8th, 9th, and 10th Years	11th and Subsequent Years	
Less than 3,200	\$ 44.00	\$ 36.00	\$ 28.00	\$20.00	
3,200-4,499	64.00	52.00	40.00	28.00	
4,500-4,999	82.00	65.00	50.00	34.00	
5,000-5,999	113.00	91.00	69.00	47.00	
6,000-6,999	146.00	117.00	88.00	60.00	
7,000-7,999	179.00	143.00	108.00	73.00	
8,000-8,999	212.00	170.00	128.00	86.00	
9,000 and over	245.00	196.00	148.00	99.00	
Less than 3,200	\$ 45.00	\$ 37.00	\$ 29.00	\$21.00	
3,200-4,499	65.00	53.00	41.00	29.00	
4,500-4,999	83.00	66.00	51.00	35.00	
5,000-5,999	114.00	92.00	70.00	48.00	
6,000-6,999	147.00	118.00	89.00	61.00	
7,000-7,999	180.00	144.00	109.00	74.00	
8,000-8,999	213.00	171.00	129.00	87.00	
9,000 and over	246.00	197.00	149.00	100.00	

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, and 4th Years	5th and 6th Years	7th and 8th Years	9th and Subsequent Years
Net over 4,000	\$42.00	\$29.00	\$24.00	\$21.00
4,001- 6,000	47.00	34.00	28.00	22.00
6,001- 8,000	52.00	39.00	32.00	23.00
8,001-10,000	57.00	44.00	36.00	25.00
10,001-12,000	62.00	49.00	40.00	27.00
12,001-14,000	67.00	54.00	44.00	30.00
14,001-16,000	72.00	59.00	48.00	33.00
16,001-18,000	77.00	64.00	52.00	35.00
18,001-20,000	80.00	67.00	54.00	36.00
Not over 4,000	\$43.00	\$30.00	\$25.00	\$22.00
4,001- 6,000	48.00	35.00	29.00	23.00
6,001- 8,000	53.00	40.00	33.00	24.00
8,001-10,000	58.00	45.00	37.00	26.00
10,001-12,000	63.00	50.00	41.00	28.00
12,001-14,000	68.00	55.00	45.00	31.00
14,001-16,000	73.00	60.00	49.00	34.00
16,001-18,000	78.00	65.00	53.00	36.00
18,001-20,000	81.00	68.00	55.00	37.00

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, 4th, and 5th	6th, 7th, 8th, 9th, and 10th	11th and Subsequent		
	Years	Years	Years		
20,001- 22,000	\$ 110.00	\$ 84.00	\$ 71.00		
22,001- 26,000	162.00	132.00	116.00		
26,001- 30,000	223.00	181.00	159.00		
30,001- 34,000	289.00	234.00	206.00		
34,001- 38,000	350.00	283.00	249.00		
38,001- 42,000	411.00	332.00	291.00		
42,001- 46,000	472.00	380.00	334.00		

46,001-	50,000	533.00	429.00	377.00
50,001-	54,000	603.00	487.00	428.00
54,001-	58,000	664.00	536.00	471.00
58,001-	62,000	725.00	585.00	514.00
62,001-	66,000	786.00	633.00	557.00
66,001-	70,000	847.00	682.00	599.00
70,001-	74,000	908.00	731.00	642.00
74,001-	78,000	969.00	780.00	685.00
78,001-	82,000	1,030.00	829.00	728.00
82,001-	86,000	1,153.00	934.00	815.00
86,001-	90,000	1,275.00	1,038.00	902.00
90,001-	94,000	1,397.00	1,143.00	989.00
94,001-	98,000	1,519.00	1,248.00	1,077.00
98,001-	102,000	1,641.00	1,352.00	1,164.00
102,001-	105,500	1,763.00	1,457.00	1,251.00
20,001-	22,000	\$ 111.00	\$ 85.00	\$ 72.00
22,001-	26,000	163.00	133.00	117.00
26,001-	30,000	224.00	182.00	160.00
30,001-	34,000	290.00	235.00	207.00
34,001-	38,000	351.00	284.00	250.00
38,001-	42,000	412.00	333.00	292.00
42,001-	46,000	473.00	381.00	335.00
46,001-	50,000	534.00	430.00	378.00
50,001-	54,000	604.00	488.00	429.00
54,001-	58,000	665.00	537.00	472.00
58,001-	62,000	726.00	586.00	515.00
62,001-	66,000	787.00	634.00	558.00
66,001-	70,000	848.00	683.00	600.00
70,001-	74,000	909.00	732.00	643.00
74,001-	78,000	970.00	781.00	686.00
78,001-	82,000	1,031.00	830.00	729.00
82,001-	86,000	1,154.00	935.00	816.00
86,001-	90,000	1,276.00	1,039.00	903.00
90,001-	94,000	1,398.00	1,144.00	990.00
94,001-	98,000	1,520.00	1,249.00	1,078.00
98,001-	102,000	1,642.00	1,353.00	1,165.00
102,001-	105,500	1,764.00	1,458.00	1,252.00

c. Motorcycles, ~~ten~~ eleven dollars.

5. Trucks or combinations of trucks and trailers weighing more than 20,000 but not more than 82,000 pounds [more than 9071.84 but not more than 37194.57 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than 20,000 but not more than 82,000 pounds [more than 9071.84 but not more than 37194.57 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the

farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire.

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, and 4th Years	5th and 6th Years	7th and 8th Years	9th and Subsequent Years
20,001-22,000	\$ 83.00	\$ 69.00	\$ 55.00	\$ 37.00
22,001-24,000	88.00	73.00	58.00	39.00
24,001-26,000	96.00	79.00	62.00	41.00
26,001-28,000	106.00	87.00	68.00	45.00
28,001-30,000	116.00	95.00	74.00	49.00
30,001-32,000	131.00	108.00	85.00	58.00
32,001-34,000	141.00	116.00	91.00	62.00
34,001-36,000	151.00	124.00	97.00	66.00
36,001-38,000	161.00	132.00	103.00	70.00
38,001-40,000	171.00	140.00	109.00	74.00
40,001-42,000	181.00	148.00	115.00	78.00
42,001-44,000	191.00	156.00	121.00	82.00
44,001-46,000	201.00	164.00	127.00	86.00
46,001-48,000	211.00	172.00	133.00	90.00
48,001-50,000	221.00	180.00	139.00	94.00
50,001-52,000	241.00	198.00	155.00	108.00
52,001-54,000	251.00	206.00	161.00	112.00
54,001-56,000	261.00	214.00	167.00	116.00
56,001-58,000	271.00	222.00	173.00	120.00
58,001-60,000	281.00	230.00	179.00	124.00
60,001-62,000	291.00	238.00	185.00	128.00
62,001-64,000	301.00	246.00	191.00	132.00
64,001-66,000	311.00	254.00	197.00	136.00
66,001-68,000	321.00	262.00	203.00	140.00
68,001-70,000	331.00	270.00	209.00	144.00
70,001-72,000	341.00	278.00	215.00	148.00
72,001-74,000	351.00	286.00	221.00	152.00
74,001-76,000	361.00	294.00	227.00	156.00
76,001-78,000	371.00	302.00	233.00	160.00
78,001-80,000	381.00	310.00	239.00	164.00
80,001-82,000	391.00	318.00	245.00	168.00
20,001-22,000	\$ 84.00	\$ 70.00	\$ 56.00	\$ 38.00
22,001-24,000	89.00	74.00	59.00	40.00
24,001-26,000	97.00	80.00	63.00	42.00
26,001-28,000	107.00	88.00	69.00	46.00
28,001-30,000	117.00	96.00	75.00	50.00
30,001-32,000	132.00	109.00	86.00	59.00
32,001-34,000	142.00	117.00	92.00	63.00
34,001-36,000	152.00	125.00	98.00	67.00
36,001-38,000	162.00	133.00	104.00	71.00
38,001-40,000	172.00	141.00	110.00	75.00
40,001-42,000	182.00	149.00	116.00	79.00
42,001-44,000	192.00	157.00	122.00	83.00

44,001-46,000	202.00	165.00	128.00	87.00
46,001-48,000	212.00	173.00	134.00	91.00
48,001-50,000	222.00	181.00	140.00	95.00
50,001-52,000	242.00	199.00	156.00	109.00
52,001-54,000	252.00	207.00	162.00	113.00
54,001-56,000	262.00	215.00	168.00	117.00
56,001-58,000	272.00	223.00	174.00	121.00
58,001-60,000	282.00	231.00	180.00	125.00
60,001-62,000	292.00	239.00	186.00	129.00
62,001-64,000	302.00	247.00	192.00	133.00
64,001-66,000	312.00	255.00	198.00	137.00
66,001-68,000	322.00	263.00	204.00	141.00
68,001-70,000	332.00	271.00	210.00	145.00
70,001-72,000	342.00	279.00	216.00	149.00
72,001-74,000	352.00	287.00	222.00	153.00
74,001-76,000	362.00	295.00	228.00	157.00
76,001-78,000	372.00	303.00	234.00	161.00
78,001-80,000	382.00	311.00	240.00	165.00
80,001-82,000	392.00	319.00	246.00	169.00

SECTION 2. AMENDMENT. If Senate Bill No. 2259 becomes effective, subdivisions a, b, and c of subsection 2, and subsection 5 of section 39-04-19 of the 1985 Supplement to the North Dakota Century Code as amended by section 1 of Senate Bill No. 2259, as approved by the fiftieth legislative assembly, are hereby amended and reenacted to read as follows:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, and 5th Years	6th, 7th, and 8th Years	9th, 10th, and 11th Years	12th and Subsequent Years
Less than 3,200	\$ 47.75	\$ 39.75	\$ 31.75	\$ 23.75
3,200-4,499	67.75	55.75	43.75	31.75
4,500-4,999	85.75	68.75	53.75	37.75
5,000-5,999	116.75	94.75	72.75	50.75
6,000-6,999	149.75	120.75	91.75	63.75
7,000-7,999	182.75	146.75	111.75	76.75
8,000-8,999	215.75	173.75	131.75	89.75
9,000 and over	248.75	199.75	151.75	102.75
Less than 3,200	\$ 48.75	\$ 40.75	\$ 32.75	\$ 24.75
3,200-4,499	68.75	56.75	44.75	32.75
4,500-4,999	86.75	69.75	54.75	38.75
5,000-5,999	117.75	95.75	73.75	51.75
6,000-6,999	150.75	121.75	92.75	64.75
7,000-7,999	183.75	147.75	112.75	77.75
8,000-8,999	216.75	174.75	132.75	90.75
9,000 and over	249.75	200.75	152.75	103.75

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight

applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

Gross Weights Net	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, and 5th Years	6th and 7th Years	8th and 9th Years	10th and Subsequent Years
over 4,000	\$45.75	\$32.75	\$27.75	\$24.75
4,001- 6,000	50.75	37.75	31.75	25.75
6,001- 8,000	55.75	42.75	35.75	26.75
8,001-10,000	60.75	47.75	39.75	28.75
10,001-12,000	65.75	52.75	43.75	30.75
12,001-14,000	70.75	57.75	47.75	33.75
14,001-16,000	75.75	62.75	51.75	36.75
16,001-18,000	80.75	67.75	55.75	38.75
18,001-20,000	83.75	70.75	57.75	39.75
Not over 4,000	\$46.75	\$33.75	\$28.75	\$25.75
4,001- 6,000	51.75	38.75	32.75	26.75
6,001- 8,000	56.75	43.75	36.75	27.75
8,001-10,000	61.75	48.75	40.75	29.75
10,001-12,000	66.75	53.75	44.75	31.75
12,001-14,000	71.75	58.75	48.75	34.75
14,001-16,000	76.75	63.75	52.75	37.75
16,001-18,000	81.75	68.75	56.75	39.75
18,001-20,000	84.75	71.75	58.75	40.75

Gross Weights	YEARS REGISTERED					
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, 9th, 10th, and 11th Years	12th and Subsequent Years			
20,001- 22,000	\$ 113.75	\$ 87.75	\$ 74.75			
22,001- 26,000	165.75	135.75	119.75			
26,001- 30,000	226.75	184.75	162.75			
30,001- 34,000	292.75	237.75	209.75			
34,001- 38,000	353.75	286.75	252.75			
38,001- 42,000	414.75	335.75	294.75			
42,001- 46,000	475.75	383.75	337.75			
46,001- 50,000	536.75	432.75	380.75			
50,001- 54,000	606.75	490.75	431.75			
54,001- 58,000	667.75	539.75	474.75			

58,001-	62,000	728.75	588.75	517.75
62,001-	66,000	789.75	636.75	560.75
66,001-	70,000	850.75	685.75	602.75
70,001-	74,000	911.75	734.75	645.75
74,001-	78,000	972.75	783.75	688.75
78,001-	82,000	1,033.75	832.75	731.75
82,001-	86,000	1,156.75	937.75	818.75
86,001-	90,000	1,278.75	1,041.75	905.75
90,001-	94,000	1,400.75	1,146.75	992.75
94,001-	98,000	1,522.75	1,251.75	1,080.75
98,001-	102,000	1,644.75	1,355.75	1,167.75
102,001-	105,500	1,766.75	1,460.75	1,254.75
20,001-	22,000	\$ 114.75	\$ 88.75	\$ 75.75
22,001-	26,000	166.75	136.75	120.75
26,001-	30,000	227.75	185.75	163.75
30,001-	34,000	293.75	238.75	210.75
34,001-	38,000	354.75	287.75	253.75
38,001-	42,000	415.75	336.75	295.75
42,001-	46,000	476.75	384.75	338.75
46,001-	50,000	537.75	433.75	381.75
50,001-	54,000	607.75	491.75	432.75
54,001-	58,000	668.75	540.75	475.75
58,001-	62,000	729.75	589.75	518.75
62,001-	66,000	790.75	637.75	561.75
66,001-	70,000	851.75	686.75	603.75
70,001-	74,000	912.75	735.75	646.75
74,001-	78,000	973.75	784.75	689.75
78,001-	82,000	1,034.75	833.75	732.75
82,001-	86,000	1,157.75	938.75	819.75
86,001-	90,000	1,279.75	1,042.75	906.75
90,001-	94,000	1,401.75	1,147.75	993.75
94,001-	98,000	1,523.75	1,252.75	1,081.75
98,001-	102,000	1,645.75	1,356.75	1,168.75
102,001-	105,500	1,767.75	1,461.75	1,255.75

c. Motorcycles, ~~thirteen~~ fourteen dollars and seventy-five cents.

5. Trucks or combinations of trucks and trailers weighing more than 20,000 but not more than 82,000 pounds [more than 9071.84 but not more than 37194.57 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than 20,000 but not more than 82,000 pounds [more than 9071.84 but not more than 37194.57 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between

farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire.

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, and 5th Years	6th and 7th Years	8th and 9th Years	10th and Subsequent Years
20,001-22,000	\$ 86.75	\$ 72.75	\$ 58.75	\$ 40.75
22,001-24,000	91.75	76.75	61.75	42.75
24,001-26,000	99.75	82.75	65.75	44.75
26,001-28,000	109.75	90.75	71.75	48.75
28,001-30,000	119.75	98.75	77.75	52.75
30,001-32,000	134.75	111.75	88.75	61.75
32,001-34,000	144.75	119.75	94.75	65.75
34,001-36,000	154.75	127.75	100.75	69.75
36,001-38,000	164.75	135.75	106.75	73.75
38,001-40,000	174.75	143.75	112.75	77.75
40,001-42,000	184.75	151.75	118.75	81.75
42,001-44,000	194.75	159.75	124.75	85.75
44,001-46,000	204.75	167.75	130.75	89.75
46,001-48,000	214.75	175.75	136.75	93.75
48,001-50,000	224.75	183.75	142.75	97.75
50,001-52,000	244.75	201.75	158.75	111.75
52,001-54,000	254.75	209.75	164.75	115.75
54,001-56,000	264.75	217.75	170.75	119.75
56,001-58,000	274.75	225.75	176.75	123.75
58,001-60,000	284.75	233.75	182.75	127.75
60,001-62,000	294.75	241.75	188.75	131.75
62,001-64,000	304.75	249.75	194.75	135.75
64,001-66,000	314.75	257.75	200.75	139.75
66,001-68,000	324.75	265.75	206.75	143.75
68,001-70,000	334.75	273.75	212.75	147.75
70,001-72,000	344.75	281.75	218.75	151.75
72,001-74,000	354.75	289.75	224.75	155.75
74,001-76,000	364.75	297.75	230.75	159.75
76,001-78,000	374.75	305.75	236.75	163.75
78,001-80,000	384.75	313.75	242.75	167.75
80,001-82,000	394.75	321.75	248.75	171.75
20,001-22,000	\$ 87.75	\$ 73.75	\$ 59.75	\$ 41.75
22,001-24,000	92.75	77.75	62.75	43.75
24,001-26,000	100.75	83.75	66.75	45.75
26,001-28,000	110.75	91.75	72.75	49.75
28,001-30,000	120.75	99.75	78.75	53.75
30,001-32,000	135.75	112.75	89.75	62.75
32,001-34,000	145.75	120.75	95.75	66.75
34,001-36,000	155.75	128.75	101.75	70.75
36,001-38,000	165.75	136.75	107.75	74.75
38,001-40,000	175.75	144.75	113.75	78.75
40,001-42,000	185.75	152.75	119.75	82.75
42,001-44,000	195.75	160.75	125.75	86.75
44,001-46,000	205.75	168.75	131.75	90.75
46,001-48,000	215.75	176.75	137.75	94.75

48,001-50,000	225.75	184.75	143.75	98.75
50,001-52,000	245.75	202.75	159.75	112.75
52,001-54,000	255.75	210.75	165.75	116.75
54,001-56,000	265.75	218.75	171.75	120.75
56,001-58,000	275.75	226.75	177.75	124.75
58,001-60,000	285.75	234.75	183.75	128.75
60,001-62,000	295.75	242.75	189.75	132.75
62,001-64,000	305.75	250.75	195.75	136.75
64,001-66,000	315.75	258.75	201.75	140.75
66,001-68,000	325.75	266.75	207.75	144.75
68,001-70,000	335.75	274.75	213.75	148.75
70,001-72,000	345.75	282.75	219.75	152.75
72,001-74,000	355.75	290.75	225.75	156.75
74,001-76,000	365.75	298.75	231.75	160.75
76,001-78,000	375.75	306.75	237.75	164.75
78,001-80,000	385.75	314.75	243.75	168.75
80,001-82,000	395.75	322.75	249.75	172.75

SECTION 3. AMENDMENT. If Senate Bill No. 2259 becomes effective, subdivisions a, b, and c of subsection 2, and subsection 5 of section 39-04-19 of the 1985 Supplement to the North Dakota Century Code, as amended by section 2 of Senate Bill No. 2259, as approved by the fiftieth legislative assembly, are hereby amended and reenacted to read as follows:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, 4th, and 5th Years	6th, 7th, and 8th Years	9th, 10th, and 11th Years	12th and Subsequent Years	
Less than 3,200	\$ 49.00	\$ 41.00	\$ 33.00	\$ 25.00	
3,200-4,499	69.00	57.00	45.00	33.00	
4,500-5,999	87.00	70.00	55.00	39.00	
6,000-7,999	118.00	96.00	74.00	52.00	
8,000-9,999	151.00	122.00	93.00	65.00	
10,000-11,999	184.00	148.00	113.00	78.00	
12,000-13,999	217.00	175.00	133.00	91.00	
14,000 and over	250.00	201.00	153.00	104.00	
Less than 3,200	\$ 50.00	\$ 42.00	\$ 34.00	\$ 26.00	
3,200-4,499	70.00	58.00	46.00	34.00	
4,500-5,999	88.00	71.00	56.00	40.00	
6,000-7,999	119.00	97.00	75.00	53.00	
8,000-9,999	152.00	123.00	94.00	66.00	
10,000-11,999	185.00	149.00	114.00	79.00	
12,000-13,999	218.00	176.00	134.00	92.00	
14,000 and over	251.00	202.00	154.00	105.00	

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not

using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

Gross Weights Net	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, and 5th Years	6th and 7th Years	8th and 9th Years	10th and Subsequent Years
over 4,000	\$47.00	\$34.00	\$29.00	\$26.00
4,001- 6,000	52.00	39.00	33.00	27.00
6,001- 8,000	57.00	44.00	37.00	28.00
8,001-10,000	62.00	49.00	41.00	30.00
10,001-12,000	67.00	54.00	45.00	32.00
12,001-14,000	72.00	59.00	49.00	35.00
14,001-16,000	77.00	64.00	53.00	38.00
16,001-18,000	82.00	69.00	57.00	40.00
18,001-20,000	85.00	72.00	59.00	41.00
Not over 4,000	\$48.00	\$35.00	\$30.00	\$27.00
4,001- 6,000	53.00	40.00	34.00	28.00
6,001- 8,000	58.00	45.00	38.00	29.00
8,001-10,000	63.00	50.00	42.00	31.00
10,001-12,000	68.00	55.00	46.00	33.00
12,001-14,000	73.00	60.00	50.00	36.00
14,001-16,000	78.00	65.00	54.00	39.00
16,001-18,000	83.00	70.00	58.00	41.00
18,001-20,000	86.00	73.00	60.00	42.00

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, 9th, 10th, and 11th Years	12th and Subsequent Years	
	\$	\$	\$	
20,001- 22,000	115.00	89.00	76.00	
22,001- 26,000	167.00	137.00	121.00	
26,001- 30,000	228.00	186.00	164.00	
30,001- 34,000	294.00	239.00	211.00	
34,001- 38,000	355.00	288.00	254.00	
38,001- 42,000	416.00	337.00	296.00	
42,001- 46,000	477.00	385.00	339.00	
46,001- 50,000	538.00	434.00	382.00	
50,001- 54,000	608.00	492.00	433.00	
54,001- 58,000	669.00	541.00	476.00	
58,001- 62,000	730.00	590.00	519.00	
62,001- 66,000	791.00	638.00	562.00	

66,001- 70,000	852.00	687.00	604.00
70,001- 74,000	913.00	736.00	647.00
74,001- 78,000	974.00	785.00	690.00
78,001- 82,000	1,035.00	834.00	733.00
82,001- 86,000	1,158.00	939.00	820.00
86,001- 90,000	1,280.00	1,043.00	907.00
90,001- 94,000	1,402.00	1,148.00	994.00
94,001- 98,000	1,524.00	1,253.00	1,082.00
98,001-102,000	1,646.00	1,357.00	1,169.00
102,001-105,500	1,768.00	1,462.00	1,256.00
20,001- 22,000	\$ 116.00	\$ 90.00	\$ 77.00
22,001- 26,000	168.00	138.00	122.00
26,001- 30,000	229.00	187.00	165.00
30,001- 34,000	295.00	240.00	212.00
34,001- 38,000	356.00	289.00	255.00
38,001- 42,000	417.00	338.00	297.00
42,001- 46,000	478.00	386.00	340.00
46,001- 50,000	539.00	435.00	383.00
50,001- 54,000	609.00	493.00	434.00
54,001- 58,000	670.00	542.00	477.00
58,001- 62,000	731.00	591.00	520.00
62,001- 66,000	792.00	639.00	563.00
66,001- 70,000	853.00	688.00	605.00
70,001- 74,000	914.00	737.00	648.00
74,001- 78,000	975.00	786.00	691.00
78,001- 82,000	1,036.00	835.00	734.00
82,001- 86,000	1,159.00	940.00	821.00
86,001- 90,000	1,281.00	1,044.00	908.00
90,001- 94,000	1,403.00	1,149.00	995.00
94,001- 98,000	1,525.00	1,254.00	1,083.00
98,001-102,000	1,647.00	1,358.00	1,170.00
102,001-105,500	1,769.00	1,463.00	1,257.00

c. Motorcycles, fifteen sixteen dollars.

5. Trucks or combinations of trucks and trailers weighing more than 20,000 but not more than 82,000 pounds [more than 9071.84 but not more than 37194.57 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than 20,000 but not more than 82,000 pounds [more than 9071.84 but not more than 37194.57 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or

wholesale business being conducted from those farms, nor otherwise for hire.

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, and 5th Years	6th and 7th Years	8th and 9th Years	10th and Subsequent Years
20,001-22,000	\$ 88.00	\$ 74.00	\$ 60.00	\$ 42.00
22,001-24,000	93.00	78.00	63.00	44.00
24,001-26,000	101.00	84.00	67.00	46.00
26,001-28,000	111.00	92.00	73.00	50.00
28,001-30,000	121.00	100.00	79.00	54.00
30,001-32,000	136.00	113.00	90.00	63.00
32,001-34,000	146.00	121.00	96.00	67.00
34,001-36,000	156.00	129.00	102.00	71.00
36,001-38,000	166.00	137.00	108.00	75.00
38,001-40,000	176.00	145.00	114.00	79.00
40,001-42,000	186.00	153.00	120.00	83.00
42,001-44,000	196.00	161.00	126.00	87.00
44,001-46,000	206.00	169.00	132.00	91.00
46,001-48,000	216.00	177.00	138.00	95.00
48,001-50,000	226.00	185.00	144.00	99.00
50,001-52,000	246.00	203.00	160.00	113.00
52,001-54,000	256.00	211.00	166.00	117.00
54,001-56,000	266.00	219.00	172.00	121.00
56,001-58,000	276.00	227.00	178.00	125.00
58,001-60,000	286.00	235.00	184.00	129.00
60,001-62,000	296.00	243.00	190.00	133.00
62,001-64,000	306.00	251.00	196.00	137.00
64,001-66,000	316.00	259.00	202.00	141.00
66,001-68,000	326.00	267.00	208.00	145.00
68,001-70,000	336.00	275.00	214.00	149.00
70,001-72,000	346.00	283.00	220.00	153.00
72,001-74,000	356.00	291.00	226.00	157.00
74,001-76,000	366.00	299.00	232.00	161.00
76,001-78,000	376.00	307.00	238.00	165.00
78,001-80,000	386.00	315.00	244.00	169.00
80,001-82,000	396.00	323.00	250.00	173.00
20,001-22,000	\$ 89.00	\$ 75.00	\$ 61.00	\$ 43.00
22,001-24,000	94.00	79.00	64.00	45.00
24,001-26,000	102.00	85.00	68.00	47.00
26,001-28,000	112.00	93.00	74.00	51.00
28,001-30,000	122.00	101.00	80.00	55.00
30,001-32,000	137.00	114.00	91.00	64.00
32,001-34,000	147.00	122.00	97.00	68.00
34,001-36,000	157.00	130.00	103.00	72.00
36,001-38,000	167.00	138.00	109.00	76.00
38,001-40,000	177.00	146.00	115.00	80.00
40,001-42,000	187.00	154.00	121.00	84.00
42,001-44,000	197.00	162.00	127.00	88.00
44,001-46,000	207.00	170.00	133.00	92.00
46,001-48,000	217.00	178.00	139.00	96.00
48,001-50,000	227.00	186.00	145.00	100.00
50,001-52,000	247.00	204.00	161.00	114.00

52,001-54,000	257.00	212.00	167.00	118.00
54,001-56,000	267.00	220.00	173.00	122.00
56,001-58,000	277.00	228.00	179.00	126.00
58,001-60,000	287.00	236.00	185.00	130.00
60,001-62,000	297.00	244.00	191.00	134.00
62,001-64,000	307.00	252.00	197.00	138.00
64,001-66,000	317.00	260.00	203.00	142.00
66,001-68,000	327.00	268.00	209.00	146.00
68,001-70,000	337.00	276.00	215.00	150.00
70,001-72,000	347.00	284.00	221.00	154.00
72,001-74,000	357.00	292.00	227.00	158.00
74,001-76,000	367.00	300.00	233.00	162.00
76,001-78,000	377.00	308.00	239.00	166.00
78,001-80,000	387.00	316.00	245.00	170.00
80,001-82,000	397.00	324.00	251.00	174.00"

On page 1 of the engrossed bill, line 14, delete the numerals "1,254,593" and insert in lieu thereof the numerals "1,512,594"

On page 1 of the engrossed bill, line 16, delete the numerals "565,000" and insert in lieu thereof the numerals "2,402,481"

On page 1 of the engrossed bill, line 20, delete the numerals "4,692,608" and insert in lieu thereof the numerals "6,788,090"

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

"SECTION 6. APPLICATION OF ACT. If Senate Bill No. 2259 does not become effective, section 1 of this Act applies to vehicle registration periods beginning after December 31, 1987, and before January 1, 1990. If Senate Bill No. 2259 becomes effective, section 2 of this Act applies to vehicle registration periods beginning after December 31, 1987, and before January 1, 1989, and section 3 of this Act applies to vehicle registration periods beginning after December 31, 1988, and before January 1, 1990.

SECTION 7. EFFECTIVE DATE - EXPIRATION DATE. Sections 1, 2, and 3 of this Act are effective as provided in section 6 and are ineffective after December 31, 1989."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Motor Vehicle Department

An analysis of the special fund changes is as follows:

Total Motor Vehicle
Registration Fund
Increase/(Decrease)

DescriptionOperating expenses

Relates to the general license plate issue \$ 258,001

License plates and tabs

Allows for general license plate issue 1,837,481
with a centennial theme beginning in
fiscal year 1988

Total increase/(decrease) \$2,095,482

Under North Dakota Century Code Section 39-04-39, moneys in excess of the amount required to pay salaries and other necessary expenses, in accordance with the Legislative Assembly's appropriation for such purposes, are placed in the highway tax distribution fund.

For the Senate: Sens. Tallackson, Stromme, Thane

For the House: Reps. Gunsch, Gerntholz, Laughlin

HB 1018 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that SB 2004, HB 1018, HB 1019, and HB 1544 be placed on the Seventh order of the calendar, which motion prevailed.

REQUEST

SEN. MAIXNER REQUESTED a call of the Senate, which request was granted.

Sen. Maixner withdrew his request for a call of the Senate.

MOTION

SEN. MAIXNER MOVED that Rule 601, subdivisions a through e of subsection 2, be suspended and that HB 1590 be placed on the Sixth order of business, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1590 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1590: A BILL for an Act to provide for allocation of a portion of sales, use, and motor vehicle excise tax collections to personal property tax replacement and state revenue sharing; to amend and reenact section 57-58-01 of the North Dakota Century Code, relating to personal

property tax replacement; to repeal section 54-27-20.1 of the North Dakota Century Code, relating to determination of state revenue sharing; to provide an appropriation; 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 48 YEAS, 0 NAYS, 5 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; Tennefos; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Streibel; Stromme; Tallackson; Thane; Waldera

HB 1590 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that HB 1544 be moved to the head of the Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the conference committee report on HB 1544 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1544: A BILL for an Act making an appropriation for defraying the expenses of the energy development impact office of the state of North Dakota, providing legislative intent regarding energy development impact grants and the energy development impact office, and providing for a contingency loan from the coal trust 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 48 YEAS, 0 NAYS, 5 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; Tennefos; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Streibel; Stromme; Tallackson; Thane; Waldera

HB 1544 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1544 and HB 1590 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1544 and HB 1590 be messaged to the House immediately, which motion prevailed.

SEN. MAIXNER MOVED that the Senate stand in recess until 5:30 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 return herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

HB 1544

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 1590

PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

SB 2008, SB 2555

PERRY GROTEBERG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SB 2008, SB 2555

PERRY GROTEBERG, Secretary

MOTION

SEN. HEIGAARD MOVED that HB 1019 be moved to the head of Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the conference committee report on HB 1019 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands of the state of North Dakota; to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness for payment of the loan, accrued interest, and special assessments on the old Dickinson experiment station; to provide for a transfer from the lignite research fund; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 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 1019 passed, the title was agreed to, and the emergency clause carried.

MESSAGES FROM THE HOUSE
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 2009, SB 2079

ROY GILBREATH, Chief Clerk

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 1022, HB 1026, HB 1033, HB 1258

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 1006, HB 1007

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the conference committee report on HB 1018 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act to amend and reenact subdivisions a, b, and c of subsection 2, and subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to vehicle registration fees; to provide an appropriation for defraying the expenses of the motor vehicle department of the state of North Dakota; to provide for application of this Act; to provide an effective date; and to provide an expiration 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 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Tweten; Vosper; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Heinrich; Kelly; Lodoen; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Streibel; Tennefos; Todd; Wright

ABSENT AND NOT VOTING: None

HB 1018 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on Engrossed SB 2004 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget of the state of North Dakota; providing an exemption to the provisions of section 54-44.1-11 of the North Dakota Century Code; and to amend and reenact sections 54-16-11.1 and 54-27-23 of the North Dakota Century Code, relating to the emergency commission authority to increase revenue appropriation authority for intergovernmental service fund agencies and budget section approval of office of management and budget cash flow financing.

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, 10 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme;

Tallackson; Thane; Todd; Tweten; Vosper; Waldera;
Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Kelly; Mutch; Naaden;
Nelson; Nething; Streibel; Tennefos

ABSENT AND NOT VOTING: None

SB 2004 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1006 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2329-2331 of the Senate Journal and that Engrossed HB 1006 be amended as follows:

That the Senate recede from its amendments, as found on pages 2329-2331 of the Senate Journal and pages 2901-2903 of the House Journal, and that engrossed House Bill No. 1006 be amended as follows:

- 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 20, delete the numerals "6,670,700" and insert in lieu thereof the numerals "6,962,700"
- On page 1 of the engrossed bill, line 22, delete the numerals "39,805,258" and insert in lieu thereof the numerals "40,097,258"
- On page 1 of the engrossed bill, line 24, delete the numerals "12,812,165" and insert in lieu thereof the numerals "13,104,165"
- On page 2 of the engrossed bill, after line 21, insert the following sections:

"SECTION 6. AMENDMENT. 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. AMENDMENT. 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>Grants</u>	
Increases aid to local health districts to \$950,000 (House reduction was \$250,000)	\$200,000
Adds funds to match federal funds for the required cleanup of inactive uranium processing sites in North Dakota	92,000
	<hr/>
Total	\$292,000

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.

For the Senate: Sens. Mushik, Yockim, Nelson

For the House: Reps. Kuchera, Winkelman (refused to sign), Stofferahn

HB 1006 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 1007 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2126 of the Senate Journal and that Engrossed HB 1007 be amended as follows:

That the Senate recede from its amendments, as printed on page 2126 of the Senate Journal and pages 2622-2623 of the House Journal, and that engrossed House Bill No. 1007 be amended as follows:

On page 1 of the engrossed bill, line 12, delete the numerals "145,085" and insert in lieu thereof the numerals "169,727"

On page 1 of the engrossed bill, line 15, delete the numerals "292,751" and insert in lieu thereof the numerals "303,405"

On page 1 of the engrossed bill, line 16, delete the numerals "160,751" and insert in lieu thereof the numerals "168,000"

On page 1 of the engrossed bill, line 17, delete the numerals "637,937" and insert in lieu thereof the numerals "680,482"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Indian Affairs Commission

This amendment restores \$42,545 of the House \$86,991 general fund reductions. This amendment results in the following general fund increases:

	<u>General Fund Increase</u>
Restore funding for:	
Administrative officer position at Grade 22 and administrative secretary position at Grade 15	\$14,467
Executive director's salary	2,915
Temporary salaries and wages	7,260
Native alcohol and drug abuse education program	10,654
Indian scholarship program	<u>7,249</u>
Total general fund increase	\$42,545

For the Senate: Sens. Waldera, Shea, Lips

For the House: Reps. Kuchera (refused to sign), Wald, Opedahl

HB 1007 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. MAIXNER MOVED that the vote by which SB 2004, HB 1018, and HB 1019 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1018 and HB 1019 be messaged to the House immediately, which motion prevailed.

MESSAGE 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 1590 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1590: Reps. Moore, Goetz, Schneider

ROY GILBREATH, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1590, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1590:

Sens. Maixner, Dotzenrod, Moore

MOTION

SEN. MAIXNER MOVED that HB 1006 and HB 1007 be placed on the Seventh order of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MUSHIK MOVED that the conference committee report on HB 1006 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act making an appropriation for defraying the expenses of the department of health and consolidated laboratory services of the state of North Dakota; to provide for a transfer from the abandoned motor vehicle disposal and state fire and tornado funds; 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.

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 32 YEAS, 21 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Reiten; Streibel; Tennefos; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

HB 1006 passed and the title was agreed to.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

SB 2008, SB 2555

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 1359

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SEN. WALDERA MOVED that the conference committee report on HB 1007 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act making an appropriation for defraying the expenses of the Indian affairs commission of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; 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; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Yockim

NAYS: Bakewell; David; Kelly; Streibel; Vosper; Wright

ABSENT AND NOT VOTING: None

HB 1007 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1006 and HB 1007 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1006 and HB 1007 be messaged to the House immediately, which motion prevailed.

SEN. MAIXNER MOVED that HB 1359 be placed on the Seventh order of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1359 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1843-1853 of the Senate Journal and that HB 1359 be amended as follows:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact sections 52-04-05, 52-04-06, 52-04-09, subdivision b of subsection 1 of section 52-06-04, and section 52-06-05 of the North Dakota Century Code, relating to unemployment compensation contributions and benefits.

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

SECTION 1. AMENDMENT. Section 52-04-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-05. Standard rate of contributions - Reduction Determination of rates.

1. For the calendar year 1979 and each calendar year thereafter, the standard rate of contributions payable by each employer shall be the rate fixed for employers who have a minus balance reserve ratio which is applicable for the given year in the schedule of rates under section 52-04-06 or five and four-tenths percent, whichever is greater. No employer's rate shall be reduced below the standard rate for any calendar year unless and until his account has been chargeable with benefits throughout the thirty-six-consecutive-calendar-month period ending on September thirtieth of the preceding calendar year, except that an employer who has not been subject to the law for a period of time sufficient to meet this requirement may qualify for a reduced rate if his account has been chargeable with benefits throughout a lesser period of time but in no event less than the twelve-consecutive-calendar-month period; the twenty-four-consecutive-calendar-month period for 1985 and each year thereafter, ending on September thirtieth of the preceding calendar year. Employers who have not been subject to the law for a sufficient period of time to meet the requirements of this subsection shall have their rate determined under subsection 2.
2. For the calendar year 1981 and each year thereafter, an employer who is not eligible for an experience rate computation, as provided in subsection 1 and section 52-04-06, shall pay contribution at a rate equal to the average industry tax rate as determined by the bureau on computation date, provided that the rate shall not be less than one percent. This subsection shall not apply to newly liable employers in industries with an average tax rate exceeding three percent. Newly liable employers in these industries shall pay the standard rate. The computation of the average industry rate shall exclude those employer accounts which are not eligible for the computation of an experience rate solely by reason of insufficient experience. For the calendar year 1985 and each year thereafter, an employer who is not eligible for an experience rate as provided in subsection 1

and section 52-04-06, shall be assigned the average tax rate of all employers as determined by the bureau on the computation date, but in no event shall this rate be less than one percent. This provision shall not apply to employers classified in an industry which the bureau determines had a negative reserve on the computation date. Newly liable employers in these industries shall be assigned the standard rate. An employer with an industry classification code that is without experience in this state for twelve consecutive chargeable months or who has failed to provide correct industrial classification information shall pay at the standard rate. Assignment by the bureau of employer's industrial classification, for the purpose of this subsection, shall be the two digit major group provided in the standard industrial classification manual, in accordance with established classification practices found in the standard industrial classification manual, issued by the executive office of the president, office of management and budget. The standard rate shall be assigned an employer account which on computation date has a minus balance reserve, or has failed to file a contribution report or a corrected or sufficient report as provided in section 52-04-09. For each calendar year, the bureau shall estimate the amount of income needed to pay benefits and maintain a balance in the unemployment compensation fund, that as of October 1, 1989, and each succeeding October first, is equal to twenty-five percent of the total benefits paid during the previous twelve months.

2. Rates must be determined as follows:

- a. The income required for the calendar year must be divided by the estimated taxable wages for the calendar year. The result rounded to the next higher one one-hundredth of one percent is the average required rate.
- b. The minimum rate for each calendar year is the average required rate, multiplied by one-fourth, rounded to the nearest one-tenth of one percent.
- c. The maximum rate for each calendar year is the average required rate, multiplied by two and three-fourths, rounded to the nearest one-tenth of one percent. However, the

maximum rate must be at least five and four-tenths percent.

3. a. Except as otherwise provided in this subsection, an employer's rate may not be reduced below the maximum rate for a calendar year unless the employer's account has been chargeable with benefits throughout the thirty-six-consecutive-calendar-month period ending on September thirtieth of the preceding calendar year.
- b. If an employer has not been subject to the law as required under subdivision a, that employer qualifies for a reduced rate if the account has been chargeable with benefits throughout the twenty-four-consecutive-calendar-month period ending on September thirtieth of the preceding calendar year.
- c. An employer that does not qualify under either subdivision a or b is subject to a rate determined as follows:
 - (1) For each calendar year new employers must be assigned a rate of three and one-fourth percent, unless the employer is classified in an industry that the bureau determines has a negative reserve on the computation date.
 - (2) New employers in industries that have a negative reserve on the computation date and employers that have failed to provide correct industrial classification information must be assigned the maximum rate.
 - (3) Assignment by the bureau of an employer's industrial classification for the purposes of this paragraph must be the two digit major group provided in the standard industrial classification manual, in accordance with established classification practices found in the standard industrial classification manual issued by the executive office of the president, office of management and budget.
- d. Regardless of any other provision in this subsection, an employer must be assigned the maximum rate for any year if, as of the

computation date, the cumulative benefits charged to the employer's account equal or exceed the cumulative contributions paid on or before October thirty-first with respect to wages paid by that employer before October first of that year.

SECTION 2. AMENDMENT. Section 52-04-06 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-06. Variations in standard rate of contributions - How determined. Variations from the standard rate of contributions shall be determined in accordance with the following requirements:-

- 1- The percent of the average annual payroll by which the cumulative contributions paid by an employer on or before October thirty-first of any year, with respect to wages paid by that employer prior to the first day of October of that calendar year, exceeds the cumulative benefits which were charged to that employer's account and paid on or before September thirtieth of that year, is that employer's reserve ratio. The contribution rate for the next calendar year of an employer eligible under section 52-04-05 will be the basic rate of contributions on the line in the schedule of basic rates opposite that employer's reserve ratio as established for that year:-

EMPLOYER'S RESERVE RATIO	BASIC RATE
0% or less	5-0%
More than 0% but less than 1%	4-3%
1% but less than 2%	4-1%
2% but less than 3%	3-9%
3% but less than 4%	3-7%
4% but less than 5%	3-5%
5% but less than 6%	3-3%
6% but less than 7%	3-1%
7% but less than 8%	2-9%
8% but less than 9%	2-7%
9% but less than 10%	2-5%
10% but less than 11%	2-3%
11% but less than 12%	2-1%
12% but less than 13%	1-9%
13% but less than 14%	1-7%
14% but less than 15%	1-5%
15% but less than 16%	1-3%
16% but less than 17%	1-1%
17% but less than 18%	0-9%
18% but less than 19%	0-7%
19% and over	0-5%

- 2- For the calendar year 1983 and each year thereafter, the bureau shall adjust the basic rates in the schedule of basic rates by an adjustment ratio so as to provide a return of contributions needed to pay the projected amount of benefits payable for the following year and to provide for an adequate trust fund reserve. An adequate trust fund reserve as of October 1, 1986, must be at least fifteen percent of the average annual amount of benefits paid. An adequate trust fund reserve as of October 1, 1987, and each October first thereafter, must be at least twenty-five percent of the average annual amount of benefits paid. The eventual goal for the amount of the trust fund reserve is fifty percent of the average annual amount of benefits paid. The average annual amount of benefits paid shall be computed by dividing the total amount of benefits paid and projected to be paid during the previous thirty-six months by three. Benefits financed by direct reimbursement must be omitted from this computation. After the bureau has determined the necessary adjustment ratio, each basic rate in the schedule of basic rates will be reduced or increased by that adjustment ratio with the result rounded to the nearest lower one-tenth of one percent in the case of a reduction or to the nearest higher one-tenth of one percent in the case of an increase.
- 3- Any employer may voluntarily pay into the unemployment compensation fund an amount in excess of the contributions required to be paid under the provisions of this section and such amount shall be credited to his separate account. His rate of contribution shall be computed or recomputed with such amount included in the calculation. Such contributions voluntarily paid shall not be refunded or used as a credit in the payment of contributions in whole or in part. In no event shall any such amount be included in the computation or recomputation for any year unless it is paid within four months after the beginning of such year.
- 4- If the total benefits chargeable against an employer's account for all periods prior to October first of such year, including benefits paid on or before October first, with respect to weeks of unemployment compensated prior to October first, exceed the total contributions paid by such employer for the same period,

including contributions paid on or before October thirty-first with respect to wages paid prior to October first of the same year, his contribution rate for the ensuing calendar year shall be the standard rate.

- 5- In the bureau's determination of the trust fund reserve ratio, neither the amount paid by, nor the cost of benefits charged to, those employers who have elected to pay on a basis other than that which is computed under the provisions of sections 52-04-03 and 52-04-06, shall be taken into account in the computation of contribution rates and taxable wage base.

6- When

1. All employers eligible for an experience rate computation must be ranked in descending order by their reserve ratios. An employer's reserve ratio is the percentage of the average annual payroll by which the cumulative contributions paid by that employer on or before October thirty-first of any year, with respect to wages paid by that employer before October first of that same year, exceeds the cumulative benefits charged to that employer's account before October first of that year.
2. For each calendar year the bureau shall establish a schedule of rates, with the minimum rate determined under section 52-04-05 assigned to the first rate group. Each successive rate group must be assigned a rate equal to the previous group's rate plus two-tenths of one percent. The number of rate groups in the schedule must be the number required to provide for a rate group at each two-tenths of one percent interval between the minimum rate and two and one-fourth times the average required rate determined under section 52-04-05.
3. Employers must be assigned to the groups in the rate schedule in the rank order of their reserve ratios, as determined in subsection 1, with the highest reserve ratio employers assigned to the first rate group. Each successively ranked employer must be assigned to the groups in the rate schedule so that those employers reporting seventy-eight percent of the eligible employer's prior year's taxable wages are equally distributed in those rate groups at or below the average rate required of employers eligible for experience rating and twenty-two percent of those

wages are equally distributed in those rate groups above the average rate.

4. The average rate of employers eligible for experience rating is determined as follows:

a. The estimated amount of taxes to be paid each year by employers not eligible for experience rating must be subtracted from the total required income for the year determined under section 52-04-05.

b. The remainder must be divided by the estimated taxable wages of those employers eligible for experience rating, with the result rounded to the nearest one-tenth of one percent.

5. After each year's rate schedule has been established, an employer may pay into the fund an amount in excess of the contributions required to be paid under this section. That amount must be credited to the employer's separate account. The employer's rate must be recomputed with the amount included in the calculation only if that amount was paid by April thirtieth of that year. Payments may not be refunded or used as credit in the payment of contributions.

6. In the bureau's determination of the projected income requirements for computing contribution rates and taxable wage base, only the wages paid by, and the cost of benefits attributable to, tax rated employers may be taken into account.

7. If an employer has a quarterly taxable payroll in excess of fifty thousand dollars and at least three times its established average annual payroll, the tax rate for such that employer shall be is the standard maximum rate of contribution in effect that year, beginning the first day of the calendar quarter in which it occurred and for the remainder of the calendar year.

SECTION 3. AMENDMENT. Section 52-04-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-04-09. Classification of employers to determine contributions - Regulations governing. An employer's rate for a calendar year shall be determined on the basis of the employer's experience with contribution payments and benefit charges as of October first of the preceding year. If when such

determination is to be made an employer has failed to file a required report or filed an insufficient report, the bureau shall notify the employer thereof by certified mail addressed to the employer's last known address. Unless the employer files the report or a sufficient report within fifteen days after mailing of the notice, the employer's rate for the following calendar year may not be less than the standard maximum rate. If, at any time, an employer has failed to file a required report or filed an insufficient report, the bureau may, at any time, estimate the wage information required by the report on the basis of reasonably available evidence. The bureau shall notify the employer of the estimate by certified mail addressed to the employer's last known address. Unless the employer files the report or a sufficient report within fifteen days after the mailing of the notice, the estimate shall become final for all purposes, except that if the amount of estimated wages is less than the actual wages, the bureau may reconsider the estimate.

SECTION 4. AMENDMENT. Subdivision b of subsection 1 of section 52-06-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- b. An individual's "weekly benefit amount" shall be an amount equal to is one ~~fifty-second~~ sixty-fifth (if not a multiple of one dollar, to be computed to the next lower multiple of one dollar) of the sum of:

- (1) The individual's total wages for insured work paid during the two quarters of the individual's base period in which the individual's wages were the highest, however; and
- (2) One-half of the individual's total wages for insured work paid during the third highest quarter in the individual's base period.

However, if ~~such that~~ amount is less than the "minimum weekly benefit amount" the individual shall be is monetarily ineligible for benefits. The "minimum weekly benefit amount" shall be eighteen times the current federal minimum hourly wage provided under the Fair Labor Standards Act (29 U.S.C. 206). The "minimum weekly benefit amount", if not a multiple of one dollar, shall be rounded to the next lower multiple of one dollar. The is forty-three dollars. For benefit years beginning after August 8, 1987, the "maximum

weekly benefit amount" shall be as hereinafter provided:-

- (1) Sixty-two is sixty percent of the "average weekly wage", rounded to the next lower multiple of one dollar if not a multiple of one dollar; shall be the "maximum weekly benefit amount" that can be paid to any individual whose benefit year commences on or after July 1, 1983.
- (2) Sixty-five percent of the "average weekly wage", rounded to the next lower multiple of one dollar if not a multiple of one dollar; shall be the "maximum weekly benefit amount" that can be paid to any individual whose benefit year commences on or after July 1, 1984.
- (3) Sixty-seven percent of the "average weekly wage", rounded to the next lower multiple of one dollar if not a multiple of one dollar; shall be the "maximum weekly benefit amount" that can be paid to any individual whose benefit year commences on or after July 1, 1985. However, if on October first of any calendar year beginning with the calendar year 1989, the trust fund reserve is equal to or greater than the required amount, then as of July first of the next year, the maximum weekly benefit amount is sixty-two percent of the "average weekly wage", rounded to the next lower multiple of one dollar if not a multiple of one dollar. Further, if on October first of any calendar year beginning with the calendar year 1989, the trust fund reserve is equal to or greater than the required amount, and if this state's average contribution rate is below the nationwide average for the preceding calendar year, then the maximum weekly benefit amount is sixty-five percent of the "average weekly wage", rounded to the next lower multiple of one dollar if not a multiple of one dollar. The average contribution rate is determined on the basis of total contributions divided by total wages.

SECTION 5. AMENDMENT. Section 52-06-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-05. Maximum potential benefits. Any otherwise eligible individual ~~shall be~~ is entitled during the individual's benefit year to benefits for the number of times the individual's weekly benefit amount appearing in the following table on the line which includes the individual's ratio of total base-period wages to highest quarter base-period wages:

Ratio of Total Base-Period Wages to High Quarter	Times Weekly Benefit Amount
1-50 to 1-75	12
1-76 to 1-95	14
1-96 to 2-15	16
2-16 to 2-35	18
2-36 to 2-55	20
2-56 to 2-75	22
2-76 to 2-95	24
2-96 or more	26
1.50 to 2.29	12
2.30 to 2.44	14
2.45 to 2.59	16
2.60 to 2.74	18
2.75 to 2.89	20
2.90 to 3.04	22
3.05 to 3.19	24
3.20 or more	26"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Schoenwald (refused to sign), Maixner, Nething

For the House: Reps. Koland, Larson, Oban (refused to sign)

HB 1359 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that HB 1359 be placed on the Seventh order at the head of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the conference committee report on HB 1359 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted.

REQUEST

SEN. SCHOENWALD REQUESTED that his remarks be printed in the Journal, which request was granted.

SEN. SCHOENWALD: The reasons that I cannot support this conference committee report are because of the devastating cuts that it makes on the workers in the state of North Dakota, particularly on the bottom end of the scale.

I am not in disagreement with the array system and the reduction of the taxes to the employers of the state of North Dakota; I feel there is relief needed there. However, with the reduction in the benefits and the change in the way the calculation for the minimum and maximum are made, the percentage levels so that this system can be construed to keep the benefit levels at sixty percent without the fund becoming insolvent, and reducing the employer contribution to below the national average, I feel it's necessary for me to get up and speak against this conference committee report and ask for the Senate's rejection of it.

REQUEST

SEN. SCHOENWALD REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on HB 1359, which request was granted.

ROLL CALL

The question being on the adoption of the conference committee report on HB 1359, the roll was called and there were 39 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Holmberg; Ingstad; Kelly; Langley; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Heinrich; Hilken; Keller; Kelsh; Krauter; Lashkowitz; Mathern; Maxson; Mushik; Redlin; Richard; Schoenwald; Shea

ABSENT AND NOT VOTING: Thane

So the report of the conference committee on HB 1359 was adopted.

SECOND READING OF HOUSE BILL

HB 1359: A BILL for an Act to amend and reenact sections 52-04-05, 52-04-06, 52-04-09, subdivision b of subsection 1 of section 52-06-04, and section 52-06-05 of the North Dakota Century Code, relating to unemployment compensation contributions and benefit.

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, 9 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Langley; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.;

Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja;
Nelson; Nething; Olson; Peterson; Redlin; Reiten;
Satrom; Stenehjem; Streibel; Stromme; Tallackson;
Tennefos; Todd; Tweten; Vosper; Waldera; Wogsland;
Wright; Yockim

NAYS: Hilken; Keller; Krauter; Lashkowitz; Mathern;
Maxson; Richard; Schoenwald; Shea

ABSENT AND NOT VOTING: Thane

HB 1359 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1359 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1359 be messaged to the House immediately, which motion prevailed.

MESSAGES TO THE HOUSE 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 2004

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 1018, HB 1019

PERRY GROTEBERG, Secretary

MESSAGES FROM THE HOUSE 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 2016

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2556

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2562 which the House has amended and subsequently passed:

HOUSE AMENDMENTS TO SB 2562

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act for a contingent appropriation for additional compensation to North Dakota state employees."

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

SECTION 1. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated, subject to the availability of state general fund revenues as provided for in section 2 of this Act, out of the general fund and from special funds or moneys derived from federal funds or income in the state treasury as indicated to the agencies and institutions of state government named for the purpose of providing additional compensation to employees for the various agencies and institutions for the period beginning July 1, 1988, and ending June 30, 1989:

AGENCY OR INSTITUTION	GENERAL FUND	SPECIAL FUND	TOTAL
Governor	\$ 15,364		\$ 15,364
Lieutenant governor	1,070		1,070
Secretary of state	20,950	\$ 5,572	26,522
Office of management and budget	77,523	12,620	90,143
Central data processing		147,024	147,024
State auditor	52,223	12,063	64,286
Central duplicating		18,198	18,198
State treasurer	9,221		9,221
Attorney general	96,090	26,393	122,483
Tax commissioner	180,150		180,150
Director of institutions	80,249		80,249
Motor vehicle department		56,842	56,842
Legislative council	43,901		43,901
Supreme court	55,256		55,256
Judicial qualifications	3,782		3,782
District courts	150,928		150,928
Public employees retirement board		17,218	17,218

Superintendent of public instruction	38,506	60,276	98,782
Division of independent study	30,002		30,002
Board of higher education	16,690		16,690
State industrial school	94,075	3,278	97,353
Commissioner of university and school lands		19,459	19,459
Bismarck state college	191,389		191,389
NDCS-Devils Lake	54,165		54,165
UND-Williston	65,998		65,998
University of North Dakota	1,260,943		1,260,943
Medical center		287,649	287,649
rehabilitation hospital			
University of North Dakota medical center	461,792	273,545	735,337
State toxicologist	9,183		9,183
North Dakota state university	1,085,163		1,085,163
North Dakota state college of science	409,911		409,911
SUND-Dickinson	168,740		168,740
SUND-Mayville	107,910		107,910
SUND-Minot	338,081		338,081
SUND-Valley City	153,057		153,057
NDSU-Bottineau	65,016		65,016
North Dakota forest service	20,877		20,877
State library	25,756		25,756
School for the deaf	64,524		64,524
School for the blind	47,003		47,003
Teachers' fund for retirement		10,803	10,803
Board of vocational education	18,447	25,038	43,485
Department of health and consolidated laboratories	199,002	132,668	331,670
Grafton state school	205,214	893,950	1,099,164
State hospital	872,707		872,707
Veterans' home		35,839	35,839
Indian affairs commission	3,646		3,646
Department of veterans' affairs (veterans' postwar trust fund)		5,584	5,584
Department of human services	859,358	214,839	1,074,197
Governor's council on human resources	2,590	1,344	3,934
Protection advocacy project	27,787	4,735	32,522
Insurance commissioner (Insurance regulatory trust fund)		30,306	30,306
Industrial commission	42,346		42,346
Labor commissioner	6,539		6,539
Public service commission	53,964	16,866	70,830
Weather modification board	2,700	1,267	3,967
Aeronautics commission		10,167	10,167
Department of banking and financial institutions	29,295		29,295

Securities commissioner	7,278		7,278
Bonding fund		664	664
Fire and tornado fund		4,205	4,205
Bank of North Dakota		185,835	185,835
Housing finance agency		39,674	39,674
Mill and elevator association		76,900	76,900
OASIS and social security		3,909	3,909
Workmen's compensation bureau		79,937	79,937
Job service		584,002	584,002
Parole and probation office	38,874		38,874
Highway patrol		257,299	257,299
Radio communications		33,138	33,138
Division of emergency management	5,685	18,892	24,577
Civil air patrol	780		780
State penitentiary	182,049		182,049
Penitentiary industries		22,350	22,350
Adjutant general	21,770		21,770
Economic development commission	17,796	17,546	35,342
Commissioner of agriculture	32,661	5,632	38,293
Milk stabilization board		6,667	6,667
Sunflower council		1,061	1,061
Agricultural products utilization commission		2,477	2,477
Seed department		38,600	38,600
Livestock sanitary board	6,846		6,846
Wheat commission		9,233	9,233
Upper Great Plains transportation institute	3,920	3,080	7,000
Extension division	129,158	157,860	287,018
Cooperative extension service - nutrition		12,656	12,656
Northern crops institute	6,603	1,352	7,955
Main experiment station	245,819	201,124	446,943
Branch experiment stations	48,521	490	49,011
Agronomy seed farm		3,966	3,966
Land reclamation research center		26,494	26,494
Historical society	55,446	3,248	58,694
Council on the arts	4,752	1,205	5,957
Soil conservation committee	6,677		6,677
Geological survey	24,627		24,627
Game and fish department		132,721	132,721
Parks and recreation department	42,173	1,642	43,815

Water commission	88,107	2,240	90,347
Southwest water pipeline		4,623	4,623
Highway department		1,191,989	1,191,989
Total	\$8,788,625	\$5,456,254	\$14,244,879

SECTION 2. CONTINGENT APPROPRIATION. One-half of the amounts appropriated in section 1 of this Act shall be made available on January 1, 1989, only upon determination by the director of the office of management and budget that estimated general fund revenues for the biennium ended June 30, 1989, are greater than estimated at the close of the fiftieth legislative assembly by \$4,400,000.

SECTION 3. CONTINGENT APPROPRIATION. On January 1, 1989, the remaining one-half of the amounts appropriated in section 1 of this Act shall be made available retroactively to July 1, 1988, only upon determination by the director of the office of management and budget that estimated general fund revenues for the biennium ended June 30, 1989, are greater than estimated at the close of the fiftieth legislative assembly by \$8,800,000.

SECTION 4. LEGISLATIVE INTENT. The amounts appropriated pursuant to the provisions of this Act shall only be available to state agencies and institutions for employee compensation increases on January 1, 1989, to be paid on February 1, or later, that do not exceed two percent plus \$50 per month for each employee."

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 7:00 p.m., which motion prevailed.

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

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Reengrossed SB 2015 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1958-1963 of the Senate Journal and that Reengrossed SB 2015 be amended as follows:

That the House recede from its amendments as found on pages 2286-2291 of the House Journal and pages 1958-1963 of the Senate Journal and reengrossed Senate Bill No. 2015 be amended as follows:

On page 1 of the reengrossed bill, line 9, delete the words "to repeal section 50-24.1-02.3"

On page 1 of the reengrossed bill, delete line 10

On page 1 of the reengrossed bill, line 11, delete the word
"allowances;"

On page 1 of the reengrossed bill, line 12, delete the words
"pre-need burials" and insert in lieu thereof the words
"inspection of care and survey functions, DUI evaluation
program reductions, human service center operating
expenses,"

On page 1 of the reengrossed bill, line 26, delete the numerals
"46,359,232" and insert in lieu thereof the numerals
"45,442,896"

On page 1 of the reengrossed bill, line 27, delete the numerals
"22,175,469" and insert in lieu thereof the numerals
"23,101,331"

On page 2 of the reengrossed bill, line 1, delete the numerals
"535,148" and insert in lieu thereof the numerals "508,095"

On page 2 of the reengrossed bill, line 2, delete the numerals
"469,145,308" and insert in lieu thereof the numerals
"460,976,011"

On page 2 of the reengrossed bill, line 3, delete the numerals
"546,801,838" and insert in lieu thereof the numerals
"538,615,014"

On page 2 of the reengrossed bill, line 4, delete the numerals
"367,688,005" and insert in lieu thereof the numerals
"365,695,285"

On page 2 of the reengrossed bill, line 5, delete the numerals
"179,113,833" and insert in lieu thereof the numerals
"172,919,729"

On page 2 of the reengrossed bill, line 18, delete the numerals
"6,359,375" and insert in lieu thereof the numerals
"6,459,375"

On page 2 of the reengrossed bill, line 22, delete the numerals
"44,968,477" and insert in lieu thereof the numerals
"45,068,477"

On page 2 of the reengrossed bill, line 24, delete the numerals
"31,535,860" and insert in lieu thereof the numerals
"31,635,860"

On page 3 of the reengrossed bill, line 1, delete the numerals
"7,813,440" and insert in lieu thereof the numerals
"6,813,440"

- On page 3 of the reengrossed bill, line 2, delete the numerals "5,070,515" and insert in lieu thereof the numerals "4,070,515"
- On page 3 of the reengrossed bill, line 9, delete the numerals "215,923,738" and insert in lieu thereof the numerals "208,829,634"
- On page 3 of the reengrossed bill, line 10, delete the numerals "386,512,033" and insert in lieu thereof the numerals "384,519,313"
- On page 3 of the reengrossed bill, line 11, delete the numerals "602,435,771" and insert in lieu thereof the numerals "593,348,947"
- On page 4 of the reengrossed bill, after line 22, insert the following new sections:

"SECTION 6. INTERGRATION OF INSPECTION OF CARE AND SURVEY FUNCTIONS. It is the intent of the legislative assembly that the department of human services and the state department of health continue in their cooperative efforts to integrate the medicaid inspection of care responsibilities and the health facility certification survey functions as they relate to long-term care facilities, including skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the developmentally disabled. Upon approval of the budget section of the legislative council, the department of human services may make expenditures from the appropriations contained in subdivision 1 of section 1 of this Act to the state department of health for purposes of unifying the certification survey and inspection of care functions during the biennium beginning July 1, 1987, and ending June 30, 1989.

SECTION 7. LEGISLATIVE INTENT - DUI EVALUATION PROGRAM REDUCTIONS. It is the intent of the legislative assembly that the department of human services eliminate by July 1, 1989, the provision of alcohol and drug evaluations for persons resulting from violations of the state's driving under the influence laws and other criminal violations.

SECTION 8. LEGISLATIVE INTENT - HUMAN SERVICE CENTER OPERATING EXPENSES. The legislative assembly recognizes that funds appropriated in subdivision 1 of section 1 of this Act for defraying operating expenses in human services centers during the biennium beginning July 1, 1987, and ending June 30, 1989, are insufficient to fulfill otherwise ongoing obligations, including certain lease commitments, that are conditioned upon legislative appropriations. It is the intent of the legislative

assembly that the department of human services take such actions as may be necessary to curtail or modify otherwise ongoing obligations so as to operate within the appropriations contained in subdivision 1 of section 1 of this Act for purposes of defraying human service center operating expenses."

On page 5 of the reengrossed bill, delete lines 7 through 19

On page 5 of the reengrossed bill, delete lines 31 and 32

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Department of Human Services

	Total All Funds Increase (Decrease)	General Fund Increase (Decrease)	Other Funds Increase (Decrease)
<u>Salaries and wages</u>			
Delete funding for two CMI long-term residential facilities (eight community home counselors and two activity therapist IIs)	\$ (141,384)	\$ (141,384)	
Delete funding for one CMI transitional living facility for adults (four community home counselors)	(87,916)	(87,916)	
Delete funding to delay staffing of two remaining new transitional living facilities by three months (one adolescent facility to begin on April 1, 1989, and one adult facility on October 1, 1988)	(68,393)	(68,393)	
Delete funding for four administrative secretaries for the CMI program	(119,128)	(119,128)	
Delete funding for three FTE in the children's diagnostic and treatment program (one psychologist III, one social worker II, and one secretary II)	(174,515)	(174,515)	
Reduce funding for additional vacancy savings	(400,000)	(400,000)	

Add funding for temporary salaries for the CMI program	75,000	75,000	
Subtotal salaries and wages	\$ (916,336)	\$ (916,336)	
<u>Operating expenses</u>			
Delete funding relating to two CMI long-term residential facilities	\$ (56,090)	\$ (56,090)	
Delete funding relating to one CMI transitional living facility for adults	(80,644)	(80,644)	
Delete funding relating to delaying staffing of two remaining new transitional living facilities by three months	(70,016)	(70,016)	
Delete funding relating to children's diagnostic and treatment program staff	(18,932)	(18,932)	
Add funds for liability insurance for department employees including State Hospital physicians	431,544	246,583	\$ 184,961
Add funds for HB 1448 - consulting fees for establishment of case mix determination system for nursing homes	340,000	85,000	255,000
Add funds for the department's payment of hearing officers in the child support enforcement program	380,000	114,000	266,000
Subtotal operating expenses	\$ 925,862	\$ 219,901	\$ 705,961
<u>Equipment</u>			
Delete funding related to children's diagnostic and treatment program staff	\$ (7,471)	\$ (7,471)	
Delete funding related to four administrative secretaries for the CMI program	(19,582)	(19,582)	
Subtotal equipment	\$ (27,053)	\$ (27,053)	
<u>Grants, benefits, and claims</u>			
Delete funding of the four new psychosocial	\$ (200,000)	\$ (200,000)	

rehabilitation centers for the CMI to the second year of the biennium			
Delete funding for home and community-based service program enhancement in SB 2038	(1,992,080)	(1,992,080)	
Recognize developmental disabilities recipient liability for residential services in budget by reducing grants. These payments will be made to providers by recipients.	(1,800,000)	(641,360)	(1,158,640)
Delay funding for AFDC four percent inflationary increase from 10/1/87 to 7/1/88	(678,042)	(196,782)	(481,260)
Reduce funding for other inflationary increases:			
Medical assistance (nonlong-term care) (to 1.6 percent/year)	(2,076,270)	(616,498)	(1,459,772)
DD services (to 1.6 percent/year)	(509,409)	(247,363)	(262,046)
DD provider salary adjustment	(1,625,000)	(837,567)	(787,433)
Delete funding for the March 1987 reprojection in medical assistance costs	(1,426,143)	(430,223)	(995,920)
Delete funding for a portion of youth program enhancements:	(211,744)	(211,744)	
Delete funding for Title XIX reimbursement at Grafton relating to Senate amendments deleting salary increase package	(893,950)	(310,394)	(583,556)
Add funds for wage order #7 - requires payment of overtime to staff at DD group homes including payment for night shifts	2,219,808	918,942	1,300,866
Add funds to retain pre-need burial limitations at \$3,000	690,677	226,314	464,363
Add funds for SB 2037 relating to preadmission screening	332,856	68,139	264,717
Subtotal grants	\$ (8,169,297)	\$ (4,470,616)	\$ (3,698,681)
<u>Funding source change</u>			
Recognize Title XIX reimbursement for DD	\$ 0	\$ (200,000)	\$ 200,000

administration costs and reduce general fund			
Recognize additional federal financial participation		(800,000)	800,000
<hr/>			
Total subdivision 1	\$ (8,186,824)	\$(6,194,104)	\$ (1,992,720)
<hr/>			
<u>State Hospital</u>			
Operating expenses - add funds for professional development	\$ 100,000	\$ 100,000	
<hr/>			
Total State Hospital	\$ 100,000	\$ 100,000	
<hr/>			
<u>DD pool</u>			
Reduce funding	\$ (1,000,000)	\$(1,000,000)	
<hr/>			
Total DD pool	\$ (1,000,000)	\$(1,000,000)	
<hr/>			
Total changes to reengrossed SB 2015	\$ (9,086,824)	\$(7,094,104)	\$ (1,992,720)

These amendments reduce the executive recommendation by \$11,993,168 from the general fund.

In addition these amendments delete the statutory changes relating to the pre-need burial changes and retain the \$3,000 limit in current law (adds \$690,677, \$226,314 from the general fund).

Legislative intent sections are added to encourage cooperative efforts by the Department of Human Services and Department of Health to integrate the inspection of care and survey functions of long-term care facilities and for the Department of Human Services to eliminate the provision of alcohol and drug evaluations for persons as a result of violations of the state's driving under the influence law and other criminal violations by July 1, 1989, and regarding operating expenses at the human service centers.

For the Senate: Sens. Mushik, Yockim, Nelson
For the House: Reps. Kuchera, Winkelman, Kelly

Reengrossed SB 2015 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. HEIGAARD MOVED that SB 2015 be placed on the Seventh order of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MUSHIK MOVED that the conference committee report on Reengrossed SB 2015 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act making an appropriation for defraying the expenses of the department of human services, state hospital, and the governor's council on human resources; making an appropriation and transfer from the lands and minerals trust fund to the common schools trust fund; making an appropriation of excess revenues generated by human service centers; providing the emergency commission with appropriation transfer authority; to amend and reenact section 50-01-09.2 of the North Dakota Century Code, relating to poor relief expenditures; and to provide legislative intent statements relating to inspection of care and survey functions, DUI evaluation program reductions, human service center operating expenses, and the use of capital improvement appropriations for payment of construction bonds.

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 42 YEAS, 10 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Naaden; Nalewaja; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Kelly; Meyer, D.; Moore; Mutch; Nelson; Streibel; Wright

ABSENT AND NOT VOTING: Hilken

SB 2015 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEIGAARD MOVED that the Senate do concur in the House amendments to SB 2562 as printed in the Senate Journal of the Seventy-third Legislative Day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2562: A BILL for an Act for a contingent appropriation for additional compensation to North Dakota state employees.

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 40 YEAS, 11 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Mutch; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Meyer, D.; Naaden; Nelson; Streibel; Vosper; Wright

ABSENT AND NOT VOTING: Dotzenrod; Moore

SB 2562 passed and the title was agreed to.

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 2562 and subsequently passed the same.

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 1359

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 1006, HB 1007

PERRY GROTEBERG, Secretary

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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 1590: Sens. Maixner, Dotzenrod, Moore

PERRY GROTBERG, Secretary

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 8:30 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 transmit herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

SB 2015

PERRY GROTBERG, Secretary

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has not adopted the conference committee report on SB 2004 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2004: Reps. R. Hausauer, Payne, Hill

ROY GILBREATH, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HEIGAARD 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 2004, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2004:

Sens. Tallackson, Waldera, Nelson

MESSAGE TO THE HOUSE

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 2004: Sens. Tallackson, Waldera, Nelson

PERRY GROTBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2523 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2373-2395 of the Senate Journal and that Engrossed SB 2523 be amended as follows:

That the House recede from its amendments to engrossed Senate Bill 2523, as printed on pages 2803-2825 of the House Journal and pages 2373-2395 of the Senate Journal, and that engrossed Senate Bill No. 2523 be amended as follows:

- On page 1 of the engrossed bill, line 6, delete the word "section" and insert in lieu thereof the word and numerals "sections 49-05-05, 49-18-32,"
- On page 1 of the engrossed bill, line 7, after the numerals "49-18-41.1" insert the numerals and word ", 54-03-10, 60-02-07, and 64-02-10" and after the comma insert the words and numerals "and section 51-05.1-01.1 of the North Dakota Century Code as created by section 3 of House Bill No. 1223, as approved by the fiftieth legislative assembly"
- On page 1 of the engrossed bill, line 8, after the word "commission" insert the words "and to compensation of certain subcommittee chairmen; and to declare an emergency"
- On page 1 of the engrossed bill, line 25, delete the numerals "6,720" and insert in lieu thereof the numerals "5,720"
- On page 1 of the engrossed bill, delete line 27
- On page 1 of the engrossed bill, delete line 28
- On page 2 of the engrossed bill, line 2, delete the numerals "1,300,722" and insert in lieu thereof the numerals "1,274,722"
- On page 2 of the engrossed bill, line 13, delete the numerals "332,133" and insert in lieu thereof the numerals "317,133"
- On page 2 of the engrossed bill, line 15, delete the numerals "404,114" and insert in lieu thereof the numerals "379,114"
- On page 2 of the engrossed bill, line 17, delete the numerals "1,904,183" and insert in lieu thereof the numerals "1,864,183"
- On page 2 of the engrossed bill, line 18, delete the numerals "722,880" and insert in lieu thereof the numerals "717,308"
- On page 2 of the engrossed bill, line 19, delete the numerals "1,181,303" and insert in lieu thereof the numerals "1,146,875"

- On page 2 of the engrossed bill, line 27, delete the numerals "1,542,861" and insert in lieu thereof the numerals "1,508,109"
- On page 2 of the engrossed bill, line 29, delete the numerals "4,800" and insert in lieu thereof the numerals "4,000"
- On page 2 of the engrossed bill, line 30, delete the numerals "191,380" and insert in lieu thereof the numerals "127,506"
- On page 2 of the engrossed bill, line 31, delete the numerals "69,120" and insert in lieu thereof the numerals "14,560"
- On page 2 of the engrossed bill, line 33, delete the numerals "107,000" and insert in lieu thereof the numerals "45,000"
- On page 2 of the engrossed bill, line 35, delete the numerals "10,279,769" and insert in lieu thereof the numerals "10,063,783"
- On page 3 of the engrossed bill, line 2, delete the numerals "6,784,427" and insert in lieu thereof the numerals "6,532,441"
- On page 3 of the engrossed bill, line 5, delete the numerals "3,271,649" and insert in lieu thereof the numerals "3,150,141"
- On page 3 of the engrossed bill, line 6, delete the numerals "433,074" and insert in lieu thereof the numerals "416,505"
- On page 3 of the engrossed bill, line 9, delete the numerals "3,760,723" and insert in lieu thereof the numerals "3,622,646"
- On page 3 of the engrossed bill, line 11, delete the numerals "3,399,707" and insert in lieu thereof the numerals "3,261,630"
- On page 3 of the engrossed bill, line 14, delete the numerals "504,655" and insert in lieu thereof the numerals "499,525"
- On page 3 of the engrossed bill, line 15, delete the numerals "71,393" and insert in lieu thereof the numerals "67,393"
- On page 3 of the engrossed bill, line 18, delete the numerals "603,856" and insert in lieu thereof the numerals "594,726"
- On page 3 of the engrossed bill, line 21, delete the numerals "8,371,243" and insert in lieu thereof the numerals "8,328,723"

- On page 3 of the engrossed bill, line 22, delete the numerals "1,910,171" and insert in lieu thereof the numerals "1,901,395"
- On page 3 of the engrossed bill, line 23, delete the numerals "1,250,713" and insert in lieu thereof the numerals "1,223,977"
- On page 3 of the engrossed bill, line 24, delete the numerals "36,345" and insert in lieu thereof the numerals "44,095"
- On page 3 of the engrossed bill, line 25, delete the numerals "11,568,472" and insert in lieu thereof the numerals "11,498,190"
- On page 3 of the engrossed bill, line 28, delete the numerals "428,719" and insert in lieu thereof the numerals "463,929"
- On page 3 of the engrossed bill, line 29, delete the numerals "140,980" and insert in lieu thereof the numerals "82,425"
- On page 3 of the engrossed bill, line 30, delete the numerals "320" and insert in lieu thereof the numerals "3,665"
- On page 3 of the engrossed bill, line 31, delete the numerals "570,019" and insert in lieu thereof the numerals "550,019"
- On page 3 of the engrossed bill, line 33, delete the numerals "484,769" and insert in lieu thereof the numerals "464,769"
- On page 4 of the engrossed bill, line 4, delete the numerals "4,018,086" and insert in lieu thereof the numerals "3,973,391"
- On page 4 of the engrossed bill, line 7, delete the numerals "167,895" and insert in lieu thereof the numerals "143,530"
- On page 4 of the engrossed bill, line 8, delete the numerals "8,559,190" and insert in lieu thereof the numerals "8,490,130"
- On page 4 of the engrossed bill, line 10, delete the numerals "4,055,415" and insert in lieu thereof the numerals "3,986,355"
- On page 4 of the engrossed bill, line 13, delete the numerals "1,870,583" and insert in lieu thereof the numerals "1,791,368"
- On page 4 of the engrossed bill, line 14, delete the numerals "1,380,905" and insert in lieu thereof the numerals "1,323,543"

- On page 4 of the engrossed bill, line 16, delete the numerals "270,000" and insert in lieu thereof the numerals "50,000"
- On page 4 of the engrossed bill, line 21, delete the numerals "1,000,000" and insert in lieu thereof the numerals "1,100,000"
- On page 4 of the engrossed bill, line 22, delete the numerals "4,693,308" and insert in lieu thereof the numerals "4,436,731"
- On page 4 of the engrossed bill, line 23, delete the numerals "1,561,958" and insert in lieu thereof the numerals "1,461,958"
- On page 4 of the engrossed bill, line 24, delete the numerals "3,131,350" and insert in lieu thereof the numerals "2,974,773"
- On page 4 of the engrossed bill, line 25, delete the numerals "32,942,848" and insert in lieu thereof the numerals "32,253,308"
- On page 4 of the engrossed bill, line 26, delete the numerals "11,416,221" and insert in lieu thereof the numerals "11,471,649"
- On page 4 of the engrossed bill, line 27, delete the numerals "44,359,069" and insert in lieu thereof the numerals "43,724,957"
- On page 5 of the engrossed bill, line 8, after the word "APPROPRIATION" insert the words "- AGRICULTURE COMMISSIONER"
- On page 5 of the engrossed bill, line 34, delete the numerals "483,329" and insert in lieu thereof the numerals "475,742"
- On page 6 of the engrossed bill, line 5, delete the words "The tax" and insert in lieu thereof the words "Notwithstanding section 57-01-02.1 or any other provision to the contrary, income of up to \$400,000 received from administrative fees generated through tax collection agreements with counties or other political subdivisions initiating taxes during the biennium ending June 30, 1989, will be deposited in the tax commissioner's operating fund. All fees collected over \$400,000 will be deposited in the general fund. Funds under this section are hereby appropriated for purposes of this section."
- On page 6 of the engrossed bill, delete lines 6 through 9
- On page 6 of the engrossed bill, line 13, delete the numerals "844,000" and insert in lieu thereof the numerals "835,300"

- On page 6 of the engrossed bill, line 17, delete the numerals "1,000,000" and insert in lieu thereof the numerals "1,100,000"
- On page 6 of the engrossed bill, line 18, delete the words "the credit review board determines is" and insert in lieu thereof the words "may be"
- On page 6 of the engrossed bill, delete line 21 and insert in lieu thereof the words "agriculture from the home-quarter fund in quarterly installments of \$100,000, or so much thereof as is determined by"
- On page 6 of the engrossed bill, line 22, delete the words "credit review board" and insert in lieu thereof the words "commissioner of agriculture to be necessary" and after the word "providing" insert the words "farm credit counseling and"
- On page 6 of the engrossed bill, line 23, delete the words "to the credit review board"
- On page 6 of the engrossed bill, line 24, after the period insert the words "Transfers in excess of \$100,000 per quarter, not to exceed the total of \$1,100,000, may be authorized by the credit review board."
- On page 6 of the engrossed bill, line 30, delete the word "institutions" and insert in lieu thereof the word "facilities"
- On page 6 of the engrossed bill, line 32, after the word "fee" insert the words "not to exceed fifty dollars"
- On page 6 of the engrossed bill, after line 35, insert the following sections:

"SECTION 13. AMENDMENT. Section 49-05-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-05-05. Changes in tariff rates - Notice to commission - Filing fee. No change shall be made by any public utility in any tariffs, rates, joint rates, fares, tolls, schedules, classifications, or service which have been filed and published by any public utility, except after thirty days' notice to the commission. Such The notice shall state plainly the changes proposed and except for services must be accompanied by a fifty dollar filing fee. The commission for a good cause shown, may allow changes upon less than the notice herein specified, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

SECTION 14. AMENDMENT. Section 49-18-32 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-18-32. Fees - Common or contract motor carrier. Every common motor carrier and every contract carrier of property or passengers now operating, or which hereafter shall operate, as such common or contract carrier in this state, at the time of making application for a certificate of public convenience and necessity or permit, and annually thereafter, on or before April fifteenth of each calendar year, shall pay a fee of not less than ~~fifteen~~ eighty-five dollars nor more than ~~one~~ two hundred fifty dollars, to be fixed by the commission in each instance. Miscellaneous nonrefundable fees shall be as follows:

1. Application for transfer of certificate of public convenience and necessity ~~\$50.00~~ 100.00
2. Application for the mortgaging of a certificate of public convenience and necessity 10.00
3. Application for the issuance of a duplicate certificate of public convenience and necessity 5.00
4. Copy of all records of the commission pertaining to auto transportation companies, per one hundred words or portion thereof50"

On page 7 of the engrossed bill, line 5, delete the word "six" and insert in lieu thereof the word "seven"

On page 7 of the engrossed bill, after line 10, insert the following sections:

"SECTION 16. AMENDMENT. Section 51-05.1-01.1 of the North Dakota Century Code as created by Section 3 of House Bill No. 1223, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

51-05.1-01.1. Auctioneer's license - Clerk's license - Fees - Bonds. Application for an annual auctioneer's or clerk's license must be in writing, verified, and must show the name, residence, and address of the applicant. An application must be filed at least ten days prior to the first auction sale the applicant is to conduct or clerk. Application for renewal of an annual license must be on forms designated by the commission. The fee for the annual license or renewal is ~~twenty-five~~ thirty-five dollars and must accompany the application. The name and license

number must appear on all advertising of sales conducted by an auctioneer or clerk.

When filing an application an auctioneer or clerk must file a corporate surety bond of three thousand dollars for an auctioneer and ten thousand dollars for a clerk with the state of North Dakota as obligee for the benefit of any person injured by the licensee's improper conduct.

SECTION 17. AMENDMENT. Section 54-03-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-10. Compensation of speaker, majority and minority leaders, committee chairmen, and employees. The speaker of the house, the house majority leader, the senate majority leader, the house minority leader, and the senate minority leader shall each receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of ten dollars per day for each calendar day during any regular, special, or organizational session. Chairmen of the substantive standing committees and chairmen of permanent subcommittees of the house appropriations committee shall receive additional compensation of five dollars for each calendar day during any regular, special, or organizational session. The additional compensation provided by this section shall be paid in the manner provided in section 54-03-20. The legislative assembly, by concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed. The provisions of this section shall be retroactive to January 1, 1985 1987.

SECTION 18. AMENDMENT. Section 60-02-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-07. Public warehouse license - How obtained - Fee. A license must be obtained through the commission for each public warehouse in operation in this state. No license so issued shall describe more than one public warehouse nor grant permission to operate any public warehouse other than the one described therein. The annual license fee for a public warehouse shall be one hundred thirty dollars for a warehouse of a bushel capacity of two hundred thousand [7047.8 cubic meters] or less, two hundred sixty dollars for a warehouse of a bushel capacity of two hundred thousand and one to and including five hundred thousand [7047.83 to and including 17,619.54 cubic meters], and two three hundred fifty forty dollars for a warehouse of a bushel capacity of five hundred thousand and one [17,619.57 cubic meters] or more. The fees collected under this section shall be paid into the state treasury and credited to the general fund of the state. If a public warehouseman

operates two or more warehouses in the same city or siding, in conjunction with each other and with the same working force, and where but one set of books and records is kept for all such warehouses, and scale tickets, warehouse receipts, checks, and credit-sale contracts of but one series are issued for the grain stored and purchased therein, only one license shall be required for the operation of all such warehouses. Where two or more warehouses are operated under one license, the license fee shall be based upon the combined bushel capacity of said warehouses.

SECTION 19. AMENDMENT. Section 64-02-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-10. Fee schedule for inspection of weighing and measuring devices. The director or other employee of the department of weights and measures shall charge and collect fees in accordance with the following schedule:

1. For inspecting railroad track scales ~~75-00~~ 80.00
2. For inspecting livestock and vehicle scales eight thousand pounds [3628.74 kilograms] capacity and under 35.00
3. For inspecting livestock and vehicle scales over eight thousand pounds [3628.74 kilograms] capacity ~~75-00~~ 80.00
4. For inspecting livestock scales under the jurisdiction of Packers and Stockers Act of the federal department of agriculture ~~75-00~~ 80.00
5. For inspecting livestock scales under the jurisdiction of Packers and Stockers Act of the federal department of agriculture, where in the discretion of the director of weights and measures or his employee, the sales ring or buying station scale owner transports to the scale and furnishes all test weights and manpower needed to properly test the scale 45.00

6. For inspecting auxiliary beam
on livestock, motor truck,
motor truck dump scales 15.00
7. For inspecting road
construction truck scales ~~75-00~~ 80.00
8. For inspection of road
construction hopper scales,
six thousand and one
pounds [2722.01 kilograms]
capacity and over 35.00
9. For inspecting overhead
track scales, hopper scales, dormant
scales, and hanging scales six thousand
pounds [2721.55 kilograms]
capacity and over 35.00

For inspecting overhead
track scales, dormant scales,
hanging scales, and
hopper scales five thousand
nine hundred ninety-nine
pounds [2721.10 kilograms] and
less capacity, each 20.00
10. For inspecting movable
platform scales 6.00
11. For inspecting all counter
and computing scales ~~5-00~~ 6.00
12. For inspecting every patent
balance, beam steel yard, or
other instrument used
for weighing other than
the above enumerated, each ~~5-00~~ 6.00
13. For inspecting any two-bushel
[70.48 liter] or
one-bushel [35.24 liter]
measure ~~5-00~~ 6.00
14. For inspecting any other dry
measure, each ~~5-00~~ 6.00
15. For inspecting any board of
cloth measure, each ~~5-00~~ 6.00
16. For inspecting any liquid
measure or computing pump ~~5-00~~ 6.00

- | | | |
|-----|---|-------------------------------|
| 17. | For each inspection of any liquid measure or computing pump in addition to the regularly scheduled annual inspection, including inspections made for new equipment which replaces a rejected measuring device | 5-00 <u>6.00</u> |
| 18. | For inspecting liquid measures of five gallons [18.93 liters] or less capacity, each | 5-00 <u>6.00</u> |
| 19. | For inspecting gasoline and fuel oil meters | 12-00 <u>15.00</u> |
| 20. | For inspecting gasoline and fuel oil meters on common carrier pipelines, and any other meters used in loading railway cars, transports, or other conveyances | 30-00 <u>35.00</u> |
| 21. | For inspecting propane and liquid fertilizer meters | 20-00 <u>25.00</u> |
| 22. | For calibrating truck tanks of one thousand gallons [3785.41 liters] capacity and under | 30.00 |
| | Truck tanks between one thousand and one gallons [3789.10 liters] and six thousand gallons [22,712.47 liters] | 40.00 |
| | Truck tanks above six thousand gallons [22,712.47 liters] | 50.00 |
| 23. | For inspection of Crane scales six thousand pounds [2721.55 kilograms] and less capacity, each | 30.00 |
| | For inspection of Crane scales six thousand and one pounds [2722.01 kilograms] capacity and over, each | 50.00 |

Where a rejected weighing and measuring device has been reconditioned or replaced by new equipment, the same must be reinspected and a certificate issued before being

put into use, and except as otherwise provided above, the fee charged for such reinspection and certification shall be the same as for the first inspection and certification. When the director or other employee of the department of weights and measures finds any of the instruments or articles used in weighing or measuring to be out of allowable tolerance set by the commission, the director or other employee shall inform the owner or operator that his weighing or measuring equipment is out of tolerance and to instruct him that a competent serviceman is to be called to service the device and bring said device to allowable tolerance.

Whenever a special inspection of any measuring device is required, in addition to the regularly scheduled annual inspection made by the department, a charge of fifty cents per mile [1.61 kilometers] will be made unless the motor vehicle, including the testing equipment necessary to perform such special inspection, weighs less than ten thousand pounds [4535.92 kilograms] gross. If the motor vehicle weighs less than ten thousand pounds [4535.92 kilograms] gross, a charge of twenty-five cents per mile [1.61 kilometers] will be made, and all such mileage charges shall be in addition to the regular inspection fee to cover the costs of the additional travel by the director or employee occasioned by such special inspection. Where a special inspection has been requested and the person requesting such special inspection fails to appear at the arranged hour, or fails to have the weighing or measuring device in readiness for inspection or for repair or maintenance work at the arranged hour, there shall be a charge of thirty dollars an hour for the time interval between the arranged hour and the hour at which the inspection can be commenced.

SECTION 20. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to the secretary of state for the preparation, printing, and distribution of the North Dakota Blue Book, for the period beginning with the effective date of this Act and ending June 30, 1989.

SECTION 21. DUTIES OF THE SECRETARY OF STATE.

1. In organizing and preparing the content of the Centennial edition of the North Dakota Blue Book, the secretary of state shall consult with representatives from the North Dakota library community.
2. Printing and binding of the North Dakota Centennial edition of the Blue Book must be let

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as a special class of printing upon competitive bidding to the lowest bidder.

3. The North Dakota Centennial edition of the Blue Book must include color photograph reproductions where appropriate including one of Representative Haugland, and it may not contain more than six hundred pages and the number to be printed may not exceed four thousand volumes.
4. The secretary of state shall print, furnish, and distribute the North Dakota Blue Book as follows:
 - a. One copy to each member of the legislative assembly.
 - b. Three copies to the state historical society.
 - c. Two copies to the state law library.
 - d. Two copies to each of the college and university libraries in the state.
 - e. Ten copies to the legislative council.
 - f. One copy to each public institution maintained by the state.
 - g. One copy to each elective and appointive state officer.
 - h. One copy to each public library in the state.
 - i. One copy to each county auditor.
 - j. One copy to each public high school and junior high school in the state.
 - k. One copy to each supreme court justice.
 - l. One copy to each district judge.
5. After making the distribution required by subsection 4, the secretary of state shall provide for the sale of the Blue Book through state agencies and may negotiate with North Dakota licensed private vendors and state agencies to allow for sales at various locations throughout the state. The secretary of state shall establish the price of the Blue Book. All proceeds received by the state must be deposited in the state general fund.

SECTION 22. LEGISLATIVE INTENT CONCERNING REPUBLICATION OF BLUE BOOK. The fiftieth legislative assembly dedicates this republication of the North Dakota Blue Book in the honor of the North Dakota Centennial to be observed in 1989. The fiftieth legislative assembly wishes to recognize the following:

1. The Centennial is a most appropriate time to recognize the accomplishments of North Dakota citizens by reviewing:
 - a. Events of historic significance in the continuing evolution of the state.
 - b. The relationship of the state to its political subdivisions and to the federal government.
 - c. Functions of the executive, legislative, and judicial branches of state government including the place of past and present leaders.
 - d. The development of counties, cities, townships, and special districts.
 - e. The diversity of the state's social and cultural heritage.
 - f. The basis for the primary components of the state's economy.
 - g. The condition of the state's physical environment.
 - h. Places, emblems, symbols, and awards unique to North Dakota.
2. The Centennial is a most appropriate time to celebrate the pride North Dakotans harbor for their state.
3. The Centennial is a time to reflect on the good and sometimes difficult times that North Dakota citizens have had in the past 100 years.
4. The Centennial is "a people celebration".

SECTION 23. SPECIAL RECOGNITION. The fiftieth legislative assembly hereby directs that this republication of the North Dakota Blue Book give special recognition to the Honorable Brynhild Haugland. Representative Haugland has served in the North Dakota legislative assembly continuously since 1939, in twenty-five consecutive

legislative sessions, and is the senior state legislator in the United States.

SECTION 24. ADDITIONAL INCOME - APPROPRIATION - STATE TREASURER. There is hereby appropriated to the state treasurer, upon approval of the emergency commission, for the biennium beginning July 1, 1987, and ending June 30, 1989, the sum of \$11,000, or so much thereof as may be necessary, from funds received from nongeneral fund sources for the purpose of defraying the expenses of participating in organizations benefiting the state of North Dakota.

SECTION 25. EMERGENCY. Sections 17, 20, 21, 22, and 23 of this Act are declared to be emergency measures and are in effect upon their filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments reduce the bill appropriation amount by \$634,112, of which \$689,540 is from the general fund and \$55,428 is an increase in other funds. An analysis of changes by each agency is as follows:

Governor's Office

The Governor's office general fund appropriation is decreased by \$26,000, analyzed as follows:

	Total General Fund <u>(Decrease)</u>
<u>Governor's Office contingency</u>	
Reduce funding	\$ (1,000)
<u>Governor's transition - in</u>	
Reduce funding	(15,000)
<u>Governor's transition - out</u>	
Reduce funding	<u>(10,000)</u>
Total change	\$ (26,000)

Secretary of State

The amount of funding from the general fund is increased by \$17,000 in operating expenses resulting from requiring a public awareness program through passage of Senate Bill No. 2378 of the 1987 Legislative Assembly, and is reduced by \$32,000 in operating

expenses and by \$25,000 in data processing relating to the central notice system.

Attorney General

The amendment reduces the general fund appropriation by \$215,986 as follows:

	<u>General Fund</u> <u>(Decrease)</u>
<u>Operating expenses</u>	
Reduce travel funds	\$ (34,752)
<u>Equipment</u>	
Reduce funds for equipment purchases	(63,874)
<u>Controlled Substance Board</u>	
Reduce all funding	(800)
<u>Arrest and return of fugitives</u>	
Reduce funding	(54,560)
<u>ARC legal fees</u>	
Reduce funding to \$45,000	<u>(62,000)</u>
Total	\$(215,986)

Also these amendments reduce the transfer from the fire and tornado fund to the Attorney General for the expenses of the State Fire Marshal from \$483,329 to \$475,742, a reduction of \$7,587 as a result of the deletion of the compensation increase package.

State Auditor

The general fund appropriation is reduced by \$138,077 analyzed as follows:

	<u>General Fund</u> <u>(Decrease)</u>
<u>Salaries and wages</u>	
Delay filling of two vacant positions	\$(121,508)
<u>Operating expenses</u>	
Reduce expenses related to vacant positions	<u>(16,569)</u>
Total	\$(138,077)

State Treasurer

An analysis of the \$9,130 general fund reduction is as follows:

	<u>General Fund Increase (Decrease)</u>
<u>Salaries and wages</u>	
Reduce salaries and wages to reflect savings from employee turnover	\$ (5,130)
<u>Operating expenses</u>	
Reduce operating expenses	<u>(4,000)</u>
Total increase (decrease)	\$ (9,130)

Also a section is added allowing the State Treasurer to accept and spend up to \$11,000 of other funds for participation in organizations beneficial to North Dakota.

State Tax Commissioner

The amendment deletes \$70,282 from the general fund which is summarized as follows:

	<u>Salaries and Wages</u>	<u>Operating Expenses</u>	<u>Equipment</u>	<u>Data Processing</u>	<u>Total General Fund Change</u>
Reduction relating to vacancies, employee turnover, and possible employee compensation reductions	\$(70,000)				\$(70,000)
Additions for implementing of mandatory withholding including a Clerk II position	27,480	92,519	7,750	28,264	156,013
Other reductions		(101,295)			(101,295)
Reduce Data Processing because of rate change				\$(55,000)	(55,000)
Total changes	\$(42,520)	\$8,776	\$7,750	\$(26,736)	\$(70,282)

In addition, Section 9 is amended to provide that up to \$400,000 received during the biennium from tax collection agreements with counties or other political subdivisions initiating a sales tax during the 1987-89 biennium will be deposited in the Tax Commissioner's operating fund to pay the cost of administering the agreements. Any funds collected in excess of \$400,000 will be deposited in the general fund.

Also, the transfer in Section 10 from the motor vehicle fuel tax fund is reduced \$8,700 relating to the deletion of funding for the compensation increase of two percent plus \$50/month.

Labor Commissioner

The general fund appropriation is reduced by \$20,000 in salaries and wages. Also, \$55,210 is transferred to salaries and \$3,345 to equipment from operating expenses to add a position instead of contracting for services.

Public Service Commission

An analysis of the \$69,060 general fund reduction is as follows:

	General Fund Increase (Decrease)
<u>Operating expenses</u>	
Reduces Transportation Division's operating expenses	\$ (8,595)
Adds motor pool expenses for the Weights and Measures Division	13,900
Other operating expenses	(50,000)
Total operating expenses	<u>\$(44,695)</u>
<u>Equipment</u>	
Delete funds for:	
Meeting room furniture	\$ (8,865)
2 utility truck bodies (\$4,000 each)	(8,000)
Van body	<u>(7,500)</u>
Total equipment	<u>\$(24,365)</u>
Total general fund reduction	<u>\$(69,060)</u>

An analysis of additional general fund revenue generated through increased fees is as follows for the biennium beginning July 1, 1987, and ending June 30, 1989:

<u>Description</u>	<u>General Fund Revenues in Addition to the Executive Recommendation</u>	
Filing fee for changes in tariff rates (\$0 to \$50)	\$	27,500
Increase in motor carrier fees:		
Special certificate renewal (\$75 to \$115)*		17,600
Contract carrier renewal (\$50 to \$85)*		2,800
Contract permit application (\$75 to \$100)*		625
Special certification application (\$100 to \$125)*		1,000
Transfer of special certification (\$50 to \$100)		3,000
Increase in auctioneer's license fee (\$25 to \$35)		15,340
Increase in public warehouse license fees (Less than 200,000 bushels: \$100 to \$130; 200,000 bushels to 500,000 bushels: \$200 to \$260; and over 500,000 bushels: \$250 to \$340)		64,620
Increase in fees for inspecting of weighing devices (LP Meter: \$20 to \$25; Counter scale: \$5 to \$6; Gas pump: \$5 to \$6; Vehicle and livestock scales: \$75 to \$80; Pipeline meter: \$30 to \$35; and Gasoline truck: \$12 to \$15)		38,319
Increase in interstate carrier registration and identification fees (\$6 to \$7)		500,000
Total	\$	670,804

* These fees are set in North Dakota Administrative Code Chapter 69-03-03 as authorized in North Dakota Century Code Section 49-18-32. It is anticipated that the Public Service Commission will increase these fees by amending the administrative code.

Department of Agriculture

An analysis of the general fund and estimated changes is as follows:

<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Salaries and wages</u>			
Savings through reduced salary and wage expenditures	\$ (79,215)	\$ (79,215)	

including vacancies

Operating expenses

Reduce funding	(57,362)	(57,362)
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Grants

Delete funding for leafy spurge control	(220,000)	(220,000)
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Farm credit counseling

Provide funding for anticipated demand for services	100,000	\$ 100,000
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Estimated income

Reduce estimated income, increase general fund amount for Marketing Division	0	200,000	(200,000)
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Total increase (decrease)	\$ (256,577)	\$ (156,577)	\$ (100,000)
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The farm credit counseling line item is increased by \$100,000 to \$1,100,000 to more accurately reflect the anticipated demand for services. The purpose for the transfer for the home-quarter fund is changed to provide that quarterly installments of up to \$100,000 may be transferred upon determination of the Commissioner of Agriculture for the farm credit counseling program and for negotiation services rather than determined by the Credit Review Board. Transfers in excess of \$100,000 per quarter must be authorized by the Credit Review Board.

Also, \$50,000 is appropriated from the general fund to the Secretary of State for preparation and distribution of a Centennial Edition of the North Dakota Blue Book. The republication is dedicated to the North Dakota Centennial in 1989 with special recognition given to Representative Brynhild Haugland.

A section is added that provides the chairmen of the House Appropriations subcommittees to receive an additional \$5 of compensation for each calendar day of a session retroactive to January 1, 1987.

The amendments restore \$1,298,520 of the \$1,988,060 general fund reductions approved by the House.

For the Senate: Sens. Wogsland, Tallackson, Thane
For the House: Reps. Kingsbury, Peterson, Graba

Engrossed SB 2523 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 on which the House has adopted the conference committee report and subsequently passed the same:

HB 1003

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1003 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2455-2468 of the Senate Journal and that Engrossed HB 1003 be amended as follows:

That the Senate recede from its amendments, as printed on pages 2455-2468 of the Senate Journal and on pages 2887-2899 of the House Journal, and that engrossed House Bill No. 1003 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide an appropriation for defraying the expenses of the state board of higher education and the various institutions of higher learning under the supervision of the state board of higher education; to provide legislative intent regarding student financial assistance grants, membership in the university center for atmospheric research, and use of the higher education board pool; to create and enact a new section to chapter 15-11 of the North Dakota Century Code, relating to the supervision of the junior college located at Devils Lake; to amend and reenact subsections 4 and 6 of section 15-10-01, subdivision d of subsection 13 of section 15-10-17, and section 15-13-01 of the North Dakota Century Code, relating to the names of the institutions of higher education at Devils Lake, Dickinson, Mayville, Minot, and Valley City; to repeal section 15-55-21 of the North Dakota Century Code, relating to the payment of expenses from the gross revenues of higher education revenue bond projects; and to declare an emergency.

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

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the state board of higher education and to the various institutions of higher learning under the supervision of the state board of higher education for the purpose of

defraying the expenses thereof, for the biennium beginning July 1, 1987, and ending June 30, 1989, as follows:

Subdivision 1.

STATE BOARD OF HIGHER EDUCATION

Salaries and wages	\$ 882,074
Operating expenses	320,032
Data processing	48,665
Equipment	11,000
Reciprocal agreements	2,541,800
National direct student loans	125,245
Title II grant	192,000
Merit scholarship program	155,000
Student financial assistance grants	1,500,000
Board pool	265,000
Total all funds	\$ 6,040,816
Less federal funds	592,000
Total general fund appropriation	\$ 5,448,816

Subdivision 2.

BISMARCK STATE COLLEGE

Salaries and wages	\$ 10,125,278
Operating expenses	2,402,027
Equipment	272,700
Capital improvements	204,845
Total all funds	\$ 13,004,850
Less budget adjustment	194,292
Less estimated income	7,177,417
Total general fund appropriation	\$ 5,633,141

Subdivision 3.

NORTH DAKOTA STATE COLLEGE OF SCIENCE - DEVILS LAKE

Salaries and wages	\$ 2,605,599
Operating expenses	856,628
Equipment	83,021
Capital improvements	101,921
Total all funds	\$ 3,647,169
Less budget adjustment	61,739
Less estimated income	1,852,741
Total general fund appropriation	\$ 1,732,689

Subdivision 4.

UNIVERSITY OF NORTH DAKOTA - WILLISTON

Salaries and wages	\$ 3,285,373
Operating expenses	808,646
Equipment	116,685
Capital improvements	69,439
Total all funds	\$ 4,280,143
Less budget adjustment	65,474
Less estimated income	2,305,995
Total general fund appropriation	\$ 1,908,674

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Subdivision 5.

UNIVERSITY OF NORTH DAKOTA

Salaries and wages	\$ 66,515,795
Operating expenses	18,920,634
Equipment	1,466,770
Capital improvements	<u>1,467,265</u>
Total all funds	\$ 88,370,464
Less budget adjustment	2,132,064
Less estimated income	<u>27,363,039</u>
Total general fund appropriation	\$ 58,875,361

Subdivision 6.

NORTH DAKOTA STATE UNIVERSITY
OF AGRICULTURE AND APPLIED SCIENCE

Salaries and wages	\$ 57,983,724
Operating expenses	16,238,446
Equipment	1,353,031
Capital improvements	<u>1,415,027</u>
Total all funds	\$ 76,990,228
Less budget adjustment	1,813,745
Less estimated income	<u>24,212,487</u>
Total general fund appropriation	\$ 50,963,996

Subdivision 7.

NORTH DAKOTA STATE COLLEGE OF SCIENCE

Salaries and wages	\$ 18,838,342
Operating expenses	5,284,135
Equipment	718,864
Capital improvements	<u>410,700</u>
Total all funds	\$ 25,252,041
Less budget adjustment	632,292
Less estimated income	<u>6,703,725</u>
Total general fund appropriation	\$ 17,916,024

Subdivision 8.

STATE UNIVERSITY OF NORTH DAKOTA - DICKINSON

Salaries and wages	\$ 8,852,950
Operating expenses	2,781,252
Equipment	139,186
Capital improvements	<u>150,263</u>
Total all funds	\$ 11,923,651
Less budget adjustment	299,852
Less estimated income	<u>3,080,372</u>
Total general fund appropriation	\$ 8,543,427

Subdivision 9.

STATE UNIVERSITY OF NORTH DAKOTA - MAYVILLE

Salaries and wages	\$ 5,894,888
Operating expenses	1,764,224
Equipment	86,175
Capital improvements	104,533
Total all funds	\$ 7,849,820
Less budget adjustment	208,455
Less estimated income	1,783,749
Total general fund appropriation	\$ 5,857,616

Subdivision 10.

STATE UNIVERSITY OF NORTH DAKOTA - MINOT

Salaries and wages	\$ 18,233,521
Operating expenses	2,946,282
Equipment	299,678
Capital improvements	339,553
Total all funds	\$ 21,819,034
Less budget adjustment	496,958
Less estimated income	7,374,289
Total general fund appropriation	\$ 13,947,787

Subdivision 11.

STATE UNIVERSITY OF NORTH DAKOTA - VALLEY CITY

Salaries and wages	\$ 7,779,683
Operating expenses	2,016,152
Equipment	113,163
Capital improvements	191,891
Total all funds	\$ 10,100,889
Less budget adjustment	257,850
Less estimated income	2,461,612
Total general fund appropriation	\$ 7,381,427

Subdivision 12.

NORTH DAKOTA STATE UNIVERSITY - BOTTINEAU

Salaries and wages	\$ 2,962,161
Operating expenses	715,047
Equipment	70,329
Capital improvements	94,246
Total all funds	\$ 3,841,783
Less budget adjustment	94,740
Less estimated income	1,007,977
Total general fund appropriation	\$ 2,739,066

Subdivision 13.

NORTH DAKOTA STATE UNIVERSITY - STATE TOXICOLOGIST

Salaries and wages	\$ 458,668
Operating expenses	99,160
Equipment	18,000
Total all funds	\$ 575,828
Less budget adjustment	15,073
Less estimated income	120,000
Total general fund appropriation	\$ 440,755

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Subdivision 14.

NORTH DAKOTA FOREST SERVICE

Salaries and wages	\$ 1,244,306
Operating expenses	340,978
Equipment	56,035
Capital improvements	30,100
Total all funds	\$ 1,671,419
Less budget adjustment	32,722
Less estimated income	661,367
Total general fund appropriation	\$ 977,330

Subdivision 15.

UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

Salaries and wages	\$ 36,849,940
Operating expenses	12,799,820
Equipment	715,068
Psychiatric nursing	436,000
Total all funds	\$ 50,800,828
Less budget adjustment	1,006,008
Less estimated income	21,604,127
Total general fund appropriation	\$ 28,190,693

Subdivision 16.

MEDICAL CENTER REHABILITATION HOSPITAL

Salaries and wages	\$ 13,443,965
Operating expenses	5,058,009
Equipment	208,191
Total appropriation from institutional income	\$ 18,710,165
Grand total general fund appropriation H.B. 1003	\$211,918,191
Grand total special funds appropriation H.B. 1003	\$127,011,062
Grand total all funds appropriation H.B. 1003	\$338,929,253

SECTION 2. APPROPRIATION TRANSFER. The board pool in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 14 of section 1 as determined by the state board of higher education. The board shall notify the office of management and budget of the allocation of general fund authority from the board pool, to the various institutions and which line items in the various institutions and entities shall be adjusted.

SECTION 3. APPROPRIATION. There are hereby appropriated any funds received by the board of higher education, not otherwise appropriated, pursuant to federal acts and private grants for the purpose as designated in such federal acts or private grants for the period beginning July 1, 1987, and ending June 30, 1989.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,361,389, or so much thereof as may be necessary, to the state board of higher education to provide for matching

commitments for the national science foundation experimental program to stimulate competitive research for the biennium beginning July 1, 1987, and ending June 30, 1989. The board of higher education shall allocate these funds as necessary to North Dakota state university and the university of North Dakota.

SECTION 5. ADDITIONAL INCOME. Any additional income not required by law to be deposited in operating funds in the state treasury is hereby appropriated. All income in excess of estimated income in the budget appropriated by the legislative assembly to the institutions of higher learning must be deposited in their respective operating funds in the state treasury and is hereby appropriated and can be spent only upon authorization of the emergency commission.

SECTION 6. TRANSFER. The state board of higher education may make such transfers between line items in subdivision 1 of section 1, other than reciprocal agreements and student financial assistance grants, as may be necessary and manageable to provide for board or institutional budget requirements. The board shall notify the office of management and budget of each transfer.

SECTION 7. TRANSFERS. Each institution or agency included in subdivisions 2 through 16 of section 1, upon approval of the state board of higher education, may make such transfers between line items in its appropriation as may be determined necessary by the board for operations of the institution or agency. Each institution or agency shall notify the office of management and budget of each transfer.

SECTION 8. INTENT, REPEAL, PURPOSE, AND CONSTRUCTION. All Acts and parts of Acts that may be in conflict herewith are hereby repealed. If for any reason any specific appropriation for any item is held by the courts to be unconstitutional or illegal or otherwise unavailable for any cause, the holding does not affect or apply to the remaining items of appropriation in this Act or purposes provided for in this Act.

SECTION 9. REPORTS TO OFFICE OF MANAGEMENT AND BUDGET. Each institution included in this Act, upon approval by the state board of higher education, shall notify the office of management and budget of the line item reductions totaling the amount in the less budget adjustment line for each appropriation included in this Act and the office of management and budget shall reduce each line item accordingly. Notification must be given to the office of management and budget by June 15, 1987.

SECTION 10. LEGISLATIVE INTENT - STUDENT FINANCIAL ASSISTANCE GRANTS. It is the intent of the legislative assembly that the student financial assistance grants line item in subdivision 1 of section 1 be used for students determined to be in substantial need of financial assistance and eligible in accordance with North Dakota Century Code section 15-62.2-01.

SECTION 11. LEGISLATIVE INTENT - UNIVERSITY CENTER FOR ATMOSPHERIC RESEARCH MEMBERSHIP. It is the intent of the legislative assembly that the university of North Dakota seek membership in the university center for atmospheric research program during the 1987-89 biennium for the purpose of becoming eligible for additional national science foundation grants.

SECTION 12. LEGISLATIVE INTENT - HIGHER EDUCATION BOARD POOL - NORTH DAKOTA STATE COLLEGE OF SCIENCE - DEVILS LAKE. It is the intent of the legislative assembly that a portion of the pool money appropriated to the board of higher education be used to increase the salaries of the faculty at North Dakota state college of science - Devils Lake to a level halfway between their current level and the average of the state junior college salaries.

SECTION 13. AMENDMENT. Subsection 4 of section 15-10-01 of the 1985 Supplement to the North Dakota Century Code and subsection 6 of 15-10-01 of the North Dakota Century Code as contained in section 1 of House Bill No. 1300, as approved by the fiftieth legislative assembly, are hereby amended and reenacted to read as follows:

4. The state normal schools and teachers colleges at Valley City state university, Mayville state university, Minot state university, and Dickinson state university.
6. The following junior colleges and off-campus educational center: Bismarck state college, university of North Dakota - Lake Region community college, and the university of North Dakota - Williston center.

SECTION 14. AMENDMENT. Subdivision d of subsection 13 of section 15-10-17 of the North Dakota Century Code as contained in House Bill No. 1300, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

- d. Employees of Bismarck state college and university of North Dakota - Lake Region community college coming under the jurisdiction of the board who are members of the teachers' fund for retirement may elect

prior to July 1, 1985, to continue membership in the teachers' fund for retirement in lieu of the alternate retirement program. If an employee does not elect to continue membership in the teachers' fund for retirement, membership in that fund will terminate and the employee will become a member of the alternate retirement program established by the board effective July 1, 1985. An employee of the above-named colleges who becomes a member of the alternate retirement program may elect prior to July 1, 1985, to have the employee's assessments and employer's contributions in the teachers' fund for retirement with interest transferred by the board of trustees of the teachers' fund for retirement to the employee's account in the alternate retirement program. If an employee elects to transfer the employee's assessment and employer's contributions together with interest to the alternate retirement program, the employee relinquishes all rights the employee or the employee's beneficiary may have to benefits provided in chapters 15-39, 15-39.1, and 15-39.2.

SECTION 15. A new section to chapter 15-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

Supervision of the junior college located at Devils Lake. The junior college located at Devils Lake is a branch of the university of North Dakota subject to the supervision of the administrative authorities of the university of North Dakota in compliance with chapter 15-18 regarding junior colleges and off-campus educational centers and is titled the university of North Dakota - Lake Region. The administrative authorities of the university of North Dakota shall adopt, subject to the rules the state board of higher education may establish, the necessary rules for the government of the university of North Dakota - Lake Region.

SECTION 16. AMENDMENT. Section 15-13-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-13-01. Normal schools - Location - Names. The state normal schools established at Valley City in the county of Barnes, at Mayville in the county of Traill, at Minot in the county of Ward, and at Dickinson in the county of Stark, and any other normal schools ~~which~~ that may be established by law, ~~shall be~~ are the normal schools of the

state, and at such time as any such school shall offer curriculums leading to both the bachelor of science and bachelor of arts degrees, such school may be referred to as "state college", prefixed by the name of the applicable city. The name of the normal school at Valley City is Valley City state university, the name of the normal school at Mayville is Mayville state university, the name of the normal school at Minot is Minot state university, and the name of the normal school at Dickinson is Dickinson state university.

SECTION 17. REPEAL. Section 15-55-21 of the North Dakota Century Code is hereby repealed.

SECTION 18. EMERGENCY. Sections 13, 14, 15, and 16 of this Act are declared to be emergency measures and are in effect upon filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The following is a summary of the Conference Committee amendments by institution:

SUMMARY OF STATEMENT OF PURPOSE OF AMENDMENT FOR HOUSE BILL NO. 1003

	General Fund Per Engrassed HB 1003 (House Version)	Operating Expenses Adjustment to Allow 100% of 1985-87 Adjusted Appropriation	Reduce Board Pool	Other Adjustments	Increase Student Financial Assistance to \$1,100,000 From the General Fund	Change Budget Adjust- ment Line Item to Provide a Total Adjust- ment of	Total General Fund Increase (Decrease)	General Fund Appropriation Per Conference Committee
						\$7,311,264		
North Dakota State University	\$ 49,958,995	\$ 88,446				\$ 916,555	\$1,005,001	\$ 50,963,996
University of North Dakota	58,385,891	(569,366)				1,058,836	489,470	58,875,361
SUND-Minot	13,686,663	10,282				250,842	261,124	13,947,787
SUND-Dickinson	8,297,527	92,252				153,648	245,900	8,543,427
SUND-Valley City	7,147,525	101,152				132,750	233,902	7,381,427
SUND-Meyville	5,741,047	11,224				105,345	116,569	5,857,616
North Dakota College of Science	17,464,713	129,103				322,208	451,311	17,916,024
NDGCS-Devils Lake	1,699,900	1,628				31,161	32,789	1,732,689
Bismarck State College	5,409,806	122,027				101,308	223,335	5,633,141
UND-Williston	1,825,702	48,646				34,326	82,972	1,908,674
NDSU-Bottineau	2,634,193	55,613				49,260	104,873	2,739,066
UND Medical Center	27,683,701					506,992	506,992	28,190,693
State Toxicologist	420,878	20,950		\$ (9,000)	1/	7,927	19,877	440,755
Forest Service	919,852	39,900				17,578	57,478	977,330
Medical Center Rehabilitation	0							
Hospital								
Board of Higher Education	6,376,416		\$ (935,000)	(110,000)	2/	\$117,400	(927,600)	\$ 5,448,816
Subtotal	\$207,652,809	\$151,857	\$ (935,000)	\$ (119,000)		\$117,400	\$3,688,736	\$210,556,802
EPSCoR				\$1,361,389	3/		\$1,361,389	\$ 1,361,389
Bill total	\$207,652,809	\$151,857	\$ (935,000)	\$1,242,389		\$117,400	\$3,688,736	\$211,918,191

1/ Represents an increase in estimated income and a reduction in the general fund appropriation for fees collected.

2/ Deletes \$110,000 from the general fund for an attorney position to be funded in Senate Bill No. 2523 in the Attorney General's office.

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3/ Adds \$1,361,389 from the general fund for the Experimental Program to Stimulate Competitive Research (EPSCoR) funding.

In addition, these amendments repeal North Dakota Century Code Section 15-55-21, relating to the payment of expenses from gross revenues on higher education revenue projects; add sections of legislative intent regarding the use of the student financial assistance grants line item, use of some of the board pool for salaries and wages at NDSCS-Devils Lake, and North Dakota membership in the University Center for Atmospheric Research; add new law to provide that the University of North Dakota supervise the junior college at Devils Lake; and amend current law to statutorily change the names of the state institutions at Minot, Valley City, Mayville, and Dickinson to state universities.

For the Senate: Sens. Waldera, Tallackson, Streibel
For the House: Reps. Thompson (refused to sign), R. Hausauer,
Hoffner

Engrossed HB 1003 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. MAIXNER MOVED that the vote by which SB 2015 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that SB 2015 be messaged to the House immediately, which motion prevailed.

SEN. MAIXNER MOVED that SB 2523 and HB 1003 be placed on the Seventh order of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. WOGSLAND MOVED that the conference committee report on SB 2523 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted.

MOTION

SEN. MAIXNER MOVED the previous question, which motion prevailed.

REQUEST

SEN. MOORE REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2523, which request was granted.

ROLL CALL

The question being on the adoption of the conference committee report on SB 2523, the roll was called and there were 11 YEAS, 38 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Langley; Lips; Mathern; Nalewaja; Redlin;
Schoenwald; Stromme; Thane; Tweten; Vosper; Wogsland

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;
Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly;
Kelsh; Krauter; Lashkowitz; Lodoen; Maixner; Maxson;
Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch;
Naaden; Nething; Olson; Peterson; Reiten; Richard;
Satrom; Shea; Stenehjelm; Streibel; Tennefos; Todd;
Wright; Yockim

ABSENT AND NOT VOTING: Heigaard; Nelson; Tallackson;
Waldera

So the report of the conference committee on SB 2523 failed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAIXNER 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 2523, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2523:

Sens. Wogsland, Tallackson, Thane

REPORT OF CONFERENCE COMMITTEE

SEN. WALDERA MOVED that the conference committee report on HB 1003 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act to provide an appropriation for defraying the expenses of the state board of higher education and the various institutions of higher learning under the supervision of the state board of higher education; to provide legislative intent regarding student financial assistance grants, membership in the university center for atmospheric research, and use of the higher education board pool; to create and enact a new section to chapter 15-11 of the North Dakota Century Code, relating to the supervision of the junior college located at Devils Lake; to amend and reenact subsections 4 and 6 of section 15-10-01, subdivision d of subsection 13 of section 15-10-17, and section 15-13-01 of the North Dakota Century Code, relating to the names of the institutions of higher education at Devils Lake, Dickinson, Mayville, Minot, and Valley City; to repeal section 15-55-21 of the North Dakota Century Code, relating to the payment of expenses from the gross revenues of higher education revenue bond projects; and to declare an emergency.

Which has been read.

MOTION

SEN. NALEWAJA MOVED to further amend HB 1003 as just now amended by the conference committee, pursuant to Senate Rule 328.

RULING

THE PRESIDENT PRO TEM RULED that pursuant to Senate Rule 316, both sections 1 and 2, which states "If a question before the Senate contains more than one proposition, any member if supported by five other members may have the same divided, except there shall be no division of the question on the adoption of a conference committee report on the second reading and final passage of a bill or resolution resulting from the adoption of a conference committee report" and it also states that "a request to divide the question on passage of a measure has the effect as proposing an amendment. Each proposition requires a majority vote of the members present for adoption."

MOTION

SEN. NALEWAJA MOVED to temporarily amend the rules to provide for an amendment to HB 1003 as amended for the conference committee.

RULING

THE PRESIDENT PRO TEM RULED that amending the rules is the same as suspending them and it requires a two-thirds vote.

THE PRESIDENT PRO TEM RULED the motion out of order.

SEN. NALEWAJA APPEALED the ruling of the President Pro Tem.

MOTION

SEN. MAIXNER MOVED that the Senate sustain the ruling of the President Pro Tem, which motion prevailed.

ROLL CALL

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

YEAS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; Lashkowitz; Moore; Satrom; Vosper

ABSENT AND NOT VOTING: None

HB 1003 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1003 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1003 be messaged to the House immediately, which motion prevailed.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2523: Reps. Kingsbury, Peterson, Graba

ROY GILBREATH, Chief Clerk

MOTION

SEN. MAIXNER MOVED that the Senate be on a special order of business for interim appointments, which motion prevailed.

THE PRESIDENT PRO TEM ANNOUNCED the following 1987-89 Interim Committee appointments:

SENATE INTERIM COMMITTEE APPOINTMENTS

Legislative Council:

Senators Corliss Mushik
Daniel Wogsland
Adam Krauter
Gary Nelson
Clayton Lodoen

Capitol Grounds Planning Commission:

Senators Tim Mathern
Harvey Tallackson
Jens Tennefos

Multistate Tax Compact Advisory Committee:

Senators Jerry Waldera
Stanley Wright

Education Commission of the States:

Senator Bonnie Heinrich

Indian Affairs Commission:

Senator Allen Richard

North Dakota Centennial Commission:

Senators Corliss Mushik
Ray Holmberg

Medical Center Advisory Council:

Senator Richard Shea

MOTION

SEN. MAIXNER MOVED that the Senate stand in recess until 9:45 p.m., which motion prevailed.

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

SATURDAY, APRIL 18, 1987

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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 1003

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 2523 and the President Pro Tem has appointed as a new conference committee to act with a like committee from the House on:

SB 2523: Sens. Wogsland, Tallackson, Thane

PERRY GROTEBERG, Secretary

MESSAGES FROM THE HOUSE
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 2015, SB 2038

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SCR 4016

ROY GILBREATH, Chief Clerk

MOTION

SEN. MAIXNER MOVED that a committee of two be appointed to escort Governor George A. Sinner to the rostrum, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as such committee:

Sens. Heigaard and Olson.

REMARKS OF GOVERNOR GEORGE A. SINNER
April 18, 1987

I am reluctant to intrude in any way upon the closing moments of the Fiftieth Legislative Assembly. This is, rightfully, your time to share with one another.

But I would be remiss if I did not express to you some heartfelt thoughts before you return to your homes and your families.

Admittedly, I have not been a detached observer. I have been one of you, and you are all friends; so it has been impossible for me to have watched you without caring deeply. That is to say nothing about my personal involvement in many of the issues you have faced.

You have completed one of the most difficult sessions in our history. The budget issues have been almost overwhelming for you ... as they have been for me. But you have faced the challenge, and now the work is done ... at least for now. Macroeconomic forces beyond our control and, to some extent, our own efforts, will determine our future. With God's help, it will be brighter.

You have done well -- extremely well -- in many areas, particularly as you have dealt with children and the elderly, with victims of crime and with providing relief to areas of our economy facing yet additional economic threats.

You have performed thoughtfully and patiently in a session that has tested courage, required reason and sought compromise.

You have treated the public openly and kindly and with respect ... and on their behalf, I thank you. You have treated our state agency people in the same way, and my staff which has appeared before you often unanimously thank you for your fairness ... and I especially thank you for that.

In difficult times leadership is critical. Good leadership shines most brightly. As Brynhild has said, "A kite rises against the wind, not with it." And true leaders -- men and women of stature -- have emerged and will grace our public life for years to come.

The majority leaders in particular have carried tremendous burdens, and we all are grateful to them. The contributions of all leaders cannot be overstated.

Of you all, it can be truly said, as Teddy Roosevelt said so many years ago:

The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes short again and again, who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause, who at best knows achievement and who at worst if he fails at least failed while daring greatly so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

On behalf of the people of North Dakota, I want to say we admire and respect you for your labors. They have been extraordinary. But they have been for the best of causes ... for the best of

people ... and you deserve the admiration and respect of all of us.

My best wishes to you and your families for a happy and blessed Easter.

MOTION

SEN. MAIXNER MOVED that the remarks of Governor Sinner be printed in the Senate Journal, which motion prevailed.

MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

HB 1590

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1590 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2577-2581 of the Senate Journal and that Engrossed HB 1590 be amended as follows:

That the Senate recede from its amendments and that engrossed House Bill No. 1590 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for allocation of a portion of sales, use, and motor vehicle excise tax collections to personal property tax replacement and state revenue sharing; to amend and reenact section 57-58-01 of the North Dakota Century Code, relating to personal property tax replacement; to repeal section 54-27-20.1 of the North Dakota Century Code, relating to determination of state revenue sharing; to provide an appropriation; and to provide an effective date.

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

SECTION 1. Allocation of sales, use, and motor vehicle excise tax revenues to revenue sharing and personal property tax replacement. Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to sixty percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate, that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3 must be deposited by

the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. The state aid distribution fund must be allocated, subject to legislative appropriation, as follows:

1. Fifty percent of the revenues must be allocated in the last month of each quarterly period for state revenue sharing as provided in sections 54-27-20.2 and 54-27-20.3.
2. Fifty percent of the revenues must be allocated for personal property tax replacement as provided in section 57-58-01.

SECTION 2. AMENDMENT. Section 57-58-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-58-01. Distribution to counties and local subdivisions. It is hereby provided that any political subdivision which has an existing bonded indebtedness for which a tax levy must be made in 1970 or any year thereafter, shall reduce its levy in each such year for current operating purposes by the amount which its tax levy on taxable property in that year for retirement of the bonded indebtedness is increased because of the exemption of personal property by subsection 25 of section 57-02-08. On or before February 1, 1971, the county auditor of each county shall certify to the state tax commissioner the total amount of taxes levied in the year 1968 for the state, county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes, and levies voted by the people, new or present levies increased by legislative action of such county on those items of personal property exempt under the provisions of section 57-02-08, and, in addition, the total valuation of real estate and taxes levied on real estate for the year 1968. On or before June 1, 1980, and each year thereafter, the state tax commissioner shall certify for payment to the state treasurer an amount, for payment by the state treasurer to each county, determined to be due such county based upon the personal property taxes levied in the year 1968 for the political subdivisions herein mentioned on the items of personal property exempt from the personal property tax under the provisions of section 57-02-08, the per capita school tax under the provisions of former section 57-15-23, and the grain tax under the provisions of former chapter 57-03, together with any adjustments to be made in the manner hereinafter provided. Within sixty days after the receipt of the revenue as provided by this section, the county treasurer shall

allocate and remit to the county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes that amount of revenue which is received from the state in the same ratio as he would have distributed the revenue from the personal property tax, adjusting such amount by any increase or decrease in real property taxes as levied by each taxing authority according to the formula hereinafter provided. Any amount that would be apportioned and credited to the retirement of a bonded indebtedness existing in 1970 for which a tax levy was made in 1970 and in any year thereafter, shall be credited to the general fund of the political subdivision. In the years after 1971, payments to the counties under this section shall be made based upon ninety-five percent of such payment for 1971 together with a growth factor which shall be based upon the dollar amount of increase or decrease in real property taxes levied within each county. For each seven dollar increase in real property taxation within a county, the state shall contribute an additional one dollar over that amount which equals ninety-five percent of such payment in the base year. For each seven dollar decrease in real property taxation within a county, the state shall contribute one dollar less than that amount which equals ninety-five percent of such payment in the base year.

On or before June 1, 1980, and each year thereafter, the state tax commissioner shall certify to the state treasurer the amount determined to be due to the state based upon the personal property taxes levied in the year 1968 for the North Dakota state medical center. The amount so certified shall be computed in accordance with the formula provided in this section for computing the amounts to be certified and paid to the counties. The state treasurer upon receiving the certification from the tax commissioner shall transfer from the general fund to the credit of the North Dakota state medical center the amount so certified.

Any political subdivision which levied taxes on taxable property in the year 1970 for a specific fund or purpose for which a levy was not made by it in the year 1968 shall be entitled to a distribution of revenue from the state in the year 1971 for any such levy. The amount of such distribution shall be determined as follows: the county auditor shall certify to the state tax commissioner as soon as possible after March 30, 1971, the amount of each such levy made by and spread for each political subdivision on taxable real property in the county in the year 1970; the tax commissioner shall forthwith determine the correctness of such amounts and certify to the state treasurer for immediate payment to the county an amount that is determined by dividing the total of such levies made and spread in 1970 on taxable real property in the

county by the growth factor that is provided in the first paragraph of this section; the county treasurer within fifteen days after the receipt of such revenue from the state treasurer shall allocate and remit to each political subdivision its proportionate amount of that revenue.

If the classification of any property for taxation purposes is changed from real to personal property or from personal to real property because of legislative or judicial action, the county auditor of the county in which the property is located shall forthwith certify to the tax commissioner the amount of real estate taxes or personal property taxes that was levied on all such property by each taxing district in the year 1968 and in any other year thereafter that the tax commissioner may request. The tax commissioner, in determining the amount to be certified to the state treasurer for payment to the county pursuant to this section, shall adjust the amounts of taxes certified by the county auditor as levied on real property and on personal property in 1968 and in any other year as may be necessary by adding to or subtracting from each such amount the taxes on the reclassified property so that the distribution by the state to the county will be determined as though such property had been taxed in 1968 and all later years in the classification into which it was reclassified.

Notwithstanding the other provisions of this section, personal property tax replacement is an amount as determined under section 1 of this Act, subject to legislative appropriation. If moneys appropriated by the legislative assembly for personal property tax replacement are not in the amount that would be provided under this section for distribution, the tax commissioner and the state treasurer shall provide for pro rata distribution of available funds on the basis of the formula contained in this section.

SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$42,735,900, or so much thereof as may be necessary, to the state treasurer for distribution in equal amounts with fifty percent allocated for state revenue sharing and fifty percent allocated for personal property tax replacement for the biennium beginning July 1, 1987, and ending June 30, 1989. If moneys appropriated in this section for personal property tax replacement are not in the amount that would be provided for distribution under section 57-58-01, the tax commissioner and the state treasurer shall provide for pro rata distribution of available funds on the basis of the distribution formula in section 57-58-01.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the legislative assembly that revenue sharing allocations for the fiscal year beginning July 1, 1987, be made in a manner that provides greater allocations to political subdivisions during the first two quarters of the fiscal year than during the second two quarters of the fiscal year.

SECTION 5. REPEAL. Section 54-27-20.1 of the 1985 Supplement to the North Dakota Century Code is hereby repealed.

SECTION 6. EFFECTIVE DATE. Section 1 of this Act is effective for sales, use, and motor vehicle excise tax collections received by the state tax commissioner after June 30, 1989. Section 2 of this Act is effective July 1, 1989."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Maixner, Dotzenrod, Moore (refused to sign)
For the House: Reps. Moore, Goetz, Schneider

Engrossed HB 1590 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that HB 1590 be placed on the Seventh order of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the conference committee report on HB 1590 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1590: A BILL for an Act to provide for allocation of a portion of sales, use, and motor vehicle excise tax collections to personal property tax replacement and state revenue sharing; to amend and reenact section 57-58-01 of the North Dakota Century Code, relating to personal property tax replacement; to repeal section 54-27-20.1 of the North Dakota Century Code, relating to determination of state revenue sharing; to provide an appropriation; 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 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; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjøm; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Todd

HB 1590 passed and the title was agreed to.

SEN. MAIXNER MOVED that the vote by which HB 1590 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTIONS

SEN. MAIXNER MOVED that the rules be suspended and that HB 1590, be messaged to the House immediately, which motion prevailed.

SEN. MAIXNER MOVED that the Senate stand in recess until 10:30 p.m., which motion prevailed.

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

MESSAGE TO THE HOUSE HOUSE 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 1590

PERRY GROTEBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

HB 1022, HB 1026, HB 1033, HB 1258

PERRY GROTEBERG, Secretary

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MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President Pro Tem has signed:

HB 1022, HB 1026, HB 1033, HB 1258

PERRY GROTEBERG, Secretary

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

HB 1005

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1005 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2115-2125 of the Senate Journal and that Engrossed HB 1005 be amended as follows:

That the Senate recede from its amendments, as printed on pages 2115-2125 of the Senate Journal and pages 2723-2732 of the House Journal, and that engrossed House Bill No. 1005 be amended as follows:

- On page 1 of the engrossed bill, line 5, after the semicolon insert the words "to provide for a transfer from the lignite research fund;"
- On page 1 of the engrossed bill, line 21, delete the numerals "14,811,855" and insert in lieu thereof the numerals "14,997,768"
- On page 1 of the engrossed bill, line 24, delete the numerals "18,568,760" and insert in lieu thereof the numerals "18,754,673"
- On page 1 of the engrossed bill, line 26, delete the numerals "8,144,760" and insert in lieu thereof the numerals "8,330,673"
- On page 2 of the engrossed bill, line 14, delete the numerals "289,761" and insert in lieu thereof the numerals "274,777"
- On page 2 of the engrossed bill, line 15, delete the numerals "240,460" and insert in lieu thereof the numerals "255,444"
- On page 2 of the engrossed bill, line 20, delete the numerals "103,061" and insert in lieu thereof the numerals "130,312"

- On page 2 of the engrossed bill, line 21, delete the numerals "630,349" and insert in lieu thereof the numerals "657,600"
- On page 2 of the engrossed bill, line 23, delete the numerals "446,673" and insert in lieu thereof the numerals "473,924"
- On page 2 of the engrossed bill, line 26, delete the numerals "25,551,799" and insert in lieu thereof the numerals "25,956,976"
- On page 2 of the engrossed bill, line 27, delete the numerals "6,080,831" and insert in lieu thereof the numerals "6,215,890"
- On page 2 of the engrossed bill, line 30, delete the numerals "34,013,215" and insert in lieu thereof the numerals "34,553,451"
- On page 2 of the engrossed bill, line 32, delete the numerals "19,012,178" and insert in lieu thereof the numerals "19,552,414"
- On page 3 of the engrossed bill, line 4, delete the numerals "392,528" and insert in lieu thereof the numerals "426,548"
- On page 3 of the engrossed bill, line 6, delete the numerals "1,115,342" and insert in lieu thereof the numerals "1,149,362"
- On page 3 of the engrossed bill, line 8, delete the numerals "828,807" and insert in lieu thereof the numerals "862,827"
- On page 3 of the engrossed bill, line 10, delete the numerals "841,307" and insert in lieu thereof the numerals "875,327"
- On page 3 of the engrossed bill, line 14, delete the numerals "304,879" and insert in lieu thereof the numerals "329,983"
- On page 3 of the engrossed bill, line 16, delete the numerals "768,945" and insert in lieu thereof the numerals "794,049"
- On page 3 of the engrossed bill, line 18, delete the numerals "615,809" and insert in lieu thereof the numerals "640,913"
- On page 3 of the engrossed bill, line 20, delete the numerals "620,809" and insert in lieu thereof the numerals "645,913"
- On page 3 of the engrossed bill, line 24, delete the numerals "165,392" and insert in lieu thereof the numerals "181,558"
- On page 3 of the engrossed bill, line 26, delete the numerals "599,012" and insert in lieu thereof the numerals "615,178"

- On page 3 of the engrossed bill, line 28, delete the numerals "397,767" and insert in lieu thereof the numerals "413,933"
- On page 3 of the engrossed bill, line 30, delete the numerals "399,767" and insert in lieu thereof the numerals "415,933"
- On page 3 of the engrossed bill, line 34, delete the numerals "164,596" and insert in lieu thereof the numerals "183,170"
- On page 4 of the engrossed bill, line 1, delete the numerals "549,942" and insert in lieu thereof the numerals "568,516"
- On page 4 of the engrossed bill, line 3, delete the numerals "459,296" and insert in lieu thereof the numerals "477,870"
- On page 4 of the engrossed bill, line 7, delete the numerals "255,325" and insert in lieu thereof the numerals "269,079"
- On page 4 of the engrossed bill, line 9, delete the numerals "674,070" and insert in lieu thereof the numerals "687,824"
- On page 4 of the engrossed bill, line 11, delete the numerals "340,147" and insert in lieu thereof the numerals "353,901"
- On page 4 of the engrossed bill, line 15, delete the numerals "109,089" and insert in lieu thereof the numerals "136,230"
- On page 4 of the engrossed bill, line 17, delete the numerals "525,106" and insert in lieu thereof the numerals "552,247"
- On page 4 of the engrossed bill, line 18, delete the numerals "109,209" and insert in lieu thereof the numerals "119,209"
- On page 4 of the engrossed bill, line 19, delete the numerals "415,897" and insert in lieu thereof the numerals "433,038"
- On page 4 of the engrossed bill, line 21, delete the numerals "423,897" and insert in lieu thereof the numerals "441,038"
- On page 4 of the engrossed bill, line 25, delete the numerals "496,891" and insert in lieu thereof the numerals "525,776"
- On page 4 of the engrossed bill, line 27, delete the numerals "1,236,382" and insert in lieu thereof the numerals "1,265,267"
- On page 4 of the engrossed bill, line 29, delete the numerals "714,314" and insert in lieu thereof the numerals "743,199"
- On page 5 of the engrossed bill, line 4, delete the numerals "1,163,541" and insert in lieu thereof the numerals "1,263,002"

STATEMENT OF PURPOSE OF AMENDMENT:

UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

The Conference Committee restores \$14,984 in general fund moneys deleted by the House and reduces estimated income by \$14,984.

An analysis of the general fund and special fund changes is as follows:

<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Operating expenses</u>			
Fund \$14,984 in operating expenses from the general fund rather than from estimated income	0	\$14,984	\$(14,984)
	_____	_____	_____
Total increase(decrease)		\$14,984	\$(14,984)

The Senate amendments restored \$25,571 from the general fund.

COOPERATIVE EXTENSION DIVISION

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

The Conference Committee restores \$185,913 of the \$623,023 general fund salary and wage amount reduced by the House. The administration shall determine the areas to be affected by the \$437,110 reduction.

The Senate amendments restored \$531,180 from the general fund.

NORTHERN CROPS INSTITUTE

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

An analysis of the general fund change is as follows:

<u>Description</u>	<u>General Fund Increase(Decrease)</u>
<u>Equipment</u>	
Restore \$27,251 of the \$45,000 reduction in equipment made by the House	\$27,251

Total increase(decrease) \$27,251

The Senate amendments restored \$46,893 from the general fund.

MAIN EXPERIMENT STATION

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

An analysis of the general fund change is as follows:

<u>Description</u>	<u>Total General Fund Increase(Decrease)</u>
Salaries and wages	\$405,177
Operating expenses	<u>135,059</u>
Total increase(decrease)	\$540,236

The Conference Committee restores \$405,177 of the \$1,358,000 general fund reduction made by the House to the salaries and wages line item. The administration shall determine the areas to be affected by the \$952,823 salaries and wages reduction.

The Senate amendments restored \$1,349,697 from the general fund.

An analysis of the branch experiment station changes is as follows:

<u>Description</u>	<u>General Fund Increase(Decrease)</u>
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DICKINSON EXPERIMENT STATION

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

Operating expenses	\$34,020
Total increase(decrease)	<u>\$34,020</u>

The Senate amendments restored \$78,154 from the general fund; the executive recommendation level.

CENTRAL GRASSLAND EXPERIMENT STATION

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

Operating expenses	\$25,104
Total increase(decrease)	<u>\$25,104</u>

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The Senate amendments restored \$57,671 from the general fund; the executive recommendation level.

HETTINGER EXPERIMENT STATION

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

<u>Operating expenses</u>	\$16,166
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Total increase(decrease)	<u>\$16,166</u>
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The Senate amendments restored \$37,137 from the general fund; the executive recommendation level.

LANGDON EXPERIMENT STATION

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

<u>Operating expenses</u>	\$18,574
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Total increase(decrease)	<u>\$18,574</u>
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The Senate amendments restored \$42,668 from the general fund; the executive recommendation level.

NORTH CENTRAL EXPERIMENT STATION

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

<u>Operating expenses</u>	\$13,754
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Total increase(decrease)	<u>\$13,754</u>
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The Senate amendments restored \$31,598 from the general fund; the executive recommendation level.

WILLISTON EXPERIMENT STATION

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund Increase (Decrease)</u>	<u>Estimated Income Increase (Decrease)</u>
<u>Operating expenses</u>	<u>\$27,141</u>	<u>\$17,141</u>	<u>\$10,000</u>
Total increase(decrease)	\$27,141	\$17,141	\$10,000

The Senate amendments restored \$39,378 from the general fund and \$10,000 from estimated income; the executive recommendation level.

CARRINGTON EXPERIMENT STATION

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

<u>Operating expenses</u>	\$28,885
Total increase(decrease)	<u>\$28,885</u>

The Senate amendments added \$96,357 from the general fund; \$30,000 above the executive recommendation level.

LAND RECLAMATION RESEARCH CENTER

That the Senate recede from its amendments and that engrossed House Bill No. 1005 be amended as follows:

An analysis of the general fund and other fund changes is as follows:

<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund Increase (Decrease)</u>	<u>Lignite Research Fund Increase (Decrease)</u>
<u>Salaries and wages</u>			
Restores funding for 2 FTE deleted by the House:	\$99,461	\$99,461	
1 Assistant Soil Scientist - \$65,981			
1 Agriculture Technician III - \$33,480			
<u>Operating expenses</u>	1,355	1,355	
Restore to executive recommendation level			
<u>Equipment</u>			
Delete funding for a pickup, irrigation equipment and laboratory and field equipment added by the House	(14,600)	(14,600)	

<u>Estimated Income</u>	0	(707,111)	707,111
Delete funding from the general fund - corresponding increase in estimated income - lignite research fund			
Total increase(decrease)	\$(86,216)	\$(620,895)	\$707,111

The conference committee adopts the Senate amendments.

The legislative intent section provides that the areas and extent to which personnel reductions are required, because of salary and wage reductions made by the 50th Legislative Assembly, are to be determined by the administrators of the agencies and institutions subject to Board of Higher Education approval.

The Land Reclamation Research Center will be funded primarily from the lignite research fund established by the 50th Legislative Assembly rather than from the general fund. A new section transfers \$707,111 from the lignite research fund for this purpose.

SUMMARY OF CONFERENCE COMMITTEE AMENDMENTS TO 1987 ENGROSSED HOUSE BILL NO. 1005

	<u>Salaries and Wages</u>	<u>Operating Expenses</u>	<u>Equipment</u>	<u>Total Increase (Decrease)</u>	<u>Estimated Income Increase (Decrease)</u>	<u>Total General Fund Increase (Decrease)</u>
Cooperative Extension Division	\$185,913			\$185,913		\$185,913
Upper Great Plains Transportation Institute		\$ 14,984 (14,984) \$ 0		0	\$(14,984)	14,984
Northern Crops Institute			\$27,251	27,251		27,251
Main Experiment Station	405,177	135,059		540,236		540,236
Branch experiment stations:						
Dickinson		34,020		34,020		34,020
Central Grassland		25,104		25,104		25,104
Hettinger		16,166		16,166		16,166
Langdon		18,574		18,574		18,574
North Central		13,754		13,754		13,754
Williston		27,141		27,141	10,000	17,141
Carrington		28,885		28,885		28,885
Land Reclamation Research Center	99,461	1,355	(14,600)	86,216		86,216
Fund from lignite research fund rather than general fund				0	707,111	(707,111)
Total conference committee amendments to engrossed House Bill No. 1005	<u>\$ 690,551</u>	<u>\$ 300,058</u>	<u>\$ 12,651</u>	<u>\$1,003,260</u>	<u>\$702,127</u>	<u>\$301,133</u>

The Senate amendments added a net total of \$1,715,409' from the general fund to the engrossed House Bill No. 1005. The conference committee report reduces this to a \$301,133 net increase reducing general fund expenditures by \$1,414,276.

For the Senate: Sens. Tallackson, Stromme, Thane
For the House: Reps. Kent, Thompson, Nowatzki

Engrossed HB 1005 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that HB 1005 be placed on the Seventh order of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on HB 1005 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act making an appropriation for defraying the expenses of the cooperative extension division, the upper great plains transportation institute, and the experiment stations of North Dakota state university of agriculture and applied science; to provide a statement of legislative intent; to provide for a transfer from the lignite research fund; and to provide a contingent appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 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; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Todd

HB 1005 passed and the title was agreed to.

ELECTION OF PRESIDENT PRO TEM

SEN. HEIGAARD: Thank you, Mr. President. Mr. President and members of the Senate, this is a time that we go through at the end of each session when we elect the President Pro Tem to serve

for us during the interim. This, of course, is another historic first for the Democrats, to be able to elect the President Pro Tem during the interim. It is my pleasure to nominate for President Pro Tem, our President Pro Tem, Senator Redlin. Senator Redlin has served for us under some tremendously difficult times. He has done a very professional job for us. He has done just an outstanding job as the President Pro Tem working for us during this time. He is a President Pro Tem that has been authoritative, has been friendly and I think has been very fair. It gives me great pleasure to nominate this President Pro Tem of the North Dakota Senate, Senator Rolland Redlin.

President Pro Tem Redlin relinquished the chair to Senator Waldera. Senator Waldera acted as President during the election of the President Pro Tem.

SEN. NETHING: Mr. President and fellow Senators, it's a privilege for me to nominate, on behalf of the minority caucus, the Senator from district 44, Senator Curt Peterson. Senator Peterson has served in this body as two different people. When he came into the legislature in his first term he was a much older person and, as time has gone, he's become much younger looking and, at the same time he grows younger, he grows wiser. So it's with those kinds of attributes and his knowledge of the system and his knowledge, particularly, in the field of education and his contribution to the body over all of the years he has served here, that we're proud to present him as a candidate, our candidate for President Pro Tem.

MOTION

SEN. WOGSLAND MOVED that nominations cease, which motion prevailed.

ELECTION OF PRESIDENT PRO TEM FOR THE INTERIM

Senator Redlin was elected President Pro Tem.

MOTION

SEN. PETERSON MOVED that the Senate unanimously elect Senator Redlin as President Pro Tem, which motion prevailed.

SEN. REDLIN: You know how grateful I am to all of you for the splendid way in which you cooperated when I had to take over the duties when we had the untimely demise of our lovely lieutenant governor. Your cooperation was something I will never forget. I've always believed that there is a certain dignity, there's a certain purposefulness, in this Senate Chamber and you have not degraded it in any way. I thank you for that.

ELECTION FOR NORTH DAKOTA HERITAGE FOUNDATION

SEN. MAIXNER PLACED the name of Senator Stromme in nomination for the North Dakota Heritage Foundation Board.

MOTION

SEN. MAIXNER MOVED that a unanimous ballot be cast for Senator Stromme, which motion prevailed.

Senator Stromme was elected to the North Dakota Heritage Foundation Board.

SEN. STROMME: Mr. President, members of the Senate, I thank you for your support. I'll do my best to do a good job.

MESSAGE 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 1005

PERRY GROTEBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2004 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1956-1957 of the Senate Journal and that Engrossed SB 2004 be amended as follows:

That the House recede from its amendments, as printed on pages 1956-1957 of the Senate Journal and pages 2258-2259 of the House Journal, and that engrossed Senate Bill No. 2004 be amended as follows:

- On page 1 of the engrossed bill, line 5, delete the word "section" and insert in lieu thereof the word "sections"
- On page 1 of the engrossed bill, line 6, after the numerals "54-16-11.1" insert the word and numerals "and 54-27-23"
- On page 1 of the engrossed bill, line 8, after the word "agencies" insert the words "and budget section approval of office of management and budget cash flow financing"
- On page 1 of the engrossed bill, line 23, delete the numerals "3,736,302" and insert in lieu thereof the numerals "3,556,302"
- On page 1 of the engrossed bill, line 24, delete the numerals "2,245,573" and insert in lieu thereof the numerals "2,220,573"
- On page 1 of the engrossed bill, line 28, delete the numerals "269,154" and insert in lieu thereof the numerals "173,154"

On page 2 of the engrossed bill, line 1, delete the numerals "35,670,383" and insert in lieu thereof the numerals "35,369,383"

On page 2 of the engrossed bill, line 3, delete the numerals "6,582,527" and insert in lieu thereof the numerals "6,281,527"

On page 2 of the engrossed bill, line 17, delete the numerals "6,582,527" and insert in lieu thereof the numerals "6,281,527"

On page 2 of the engrossed bill, line 19, delete the numerals "68,404,524" and insert in lieu thereof the numerals "68,103,524"

On page 3 of the engrossed bill, after line 7, insert the following section:

"SECTION 5. AMENDMENT. Section 54-27-23 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-27-23. Cash flow financing. In order to effectively meet the cyclical cash flow needs of state government, the office of management and budget upon approval of the emergency commission is hereby authorized to issue certificates in anticipation of revenue, notes, or bonds, to special funds on deposit in the state treasury. Any issue of such certificates, notes, or bonds must be approved by the emergency commission and are to be used for cash flow financing only, and not to offset projected deficits in state finances unless first approved by the budget section of the legislative council. The budget section may approve additional cash flow financing not to exceed eighty percent of estimated general fund revenues relating to sales or production occurring prior to June 30, to be collected in July and August after the end of the biennium. Such additional cash flow financing is only effective for sixty days unless an extension or reapproval is received from the budget section. If a revenue shortfall of greater than five percent occurs, the office of management and budget must order budget allotments under section 54-44.1-12 prior to approval by the budget section of such additional cash flow financing. It is the intent of the legislative assembly that all borrowing must be repaid by the end of biennium. The terms of any specific issue of such certificates, notes, or bonds may not exceed one hundred eighty days from the date of issuance whereupon the principal and interest on the certificates, notes, or bonds shall be paid in full from the state general fund or from another issue of a similar nature. All principal and interest on such issues made during a biennial period shall be repaid in full at the close of the biennial period from

the state general fund. When certificates, notes, or bonds are issued for cash flow purposes to funds which otherwise would be invested, with the investment income accruing to the special fund, the certificate shall bear an investment rate of return which shall be agreed upon by the state investment board, and shall be at a level commensurate with the yield to be reasonably expected by such fund if invested in alternate securities."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Office of Management and Budget

An analysis of the \$301,000 general fund reduction is as follows:

	General Fund Increase <u>(Decrease)</u>
<u>Operating expenses</u>	
Reduce operating expenses	\$ (25,000)
Delete increase in state employee travel expense related to the statewide accounting and management information system (SAMIS)	(5,000)
Delete outside professional services funding related to SAMIS - work will now be handled by OMB staff	(150,000)
<u>Data processing</u>	
Reduce data processing	(25,000)
<u>State memberships</u>	
Delete funds for membership in the Midwest Technology Development Institute	(96,000)
Total increase (decrease)	<u>\$(301,000)</u>

A section is added to provide for the Office of Management and Budget to utilize cash flow financing to offset projected general fund deficits, not to exceed estimated general fund revenues relating to sales or production occurring prior to June 30, to be collected in July or August after the end of the biennium, upon approval by the Budget Section.

For the Senate: Sens. Tallackson, Waldera, Nelson

For the House: Reps. R. Hausauer, Payne, Hill

Engrossed SB 2004 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 SB 2523 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2373-2395 of the Senate Journal and that Engrossed SB 2523 be amended as follows:

That the House recede from its amendments to engrossed Senate Bill 2523, as printed on pages 2803-2825 of the House Journal and pages 2373-2395 of the Senate Journal, and that engrossed Senate Bill No. 2523 be amended as follows:

On page 1 of the engrossed bill, line 6, delete the word "section" and insert in lieu thereof the word and numerals "sections 49-05-05, 49-18-32,"

On page 1 of the engrossed bill, line 7, after the numerals "49-18-41.1" insert the numerals and word ", 60-02-07, and 64-02-10" and after the comma insert the words and numerals "and section 51-05.1-01.1 of the North Dakota Century Code as created by section 3 of House Bill No. 1223, as approved by the fiftieth legislative assembly"

On page 1 of the engrossed bill, line 8, after the word "commission" insert the words "; and to declare an emergency"

On page 1 of the engrossed bill, line 25, delete the numerals "6,720" and insert in lieu thereof the numerals "5,720"

On page 1 of the engrossed bill, delete line 27

On page 1 of the engrossed bill, delete line 28

On page 2 of the engrossed bill, line 2, delete the numerals "1,300,722" and insert in lieu thereof the numerals "1,274,722"

On page 2 of the engrossed bill, line 13, delete the numerals "332,133" and insert in lieu thereof the numerals "317,133"

On page 2 of the engrossed bill, line 15, delete the numerals "404,114" and insert in lieu thereof the numerals "379,114"

On page 2 of the engrossed bill, line 17, delete the numerals "1,904,183" and insert in lieu thereof the numerals "1,864,183"

On page 2 of the engrossed bill, line 18, delete the numerals "722,880" and insert in lieu thereof the numerals "717,308"

On page 2 of the engrossed bill, line 19, delete the numerals "1,181,303" and insert in lieu thereof the numerals "1,146,875"

- On page 2 of the engrossed bill, line 27, delete the numerals "1,542,861" and insert in lieu thereof the numerals "1,508,109"
- On page 2 of the engrossed bill, line 29, delete the numerals "4,800" and insert in lieu thereof the numerals "4,000"
- On page 2 of the engrossed bill, line 30, delete the numerals "191,380" and insert in lieu thereof the numerals "127,506"
- On page 2 of the engrossed bill, line 31, delete the numerals "69,120" and insert in lieu thereof the numerals "14,560"
- On page 2 of the engrossed bill, line 33, delete the numerals "107,000" and insert in lieu thereof the numerals "45,000"
- On page 2 of the engrossed bill, line 35, delete the numerals "10,279,769" and insert in lieu thereof the numerals "10,063,783"
- On page 3 of the engrossed bill, line 2, delete the numerals "6,784,427" and insert in lieu thereof the numerals "6,532,441"
- On page 3 of the engrossed bill, line 5, delete the numerals "3,271,649" and insert in lieu thereof the numerals "3,150,141"
- On page 3 of the engrossed bill, line 6, delete the numerals "433,074" and insert in lieu thereof the numerals "416,505"
- On page 3 of the engrossed bill, line 9, delete the numerals "3,760,723" and insert in lieu thereof the numerals "3,622,646"
- On page 3 of the engrossed bill, line 11, delete the numerals "3,399,707" and insert in lieu thereof the numerals "3,261,630"
- On page 3 of the engrossed bill, line 14, delete the numerals "504,655" and insert in lieu thereof the numerals "499,525"
- On page 3 of the engrossed bill, line 15, delete the numerals "71,393" and insert in lieu thereof the numerals "67,393"
- On page 3 of the engrossed bill, line 18, delete the numerals "603,856" and insert in lieu thereof the numerals "594,726"
- On page 3 of the engrossed bill, line 21, delete the numerals "8,371,243" and insert in lieu thereof the numerals "8,328,723"

- On page 3 of the engrossed bill, line 22, delete the numerals "1,910,171" and insert in lieu thereof the numerals "1,901,395"
- On page 3 of the engrossed bill, line 23, delete the numerals "1,250,713" and insert in lieu thereof the numerals "1,223,977"
- On page 3 of the engrossed bill, line 24, delete the numerals "36,345" and insert in lieu thereof the numerals "44,095"
- On page 3 of the engrossed bill, line 25, delete the numerals "11,568,472" and insert in lieu thereof the numerals "11,498,190"
- On page 3 of the engrossed bill, line 28, delete the numerals "428,719" and insert in lieu thereof the numerals "463,929"
- On page 3 of the engrossed bill, line 29, delete the numerals "140,980" and insert in lieu thereof the numerals "82,425"
- On page 3 of the engrossed bill, line 30, delete the numerals "320" and insert in lieu thereof the numerals "3,665"
- On page 3 of the engrossed bill, line 31, delete the numerals "570,019" and insert in lieu thereof the numerals "550,019"
- On page 3 of the engrossed bill, line 33, delete the numerals "484,769" and insert in lieu thereof the numerals "464,769"
- On page 4 of the engrossed bill, line 4, delete the numerals "4,018,086" and insert in lieu thereof the numerals "3,973,391"
- On page 4 of the engrossed bill, line 7, delete the numerals "167,895" and insert in lieu thereof the numerals "143,530"
- On page 4 of the engrossed bill, line 8, delete the numerals "8,559,190" and insert in lieu thereof the numerals "8,490,130"
- On page 4 of the engrossed bill, line 10, delete the numerals "4,055,415" and insert in lieu thereof the numerals "3,986,355"
- On page 4 of the engrossed bill, line 13, delete the numerals "1,870,583" and insert in lieu thereof the numerals "1,791,368"
- On page 4 of the engrossed bill, line 14, delete the numerals "1,380,905" and insert in lieu thereof the numerals "1,323,543"

- On page 4 of the engrossed bill, line 16, delete the numerals "270,000" and insert in lieu thereof the numerals "50,000"
- On page 4 of the engrossed bill, line 21, delete the numerals "1,000,000" and insert in lieu thereof the numerals "1,100,000"
- On page 4 of the engrossed bill, line 22, delete the numerals "4,693,308" and insert in lieu thereof the numerals "4,436,731"
- On page 4 of the engrossed bill, line 23, delete the numerals "1,561,958" and insert in lieu thereof the numerals "1,461,958"
- On page 4 of the engrossed bill, line 24, delete the numerals "3,131,350" and insert in lieu thereof the numerals "2,974,773"
- On page 4 of the engrossed bill, line 25, delete the numerals "32,942,848" and insert in lieu thereof the numerals "32,253,308"
- On page 4 of the engrossed bill, line 26, delete the numerals "11,416,221" and insert in lieu thereof the numerals "11,471,649"
- On page 4 of the engrossed bill, line 27, delete the numerals "44,359,069" and insert in lieu thereof the numerals "43,724,957"
- On page 5 of the engrossed bill, line 8, after the word "APPROPRIATION" insert the words "- AGRICULTURE COMMISSIONER"
- On page 5 of the engrossed bill, line 34, delete the numerals "483,329" and insert in lieu thereof the numerals "475,742"
- On page 6 of the engrossed bill, line 5, delete the words "The tax" and insert in lieu thereof the words "Notwithstanding section 57-01-02.1 or any other provision to the contrary, income of up to \$400,000 received from administrative fees generated through tax collection agreements with counties or other political subdivisions initiating taxes during the biennium ending June 30, 1989, will be deposited in the tax commissioner's operating fund. All fees collected over \$400,000 will be deposited in the general fund. Funds under this section are hereby appropriated for purposes of this section."
- On page 6 of the engrossed bill, delete lines 6 through 9
- On page 6 of the engrossed bill, line 13, delete the numerals "\$844,000" and insert in lieu thereof the numerals "835,300"

- On page 6 of the engrossed bill, line 17, delete the numerals "1,000,000" and insert in lieu thereof the numerals "1,100,000"
- On page 6 of the engrossed bill, line 18, delete the words "the credit review board determines is" and insert in lieu thereof the words "may be"
- On page 6 of the engrossed bill, delete line 21 and insert in lieu thereof the words "agriculture from the home-quarter fund in quarterly installments of \$100,000, or so much thereof as is determined by"
- On page 6 of the engrossed bill, line 22, delete the words "credit review board" and insert in lieu thereof the words "commissioner of agriculture to be necessary" and after the word "providing" insert the words "farm credit counseling and"
- On page 6 of the engrossed bill, line 23, delete the words "to the credit review board"
- On page 6 of the engrossed bill, line 24, after the period insert the words "Transfers in excess of \$100,000 per quarter, not to exceed the total of \$1,100,000, may be authorized by the credit review board."
- On page 6 of the engrossed bill, line 30, delete the word "institutions" and insert in lieu thereof the word "facilities"
- On page 6 of the engrossed bill, line 32, after the word "fee" insert the words "not to exceed fifty dollars"
- On page 6 of the engrossed bill, after line 35, insert the following sections:

"SECTION 13. AMENDMENT. Section 49-05-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-05-05. Changes in tariff rates - Notice to commission - Filing fee. No change shall be made by any public utility in any tariffs, rates, joint rates, fares, tolls, schedules, classifications, or service which have been filed and published by any public utility, except after thirty days' notice to the commission. Such The notice shall state plainly the changes proposed and except for services must be accompanied by a fifty dollar filing fee. The commission for a good cause shown, may allow changes upon less than the notice herein specified, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

SECTION 14. AMENDMENT. Section 49-18-32 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-18-32. Fees - Common or contract motor carrier. Every common motor carrier and every contract carrier of property or passengers now operating, or which hereafter shall operate, as such common or contract carrier in this state, at the time of making application for a certificate of public convenience and necessity or permit, and annually thereafter, on or before April fifteenth of each calendar year, shall pay a fee of not less than ~~fifteen~~ eighty-five dollars nor more than ~~one~~ two hundred fifty dollars, to be fixed by the commission in each instance. Miscellaneous nonrefundable fees shall be as follows:

1. Application for transfer of certificate of public convenience and necessity ~~\$50.00~~ 100.00
2. Application for the mortgaging of a certificate of public convenience and necessity 10.00
3. Application for the issuance of a duplicate certificate of public convenience and necessity 5.00
4. Copy of all records of the commission pertaining to auto transportation companies, per one hundred words or portion thereof50"

On page 7 of the engrossed bill, line 5, delete the word "six" and insert in lieu thereof the word "seven"

On page 7 of the engrossed bill, after line 10, insert the following sections:

"SECTION 16. AMENDMENT. Section 51-05.1-01.1 of the North Dakota Century Code as created by Section 3 of House Bill No. 1223, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

51-05.1-01.1. Auctioneer's license - Clerk's license - Fees - Bonds. Application for an annual auctioneer's or clerk's license must be in writing, verified, and must show the name, residence, and address of the applicant. An application must be filed at least ten days prior to the first auction sale the applicant is to conduct or clerk. Application for renewal of an annual license must be on forms designated by the commission. The fee for the annual license or renewal is ~~twenty-five~~ thirty-five dollars and must accompany the application. The name and license

number must appear on all advertising of sales conducted by an auctioneer or clerk.

When filing an application an auctioneer or clerk must file a corporate surety bond of three thousand dollars for an auctioneer and ten thousand dollars for a clerk with the state of North Dakota as obligee for the benefit of any person injured by the licensee's improper conduct.

SECTION 17. AMENDMENT. Section 60-02-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-07. Public warehouse license - How obtained - Fee. A license must be obtained through the commission for each public warehouse in operation in this state. No license so issued shall describe more than one public warehouse nor grant permission to operate any public warehouse other than the one described therein. The annual license fee for a public warehouse shall be one hundred thirty dollars for a warehouse of a bushel capacity of two hundred thousand [7047.8 cubic meters] or less, two hundred sixty dollars for a warehouse of a bushel capacity of two hundred thousand and one to and including five hundred thousand [7047.83 to and including 17,619.54 cubic meters], and ~~two~~ three hundred ~~fifty~~ forty dollars for a warehouse of a bushel capacity of five hundred thousand and one [17,619.57 cubic meters] or more. The fees collected under this section shall be paid into the state treasury and credited to the general fund of the state. If a public warehouseman operates two or more warehouses in the same city or siding, in conjunction with each other and with the same working force, and where but one set of books and records is kept for all such warehouses, and scale tickets, warehouse receipts, checks, and credit-sale contracts of but one series are issued for the grain stored and purchased therein, only one license shall be required for the operation of all such warehouses. Where two or more warehouses are operated under one license, the license fee shall be based upon the combined bushel capacity of said warehouses.

SECTION 18. AMENDMENT. Section 64-02-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-10. Fee schedule for inspection of weighing and measuring devices. The director or other employee of the department of weights and measures shall charge and collect fees in accordance with the following schedule:

1. For inspecting railroad
track scales \$75-~~00~~ 80.00

2. For inspecting livestock and vehicle scales eight thousand pounds [3628.74 kilograms] capacity and under 35.00
3. For inspecting livestock and vehicle scales over eight thousand pounds [3628.74 kilograms] capacity 75-00 80.00
4. For inspecting livestock scales under the jurisdiction of Packers and Stockers Act of the federal department of agriculture 75-00 80.00
5. For inspecting livestock scales under the jurisdiction of Packers and Stockers Act of the federal department of agriculture, where in the discretion of the director of weights and measures or his employee, the sales ring or buying station scale owner transports to the scale and furnishes all test weights and manpower needed to properly test the scale 45.00
6. For inspecting auxiliary beam on livestock, motor truck, motor truck dump scales 15.00
7. For inspecting road construction truck scales 75-00 80.00
8. For inspection of road construction hopper scales, six thousand and one pounds [2722.01 kilograms] capacity and over 35.00
9. For inspecting overhead track scales, hopper scales, dormant scales, and hanging scales six thousand pounds [2721.55 kilograms] capacity and over 35.00

JOURNAL OF THE SENATE

- For inspecting overhead
track scales, dormant scales,
hanging scales, and
hopper scales five thousand
nine hundred ninety-nine
pounds [2721.10 kilograms] and
less capacity, each 20.00
10. For inspecting movable
platform scales 6.00
11. For inspecting all counter
and computing scales ~~5.00~~ 6.00
12. For inspecting every patent
balance, beam steel yard, or
other instrument used
for weighing other than
the above enumerated, each ~~5.00~~ 6.00
13. For inspecting any two-bushel
[70.48 liter] or
one-bushel [35.24 liter]
measure ~~5.00~~ 6.00
14. For inspecting any other dry
measure, each ~~5.00~~ 6.00
15. For inspecting any board of
cloth measure, each ~~5.00~~ 6.00
16. For inspecting any liquid
measure or computing pump ~~5.00~~ 6.00
17. For each inspection of any
liquid measure or computing pump
in addition to the regularly
scheduled annual inspection,
including inspections made for
new equipment which replaces
a rejected measuring device ~~5.00~~ 6.00
18. For inspecting liquid
measures of five gallons
[18.93 liters] or
less capacity, each ~~5.00~~ 6.00
19. For inspecting gasoline and
fuel oil meters ~~12.00~~ 15.00
20. For inspecting gasoline and
fuel oil meters on common carrier
pipelines, and any other
meters used in loading

	railway cars, transports, or other conveyances	30-00 <u>35.00</u>
21.	For inspecting propane and liquid fertilizer meters	20-00 <u>25.00</u>
22.	For calibrating truck tanks of one thousand gallons [3785.41 liters] capacity and under	30.00
	Truck tanks between one thousand and one gallons [3789.10 liters] and six thousand gallons [22,712.47 liters]	40.00
	Truck tanks above six thousand gallons [22,712.47 liters]	50.00
23.	For inspection of Crane scales six thousand pounds [2721.55 kilograms] and less capacity, each	30.00
	For inspection of Crane scales six thousand and one pounds [2722.01 kilograms] capacity and over, each	50.00

Where a rejected weighing and measuring device has been reconditioned or replaced by new equipment, the same must be reinspected and a certificate issued before being put into use, and except as otherwise provided above, the fee charged for such reinspection and certification shall be the same as for the first inspection and certification. When the director or other employee of the department of weights and measures finds any of the instruments or articles used in weighing or measuring to be out of allowable tolerance set by the commission, the director or other employee shall inform the owner or operator that his weighing or measuring equipment is out of tolerance and to instruct him that a competent serviceman is to be called to service the device and bring said device to allowable tolerance.

Whenever a special inspection of any measuring device is required, in addition to the regularly scheduled annual inspection made by the department, a charge of fifty cents per mile [1.61 kilometers] will be made unless the motor vehicle, including the testing equipment necessary to perform such special inspection, weighs less than ten thousand pounds [4535.92 kilograms] gross. If the motor

vehicle weighs less than ten thousand pounds [4535.92 kilograms] gross, a charge of twenty-five cents per mile [1.61 kilometers] will be made, and all such mileage charges shall be in addition to the regular inspection fee to cover the costs of the additional travel by the director or employee occasioned by such special inspection. Where a special inspection has been requested and the person requesting such special inspection fails to appear at the arranged hour, or fails to have the weighing or measuring device in readiness for inspection or for repair or maintenance work at the arranged hour, there shall be a charge of thirty dollars an hour for the time interval between the arranged hour and the hour at which the inspection can be commenced.

SECTION 19. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to the secretary of state for the preparation, printing, and distribution of the North Dakota Blue Book, for the period beginning with the effective date of this Act and ending June 30, 1989.

SECTION 20. DUTIES OF THE SECRETARY OF STATE.

1. In organizing and preparing the content of the Centennial edition of the North Dakota Blue Book, the secretary of state shall consult with representatives from the North Dakota library community.
2. Printing and binding of the North Dakota Centennial edition of the Blue Book must be let as a special class of printing upon competitive bidding to the lowest bidder.
3. The North Dakota Centennial edition of the Blue Book must include color photograph reproductions where appropriate including one of Representative Haugland, and it may not contain more than six hundred pages and the number to be printed may not exceed four thousand volumes.
4. The secretary of state shall print, furnish, and distribute the North Dakota Blue Book as follows:
 - a. One copy to each member of the legislative assembly.
 - b. Three copies to the state historical society.
 - c. Two copies to the state law library.

- d. Two copies to each of the college and university libraries in the state.
 - e. Ten copies to the legislative council.
 - f. One copy to each public institution maintained by the state.
 - g. One copy to each elective and appointive state officer.
 - h. One copy to each public library in the state.
 - i. One copy to each county auditor.
 - j. One copy to each public high school and junior high school in the state.
 - k. One copy to each supreme court justice.
 - l. One copy to each district judge.
5. After making the distribution required by subsection 4, the secretary of state shall provide for the sale of the Blue Book through state agencies and may negotiate with North Dakota licensed private vendors and state agencies to allow for sales at various locations throughout the state. The secretary of state shall establish the price of the Blue Book. All proceeds received by the state must be deposited in the state general fund.

SECTION 21. LEGISLATIVE INTENT CONCERNING REPUBLICATION OF BLUE BOOK. The fiftieth legislative assembly dedicates this republication of the North Dakota Blue Book in the honor of the North Dakota Centennial to be observed in 1989. The fiftieth legislative assembly wishes to recognize the following:

- 1. The Centennial is a most appropriate time to recognize the accomplishments of North Dakota citizens by reviewing:
 - a. Events of historic significance in the continuing evolution of the state.
 - b. The relationship of the state to its political subdivisions and to the federal government.
 - c. Functions of the executive, legislative, and judicial branches of state government

including the place of past and present leaders.

- d. The development of counties, cities, townships, and special districts.
 - e. The diversity of the state's social and cultural heritage.
 - f. The basis for the primary components of the state's economy.
 - g. The condition of the state's physical environment.
 - h. Places, emblems, symbols, and awards unique to North Dakota.
2. The Centennial is a most appropriate time to celebrate the pride North Dakotans harbor for their state.
 3. The Centennial is a time to reflect on the good and sometimes difficult times that North Dakota citizens have had in the past 100 years.
 4. The Centennial is "a people celebration".

SECTION 22. SPECIAL RECOGNITION. The fiftieth legislative assembly hereby directs that this republication of the North Dakota Blue Book give special recognition to the Honorable Brynhild Haugland. Representative Haugland has served in the North Dakota legislative assembly continuously since 1939, in twenty-five consecutive legislative sessions, and is the senior state legislator in the United States.

SECTION 23. ADDITIONAL INCOME - APPROPRIATION - STATE TREASURER. There is hereby appropriated to the state treasurer, upon approval of the emergency commission, for the biennium beginning July 1, 1987, and ending June 30, 1989, the sum of \$11,000, or so much thereof as may be necessary, from funds received from nongeneral fund sources for the purpose of defraying the expenses of participating in organizations benefiting the state of North Dakota.

SECTION 24. EMERGENCY. Sections 19, 20, 21, and 22 of this Act are declared to be emergency measures and are in effect upon their filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments reduce the bill appropriation amount by \$634,112, of which \$689,540 is from the general fund and \$55,428 is an increase in other funds. An analysis of changes by each agency is as follows:

Governor's Office

The Governor's office general fund appropriation is decreased by \$26,000, analyzed as follows:

	<u>Total General Fund (Decrease)</u>
<u>Governor's Office contingency</u>	
Reduce funding	\$ (1,000)
<u>Governor's transition - in</u>	
Reduce funding	(15,000)
<u>Governor's transition - out</u>	
Reduce funding	<u>(10,000)</u>
Total change	\$ (26,000)

Secretary of State

The amount of funding from the general fund is increased by \$17,000 in operating expenses resulting from requiring a public awareness program through passage of Senate Bill No. 2378 of the 1987 Legislative Assembly, and is reduced by \$32,000 in operating expenses and by \$25,000 in data processing relating to the central notice system.

Attorney General

The amendment reduces the general fund appropriation by \$215,986 as follows:

	<u>General Fund (Decrease)</u>
<u>Operating expenses</u>	
Reduce travel funds	\$ (34,752)
<u>Equipment</u>	
Reduce funds for equipment purchases	(63,874)
<u>Controlled Substance Board</u>	
Reduce all funding	(800)

<u>Arrest and return of fugitives</u>	
Reduce funding	(54,560)
<u>ARC legal fees</u>	
Reduce funding to \$45,000	<u>(62,000)</u>
Total	\$(215,986)

Also these amendments reduce the transfer from the fire and tornado fund to the Attorney General for the expenses of the State Fire Marshal from \$483,329 to \$475,742, a reduction of \$7,587 as a result of the deletion of the compensation increase package.

State Auditor

The general fund appropriation is reduced by \$138,077 analyzed as follows:

	General Fund <u>(Decrease)</u>
<u>Salaries and wages</u>	
Delay filling of two vacant positions	\$(121,508)
<u>Operating expenses</u>	
Reduce expenses related to vacant positions	<u>(16,569)</u>
Total	\$(138,077)

State Treasurer

An analysis of the \$9,130 general fund reduction is as follows:

	General Fund Increase <u>(Decrease)</u>
<u>Salaries and wages</u>	
Reduce salaries and wages to reflect savings from employee turnover	\$ (5,130)
<u>Operating expenses</u>	
Reduce operating expenses	<u>(4,000)</u>
Total increase (decrease)	\$ (9,130)

Also a section is added allowing the State Treasurer to accept and spend up to \$11,000 of other funds for participation in organizations beneficial to North Dakota.

State Tax Commissioner

The amendment deletes \$70,282 from the general fund which is summarized as follows:

	<u>Salaries and Wages</u>	<u>Operating Expenses</u>	<u>Equipment</u>	<u>Data Processing</u>	<u>Total General Fund Change</u>
Reduction relating to vacancies, employee turnover, and possible employee compensation reductions	\$(70,000)				\$(70,000)
Additions for implementing of mandatory withholding including a Clerk II position	27,480	92,519	7,750	28,264	156,013
Other reductions		(101,295)			(101,295)
Reduce Data Processing because of rate change				\$(55,000)	(55,000)
Total changes	\$(42,520)	\$8,776	\$7,750	\$(26,736)	\$(70,282)

In addition, Section 9 is amended to provide that up to \$400,000 received during the biennium from tax collection agreements with counties or other political subdivisions initiating a sales tax during the 1987-89 biennium will be deposited in the Tax Commissioner's operating fund to pay the cost of administering the agreements. Any funds collected in excess of \$400,000 will be deposited in the general fund.

Also, the transfer in Section 10 from the motor vehicle fuel tax fund is reduced \$8,700 relating to the deletion of funding for the compensation increase of two percent plus \$50/month.

Labor Commissioner

The general fund appropriation is reduced by \$20,000 in salaries and wages. Also, \$55,210 is transferred to salaries and \$3,345

to equipment from operating expenses to add a position instead of contracting for services.

Public Service Commission

An analysis of the \$69,060 general fund reduction is as follows:

	General Fund <u>Increase (Decrease)</u>
<u>Operating expenses</u>	
Reduces Transportation Division's operating expenses	\$ (8,595)
Adds motor pool expenses for the Weights and Measures Division	13,900
Other operating expenses	<u>(50,000)</u>
Total operating expenses	\$(44,695)
<u>Equipment</u>	
Delete funds for:	
Meeting room furniture	\$ (8,865)
2 utility truck bodies (\$4,000 each)	(8,000)
Van body	<u>(7,500)</u>
Total equipment	\$(24,365)
Total general fund reduction	\$(69,060)

An analysis of additional general fund revenue generated through increased fees is as follows for the biennium beginning July 1, 1987, and ending June 30, 1989:

<u>Description</u>	General Fund Revenues in Addition to the Executive <u>Recommendation</u>
Filing fee for changes in tariff rates (\$0 to \$50)	\$ 27,500
Increase in motor carrier fees:	
Special certificate renewal (\$75 to \$115)*	17,600
Contract carrier renewal (\$50 to \$85)*	2,800
Contract permit application (\$75 to \$100)*	625
Special certification application (\$100 to \$125)*	1,000
Transfer of special certification (\$50 to \$100)	3,000
Increase in auctioneer's license fee (\$25 to \$35)	15,340
Increase in public warehouse license fees	64,620
(Less than 200,000 bushels: \$100 to \$130;	
200,000 bushels to 500,000 bushels:	
\$200 to \$260; and over 500,000 bushels:	
\$250 to \$340)	

Increase in fees for inspecting of	38,319
weighing devices (LP Meter: \$20 to \$25;	
Counter scale: \$5 to \$6;	
Gas pump: \$5 to \$6;	
Vehicle and livestock scales: \$75 to \$80;	
Pipeline meter: \$30 to \$35; and	
Gasoline truck: \$12 to \$15)	

Increase in interstate carrier registration and	500,000
identification fees (\$6 to \$7)	

Total	\$ 670,804
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* These fees are set in North Dakota Administrative Code Chapter 69-03-03 as authorized in North Dakota Century Code Section 49-18-32. It is anticipated that the Public Service Commission will increase these fees by amending the administrative code.

Department of Agriculture

An analysis of the general fund and estimated changes is as follows:

<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Salaries and wages</u>			
Savings through reduced salary and wage expenditures including vacancies	\$ (79,215)	\$ (79,215)	
<u>Operating expenses</u>			
Reduce funding	(57,362)	(57,362)	
<u>Grants</u>			
Delete funding for leafy spurge control	(220,000)	(220,000)	
<u>Farm credit counseling</u>			
Provide funding for anticipated demand for services	100,000		\$ 100,000
<u>Estimated income</u>			
Reduce estimated income, increase general fund amount for Marketing Division	0	200,000	(200,000)
Total increase (decrease)	\$ (256,577)	\$ (156,577)	\$ (100,000)

The farm credit counseling line item is increased by \$100,000 to \$1,100,000 to more accurately reflect the anticipated demand for services. The purpose for the transfer for the home-quarter fund

is changed to provide that quarterly installments of up to \$100,000 may be transferred upon determination of the Commissioner of Agriculture for the farm credit counseling program and for negotiation services rather than determined by the Credit Review Board. Transfers in excess of \$100,000 per quarter must be authorized by the Credit Review Board.

Also, \$50,000 is appropriated from the general fund to the Secretary of State for preparation and distribution of a Centennial Edition of the North Dakota Blue Book. The republication is dedicated to the North Dakota Centennial in 1989 with special recognition given to Representative Brynhild Haugland.

The amendments restore \$1,298,520 of the \$1,988,060 general fund reductions approved by the House.

For the Senate: Sens. Wogsland, Tallackson, Thane

For the House: Reps. Kingsbury, Peterson, Graba

Engrossed SB 2523 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that SB 2004 and SB 2523 be placed on the Seventh order of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on SB 2004 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget of the state of North Dakota; providing an exemption to the provisions of section 54-44.1-11 of the North Dakota Century Code; and to amend and reenact sections 54-16-11.1 and 54-27-23 of the North Dakota Century Code, relating to the emergency commission authority to increase revenue appropriation authority for intergovernmental service fund agencies and budget section approval of office of management and budget cash flow financing.

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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly;

Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Naaden; Todd

SB 2004 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. WOGSLAND MOVED that the conference committee report on SB 2523 as printed in the Senate Journal of the Seventy-third Legislative Day be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2523: A BILL for an Act making an appropriation for defraying the expenses of various elected officials of the state of North Dakota; to provide for transfers; to create and enact a new section to chapter 18-01 of the North Dakota Century Code, relating to fire safety inspections performed by the fire marshal at the request of the department of human services; and to amend and reenact sections 49-05-05, 49-18-32, 49-18-41.1, 60-02-07, and 64-02-10 of the North Dakota Century Code, and section 51-05.1-01.1 of the North Dakota Century Code as created by section 3 of House Bill No. 1223, as approved by the fiftieth legislative assembly relating to fees charged by the public service commission; and to declare an emergency.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Naaden; Todd

SB 2523 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which SB 2004 and SB 2523 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 SB 2004 and SB 2523 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE 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 2004, SB 2523

PERRY GROTEBERG, Secretary

MOTIONS

SEN. MAIXNER MOVED that SB 2001 be moved from the table, which motion prevailed.

SEN. MAIXNER MOVED that SB 2001 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act making an appropriation for defraying the expenses of various elected officials of the state of North Dakota; to provide for transfers; to create and enact a new section to chapter 18-01 of the North Dakota Century Code, relating to fire safety inspections performed by the fire marshal at the request of the department of human services; to amend and reenact sections 4-01-21, 34-05-01.2, 49-01-05, 49-18-41.1, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to fees charged by elected officials and the annual salaries of elected officials; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 2 YEAS, 48 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Bakewell; Maxson

SATURDAY, APRIL 18, 1987

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

ABSENT AND NOT VOTING: Holmberg; Naaden; Todd

SB 2001 lost.

MOTION

SEN. MAIXNER MOVED that the Senate Journal reflect that Senators were absent on the final passage of bills due to conference committee meetings, which motion prevailed.

MESSAGES FROM THE HOUSE

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 2004

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 2523

ROY GILBREATH, Chief Clerk

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

April 18, 1987

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

Dear Mr. President Pro Tempore:

This is to inform you that on April 17, 1987, I signed the following:

SB 2113, SB 2557, SB 2378.

Sincerely,

GEORGE A. SINNER
Governor

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

SB 2002, SB 2004, SB 2009, SB 2015, SB 2016, SB 2030,
SB 2038, SB 2079, SB 2190, SB 2523, SB 2556, SB 2562

PERRY GROTEBERG, Secretary

MESSAGE TO THE HOUSE SENATE CHAMBER

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

SB 2002, SB 2004, SB 2009, SB 2015, SB 2016, SB 2030,
SB 2038, SB 2079, SB 2190, SB 2523, SB 2556, SB 2562

PERRY GROTEBERG, Secretary

MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

SB 2002, SB 2004, SB 2009, SB 2015, SB 2016, SB 2030,
SB 2038, SB 2079, SB 2190, SB 2523, SB 2556, SB 2562

ROY GILBREATH, Chief Clerk

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 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1009,
HB 1018, HB 1019, HB 1027, HB 1065, HB 1359, HB 1544,
HB 1590, HB 1686

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

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HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1009,
HB 1018, HB 1019, HB 1027, HB 1065, HB 1359, HB 1544,
HB 1590, HB 1686

PERRY GROTEBERG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following
which the President Pro Tem has signed:

HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1009,
HB 1018, HB 1019, HB 1027, HB 1065, HB 1359, HB 1544,
HB 1590, HB 1686

PERRY GROTEBERG, Secretary

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
10:10 a.m., April 20, 1987:

SB 2008, SB 2555

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 10:05 a.m., April 20, 1987:

SCR 4016

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

April 22, 1987

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

Dear Mr. President Pro Tempore:

This is to inform you that on April 21, 1987, I signed the
following:

SB 2035, SB 2036, SB 2103, SB 2259, SB 2510, SB 2468,
SB 2477, SB 2480, SB 2560, SB 2561, SB 2555.

Sincerely,

GEORGE A. SINNER
Governor

MOTION

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

THE PRESIDENT PRO TEM APPOINTED as such committee:

Sens. Mathern, Maxson, Nelson

MOTION

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

THE PRESIDENT PRO TEM APPOINTED as such committee:

Sens. Wogsland, Shea, Ingstad

ANNOUNCEMENTS

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

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

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

MOTION

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

PERRY GROTEBERG, Secretary

POSTSESSION ACTION BY GOVERNOR

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

Senate Bill No.	DATE SIGNED:
2005	April 21, 1987
2008	April 21, 1987
2012	April 21, 1987
2013	April 21, 1987
2029	April 21, 1987
2063	April 21, 1987
2339	April 21, 1987
2002	April 24, 1987
2004	April 24, 1987
2009	April 24, 1987
2015	April 24, 1987
2016	April 24, 1987
2030	April 24, 1987
2038	April 24, 1987
2079	April 24, 1987
2190	April 24, 1987
2387	April 24, 1987
2523	April 24, 1987
2556	April 24, 1987
2562	April 24, 1987