

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, March 31, 1995

The Senate convened at 8:00 a.m., with President Myrdal presiding.

The prayer was offered by Philip Bedwell, Senior Minister, First Church of the Nazarene, Minot.

The roll was called and all members were present except Senator Naaden.

A quorum was declared by the President.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1003.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to adopt the Conference Committee report on HB 1367 and the Conference Committee has been dissolved. The Speaker has appointed a new Conference Committee to act with a like committee from the Senate on: HB 1367: Reps. Froseth, Maragos, Delmore.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2008 as printed on SJ pages 1417-1418 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2008: Sens. Naaden, Solberg, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to SB 2305 as printed on SJ pages 1416-1417 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2305: Sens. Solberg, St. Aubyn, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2313 as printed on SJ page 1397 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2313: Sens. Holmberg, Lips, Redlin.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to SB 2019 as printed on SJ page 1419, which motion prevailed on a voice vote.

SB 2019, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act making an appropriation for the distribution of state aid distribution fund revenue to political subdivisions of the

state of North Dakota; and to provide a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

SB 2019, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do concur in the House amendments to Engrossed SB 2499 as printed on SJ pages 1415-1416, which motion prevailed on a voice vote.

Engrossed SB 2499, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2499: A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to health provider cooperatives; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

Engrossed SB 2499, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. GRINDBERG MOVED that the conference committee report on Engrossed HB 1041 as printed on SJ page 1454 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1041, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1041: A BILL for an Act to create and enact a new section to chapter 15-22 of the North Dakota Century Code, relating to the duties of county superintendents of schools; and to repeal sections 15-21-10, 15-22-10, 15-22-11, 15-22-13, 15-22-15, 15-22-16, 15-22-20, 15-22-26,

15-35-10, 15-38-02, 15-38-03, 15-38-14, 15-40.1-19, 15-47-17, 15-47-23, and 65-04-07 of the North Dakota Century Code, relating to the duties of county superintendent of schools, filing requirements, contingency funds, disaster drills, teacher registers, and reporting requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Mathern; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Wogsland; Yockim

NAYS: Krauter; Lips; Mushik; Streibel; Tomac; Watne

ABSENT AND NOT VOTING: Naaden

Engrossed HB 1041 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the conference committee report on Engrossed HB 1064 as printed on SJ pages 1407-1408 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1064, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1064: A BILL for an Act to amend and reenact sections 39-04-10.3, 39-04-36, 39-04-39.2, and 39-04-44 of the North Dakota Century Code, relating to the retention of number plates by an owner when a vehicle is transferred or assigned; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Langley; Tennefos; Tomac

ABSENT AND NOT VOTING: Naaden

Engrossed HB 1064, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on Engrossed HB 1094 as printed on SJ page 1408 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1094, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to create and enact a new section to chapter 57-43.1 and a new section to chapter 57-43.2 of the North Dakota Century Code, relating to additional motor vehicle fuels taxes and special fuels taxes to be imposed if additional federal highway matching funds become available; to repeal sections 1 and 2 of chapter 573 of the 1993 Session Laws, relating to additional motor vehicle and special fuels taxes; to provide an appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Malewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, W.; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzenk; Watne; Wogsland

NAYS: Bowman; Christmann; Heinrich; Kelsh; Krauter; LaFountain; Mushik; Mutch; Nelson, C.; O'Connell; Scherber; Schobinger; Solberg; Stenehjem, B.; Streibel; Yockim

ABSENT AND NOT VOTING: Naaden

Engrossed HB 1094, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on HB 1134 as printed on SJ pages 1454-1455 be adopted, which motion prevailed, on a voice vote.

HB 1134, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to provide limitations on production incentives for ethanol plants; to amend and reenact section 57-43.1-03.1 of the North Dakota Century Code and section 6 of chapter 404 of the 1991 Session Laws, relating to reductions of refunds of motor vehicle fuels taxes on fuel used for agricultural purposes and the duration of motor vehicle registration fees; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzenk; Watne; Wogsland; Yockim

NAYS: Christmann; Malewaja; Solberg

ABSENT AND NOT VOTING: Naaden

HB 1134, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. SAND MOVED that the conference committee report on Engrossed HB 1207 as printed on SJ page 1409 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1207, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to amend and reenact section 65-04-20 of the North Dakota Century Code, relating to the installment payment of premiums for workers' compensation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 15 NAYS, 0 EXCLUDED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Tallackson; Thane; Tomac; Traynor; Urlacher; Watne; Wogsland

NAYS: Andrist; Bowman; Christmann; Freborg; Kelsh; Mathern; Mushik; Nething; O'Connell; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Wanzek; Yockim

ABSENT AND NOT VOTING: Naaden

Engrossed HB 1207, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on Engrossed HB 1221 as printed on SJ pages 1455-1456 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1221, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1221: A BILL for an Act to allow an employer covered under the workers' compensation act to require the use of preferred providers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Yockim

ABSENT AND NOT VOTING: Naaden

Engrossed HB 1221, as amended, was declared adopted and the title was agreed to.

MOTION

SEN. GOETZ MOVED that HB 1309, which is on the Seventh order, be rereferred to the Conference Committee, which motion prevailed. Pursuant to Sen. Goetz's motion, HB 1309 was rereferred.

MOTION

SEN. G. NELSON MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

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

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2008, SB 2305, and SB 2313 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2008: Sens. Naaden; Solberg; Robinson

SB 2305: Sens. Solberg; St. Aubyn; Tallackson

SB 2313: Sens. Holmberg; Lips; Redlin

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1194, HB 1228, HB 1473, HB 1478, HB 1489, HB 1492, HB 1500, HB 1502, HCR 3001, HCR 3004, HCR 3005, HCR 3019, HCR 3021, HCR 3026, HCR 3043.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1018, HB 1022, HB 1032, HB 1149, HB 1151, HB 1326, HB 1360, HB 1369, HB 1375, HB 1378, HB 1379, HB 1407, HB 1436, HB 1441, HB 1452, HB 1463, HB 1493, HCR 3006, HCR 3038.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: HB 1309 has been rereferred back to conference committee by the Senate.

MOTION

SEN. URLACHER MOVED that the Senate Conference Committee on Engrossed HB 1367 be dissolved and that a new conference committee be appointed, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on Engrossed HB 1367: Sens. Watne, Urlacher, Mathern.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1178, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1178: Sens. Grindberg, Wanzek, O'Connell.

REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on Engrossed HB 1250 as printed on SJ page 1456 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1250, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1250: A BILL for an Act to create and enact a new subsection to section

54-44.3-20 and a new section to chapter 65-02 of the North Dakota Century Code, relating to excepting officers and employees of the workers compensation bureau from the central personnel system and requiring the workers compensation bureau to establish a personnel system; to provide for approval of the system; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; Redlin; Robinson; Scherber; Stenehjem, B.; Tomac; Wogsland; Yockim

Engrossed HB 1250, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on HB 1298 as printed on SJ page 1409 be adopted, which motion prevailed, on a voice vote.

HB 1298, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1298: A BILL for an Act to amend and reenact section 15 of chapter 374 of the 1987 Session Laws, as amended by section 1 of chapter 379 of the 1989 Session Laws and section 6 of chapter 24 of the 1993 Session Laws, relating to extending the expiration date for legislation that created a temporary court of appeals.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1298, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. URLACHER MOVED that the conference committee report on Engrossed HB 1300 as printed on SJ page 1409 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1300, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1300: A BILL for an Act to amend and reenact subsection 4 of section

23-06-03 of the North Dakota Century Code, relating to burial of the dead by county social service boards.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: DeMers; Heinrich; Krauter; Tomac; Yockim

Engrossed HB 1300, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. ANDRIST MOVED that the conference committee report on HB 1329 as printed on SJ pages 1456-1457 be adopted, which motion prevailed, on a verification vote.

HB 1329, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1329: A BILL for an Act to amend and reenact sections 65-04-12, 65-04-13, 65-04-14, 65-04-19, 65-04-23, 65-04-24, 65-04-26.1, 65-04-27, 65-04-27.1, 65-09-01, 65-09-02, 65-09-03, and 65-09-04 of the North Dakota Century Code, relating to penalties for failure to obtain workers' compensation coverage and submit payroll reports, penalties for refusal to permit inspection of books, penalties for filing false payroll reports, calculation of premium due, penalties for default in payments to the workers compensation bureau, actions for collection of delinquent premium, corporate officer liability, payment of claims for employees of employers who are in default, and injunctions against employers; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Andrist; Bowman; Kelsh; Mutch; Streibel; Tennefos

HB 1329, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the conference committee report on Engrossed SB 2074 as printed on SJ pages 1449-1450 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2074, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to amend and reenact subsection 1 of section 57-02.1-05 and section 57-02.1-06 of the North Dakota Century Code, relating to payments in lieu of real estate taxes made by the game and fish department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Reclin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

MAYS: Yockim

Engrossed SB 2074, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOBINGER MOVED that the conference committee report on Engrossed SB 2209 as printed on SJ pages 1450-1451 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2209, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2209: A BILL for an Act to create and enact a new section to chapter 15-27.1, section 15-27.4-02.1, and a new section to chapter 15-40.3 of the North Dakota Century Code, relating to school district levies after annexation or dissolution, unobligated cash balance in a dissolution, and open enrollment exemptions; and to amend and reenact section 15-27.1-11, subsection 2 of section 15-27.2-01, sections 15-27.2-04, 15-27.3-01.1, 15-27.3-02, 15-27.3-05, 15-27.3-06, 15-27.3-14, 15-27.4-01, subsection 3 of section 15-27.4-02, sections 15-27.4-03, 15-40.1-07.3, subsection 2 of section 15-40.2-01, and subsection 1 of section 15-40.2-04, relating to school district annexation, reorganization, and dissolution and payment of tuition and open enrollment.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Krebsbach; Traynor

Engrossed SB 2209, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. URLACHER MOVED that the conference committee report on Engrossed SB 2442 as printed on SJ pages 1452-1453 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2442, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2442: A BILL for an Act to amend and reenact subsection 3 of section 21-03-07 of the North Dakota Century Code, relating to notice of the issuance of bonds by municipalities for highway projects.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Krauter; O'Connell

Engrossed SB 2442, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2455, which is on the Seventh order, be rereferred to the Conference Committee, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2455 was rereferred.

MOTION

SEN. GOETZ MOVED that Sen. Lips replace Sen. Nething on the conference committee on Engrossed HB 1001, which motion prevailed.

MOTION

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

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

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2012, SB 2059.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 4, after the semicolon insert "to authorize the state of North Dakota to convey certain state-owned land to Community Housing, Inc.;"

Page 1, line 5, replace "and" with a comma and after "50-06" insert ", and a new subsection to section 50-06-05.1"

Page 1, line 7, remove "and"

Page 1, line 8, after "division" insert ", and to the duties of the department of human services"

- Page 1, line 9, replace "and 50-24.5-06" with ", 50-06-14.3, and subsection 5 of section 50-24.4-10"
- Page 1, line 12, after the second comma insert "nursing home operating costs,"
- Page 1, line 17, replace "an effective date" with "for program reductions if federal programs are terminated or reduced by block grant funding and to report to the budget section"
- Page 2, line 5, replace "EXECUTIVE OFFICE" with "MANAGEMENT AND CCUNCILS"
- Page 2, line 6, replace "623,549" with "7,685,631"
- Page 2, line 7, replace "516,562" with "13,391,161"
- Page 2, after line 7, insert:
- | | |
|---|------------|
| "Grants | 667,278 |
| Developmentally disabled facility loan fund | 1,840,956" |
- Page 2, line 8, replace "4,874" with "105,684"
- Page 2, line 9, replace "1,144,985" with "23,690,710"
- Page 2, line 10, replace "425,248" with "15,890,069"
- Page 2, line 11, replace "719,737" with "7,800,641"
- Page 2, remove lines 12 through 28
- Page 2, line 29, replace "4" with "2"
- Page 3, line 2, replace "4,411,704" with "7,583,053"
- Page 3, line 3, replace "20,747,136" with "25,275,668"
- Page 3, line 4, replace "69,615" with "81,715"
- Page 3, line 5, replace "1,724" with "2,543"
- Page 3, after line 5, insert:
- | | |
|-------------------------------|--------------|
| "Grants - assistance payments | 125,291,758" |
|-------------------------------|--------------|
- Page 3, line 6, after "Grants" insert "- medical assistance" and replace "127,065,685" with "564,901,055"
- Page 3, line 7, replace "152,295,864" with "723,135,792"
- Page 3, line 8, replace "129,452,250" with "539,122,053"
- Page 3, line 9, replace "22,843,614" with "184,013,739"
- Page 3, remove lines 10 through 19
- Page 3, line 20, replace "6" with "3"
- Page 3, line 22, replace "5,355,667" with "9,952,704"
- Page 3, line 23, replace "13,533,736" with "17,334,562"
- Page 3, line 24, replace "293,185" with "583,968"
- Page 3, after line 24, insert:
- | | |
|-----------------------|---------|
| "Capital improvements | 32,618" |
|-----------------------|---------|

Page 3, line 25, replace "78,217,413" with "93,837,526"

Page 3, line 26, replace "97,400,001" with "121,741,378"

Page 3, line 27, replace "68,646,723" with "88,492,065"

Page 3, line 28, replace "28,753,278" with "33,249,313"

Page 3, remove line 29

Page 4, remove lines 1 through 9

Page 4, line 10, replace "8" with "4" and after the period insert "FIELD SERVICES"

Page 4, line 12, replace "58,004,998" with "57,004,695"

Page 4, line 13, replace "10,570,530" with "10,142,411"

Page 4, line 14, replace "649,275" with "647,002"

Page 4, line 15, replace "230,213" with "200,221"

Page 4, line 16, replace "11,668,599" with "9,830,723"

Page 4, line 17, replace "81,123,615" with "77,825,052"

Page 4, line 18, replace "42,015,911" with "40,626,567"

Page 4, line 19, replace "39,107,704" with "37,198,485"

Page 4, remove line 20

Page 4, line 24, replace "352,987" with "352,987"

Page 4, after line 24, insert:

"Capital improvements

1,000,000"

Page 4, line 25, replace "51,697,738" with "52,697,738"

Page 4, line 26, replace "15,880,379" with "17,080,379"

Page 4, line 27, replace "35,817,359" with "35,617,359"

Page 4, remove line 28

Page 5, after line 7, insert:

"Total all funds - subdivision 4

\$168,014,952

Total estimated income - subdivision 4

\$ 84,827,218

Total general fund appropriation - subdivision 4

\$ 83,187,734"

Page 5, line 8, replace "309,011,625" with "308,251,427"

Page 5, line 9, replace "720,244,704" with "728,531,405"

Page 5, line 10, replace "1,029,256,329" with "1,036,782,832"

Page 5, line 13, remove "subdivision 3 of"

Page 5, line 23, remove "subdivision 3 of"

Page 5, line 28, replace "10" with "4"

Page 6, line 4, replace "in subdivisions 8, 9, and 10" with "within subdivision 4"

Page 6, after line 7, insert:

"SECTION 6. TRANSFER OF LAND AUTHORIZED.

1. The state of North Dakota may convey to Community Housing, Inc., two acres of land owned by the state from a parcel of land which is located in Walsh County and described as follows:

Part of Lot 1, Block 1, 7.06 acres, State School First Addition.

2. The conveyance authorized by this section must be made for thirty percent above the average price per acre of the property authorized to be transferred pursuant to section 1 of chapter 561 of the 1991 Session Laws.
3. Any conveyance of the land described in subsection 1 must include a provision that the land and any improvements on the land revert to the state of North Dakota if the land ceases to be used for the housing of seasonal migrant workers.
4. The conveyance authorized by this section is exempt from the provisions of sections 54-01-05.2 and 54-01-05.5.
5. The attorney general shall review and approve as to form and legality all legal documents required for the conveyance authorized by this section, including title opinions.
6. No state general fund moneys may be used for the construction or operation of housing units on this property."

Page 9, after line 2, insert:

"SECTION 13. A new subsection to section 50-06-05.1 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

To provide those services necessary for the department and for county social service boards to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department."

Page 9, line 7, replace "categories and" with "cost centers within salaries and fringe benefits category."

Page 9, remove line 8

Page 9, line 12, after "to" insert "implement and supervise a unified mental health delivery system and to"

Page 9, line 13, replace "human service centers' delivery and operation of" with "the" and replace "is" with "provided by the human service centers, the state hospital, and contracted services are"

Page 9, replace lines 15 through 28 with:

"SECTION 15. AMENDMENT. Section 50-06-14.3 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-06-14.3. Department of human services to develop basic care facility ratesetting methodology. The department of human services shall develop a ratesetting methodology that provides for rates for all residents of basic care facilities. The methodology may not provide for different rates for similarly situated residents because of the source of payment for any resident's care. The department shall consult with representatives of the basic care industry in this state in developing the ratesetting methodology. Beginning July 1, ~~1995~~ 1997, the department shall establish rates for all residents of basic care facilities in accordance with the ratesetting methodology developed by the department. After June 30, ~~1995~~ 1997, no agency of the state or any political subdivision may make payments to a basic care facility that does not set rates at the levels established by the department.

SECTION 16. AMENDMENT. Subsection 5 of section 50-24.4-10 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. The department shall ~~establish a composite index or indices by determining the appropriate economic change indicators to be applied~~ apply appropriate economic change indices to specific operating cost categories or combination combinations of operating cost categories. The legislative assembly may determine the appropriate economic change indices."

Page 10, replace lines 7 and 8 with:

"SECTION 18. CORRELATION OF RESOURCES - MENTAL HEALTH SERVICES. Notwithstanding section 4 of this Act, at the request of the mental health division, the director of the department of human services shall transfer appropriation authority which may include authorized positions from subdivision 3 to subdivision 4 of section 1 of this Act to provide mental health services through a unified mental health service delivery system.

SECTION 19. FEDERAL PROGRAM TERMINATIONS - BLOCK GRANT FUNDING REDUCTIONS - RELATED PROGRAM REDUCTIONS - REPORTS TO THE BUDGET SECTION. If the federal government during the 1995-97 biennium terminates funding for any program administered by the department of human services, the department shall terminate the program and not replace the reduction in federal funds with state funds, notwithstanding any other provision of law. If the federal government combines funding for human service programs in a block grant resulting in a reduction in total federal funds available to North Dakota, the department of human services shall use its program budget priority listing, reflecting funding adjustments and priorities of the fifty-fourth legislative assembly, in making programmatic reductions. The department of human services may administer funds available under a new federal block grant or similar measure, consistent with the terms of that measure, notwithstanding any other provisions of law intended to conform to or implement the provisions of the repealed federal act and shall report any program terminations, reductions, or changes resulting from this section to the budget section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - The attached schedule details the House changes to Senate Bill No. 2012.

	1995-97 EXECUTIVE BUDGET	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS	HOUSE CHANGES	HOUSE VERSION
SUBDIVISION 1 - EXECUTIVE OFFICE					
Salaries and wages	\$ 623,549		\$ 623,549		\$ 623,549
Operating expenses	516,562		516,562		516,562
Equipment	<u>4,874</u>		<u>4,874</u>		<u>4,874</u>
Total all funds	\$ 1,144,985		\$ 1,144,985		\$ 1,144,985
Less estimated income	425,248		425,248		425,248
Total general fund appropriation	\$ 719,737		\$ 719,737		\$ 719,737
FTE positions	5		5		5
SUBDIVISION 2 - DD COUNCIL					
Salaries and wages	\$ 119,695		\$ 119,695		\$ 119,695
Operating expenses	75,614		75,614		75,614
Grants	<u>667,278</u>		<u>667,278</u>		<u>667,278</u>
Total all funds	\$ 862,587		\$ 862,587		\$ 862,587
Less estimated income	840,240		840,240		840,240
Total general fund appropriation	\$ 22,347		\$ 22,347		\$ 22,347
FTE positions	1.5		1.5		1.5
SUBDIVISION 3 - MANAGERIAL SUPPORT					
Salaries and wages	\$ 6,956,881	\$(14,494)	\$ 6,942,387		\$ 6,942,387
Operating expenses	12,573,985	225,000	12,798,985		12,798,985
Equipment	100,810		100,810		100,810
DD loan fund	<u>1,840,956</u>		<u>1,840,956</u>		<u>1,840,956</u>
Total all funds	\$21,472,632	\$210,506	\$21,683,138		\$21,683,138
Less estimated income	14,414,075	210,506	14,624,581		14,624,581
Total general fund appropriation	\$ 7,058,557	\$ 0	\$ 7,058,557		\$ 7,058,557
FTE positions	95.25	(.45)	94.8		94.8

SUBDIVISION 4 - ECONOMIC ASSISTANCE

Salaries and wages	\$ 4,411,704		\$ 4,411,704		\$ 4,411,704
Operating expenses	20,747,136		20,747,136		20,747,136
Equipment	69,615		69,615		69,615
Grants	126,129,922	\$935,763	127,065,685	\$(1,773,927) ¹	125,291,758
Capital improvements	<u>1,724</u>	<u></u>	<u>1,724</u>	<u></u>	<u>1,724</u>
Total all funds	\$151,360,101	\$935,763	\$152,295,864	\$(1,773,927)	\$150,521,937
Less estimated income	129,244,000	208,250	129,452,250	(831,172)	128,621,078
Total general fund appropriation	\$ 22,116,101	\$27,513	\$ 22,843,614	\$ (942,755)	\$ 21,900,859
FTE positions	55.3		55.3		55.3

¹ Removes funding (\$935,763, of which \$727,513 is from the general fund) added by the Senate that would have allowed for basic care rate equalization on July 1, 1995, and would have changed the state's share of the basic care program from 70 percent to 80 percent on January 1, 1996. Statutory changes are also included to defer rate equalization to July 1, 1997, and the statutory provisions changing the state/county share to 80/20 are removed. Also reduces AFDC funding by a total of \$838,164, of which \$215,242 is from the general fund, to reflect a change in the reduction in AFDC caseload from eight per month to 10 per month.

SUBDIVISION 5 - MEDICAL ASSISTANCE

Salaries and wages	\$ 3,171,349		\$ 3,171,349		\$ 3,171,349
Operating expenses	4,528,532		4,528,532		4,528,532
Equipment	12,100		12,100		12,100
Grants	556,349,256	\$1,328,822	557,678,078	\$ 7,222,977 ²	564,901,055
Capital improvements	<u>819</u>	<u></u>	<u>819</u>	<u></u>	<u>819</u>
Total all funds	\$564,062,056	\$1,328,822	\$565,390,878	\$ 7,222,977	\$572,613,855
Less estimated income	403,485,391	849,568	404,334,959	6,166,016	410,500,975
Total general fund appropriation	\$160,576,665	\$ 479,254	\$161,055,919	\$ 1,056,961	\$162,112,880
FTE positions	46		46		46

² This amendment:

Reduces the increase in Medicaid eligibles from 50 per month to zero (savings of \$3,887,653, of which \$1,268,569 is from the general fund);

Adds funds related to House Bill No. 1050 to expand Medicaid eligibility for children born before September 30, 1983, to 100 percent of poverty and to increase the medically needy income levels by nine percent (\$11,110,630, of which \$3,000,451 is from the general fund); and

Reduces state funding for developmental disabilities grants to reflect projected federal financial participation rates (general fund savings \$674,921 - other funds increase \$674,921).

SUBDIVISION 6 - PROGRAM
AND POLICY

Salaries and wages	\$ 4,321,637	\$ 1,034,030	\$ 5,355,667	\$1,000,303	\$ 6,355,970
Operating expenses	12,958,373	575,363	13,533,736	1,140,328 ³	14,674,064
Equipment	269,705	23,480	293,185	2,273	295,458
Grants	56,984,073	21,233,340	78,217,413	2,003,120 ⁴	80,220,533
Aging home/community service	20,031,375	(20,031,375)			
Capital improvements				29,992	29,992
Aging protective service	226,787	(226,787)			
Aging administration	<u>1,266,478</u>	<u>(1,266,478)</u>			
Total all funds	\$96,058,428	\$ 1,341,573	\$97,400,001	\$4,176,016 ⁵	\$101,576,017
Less estimated income	68,610,106	36,617	68,646,723	2,941,201	71,587,924
Total general fund appropriation	\$27,448,322	\$ 1,304,956	\$28,753,278	\$1,234,815	\$ 29,988,093
FTE positions	68.15	(.5)	67.65	15.7	83.35

³ Adds \$712,209 of federal funds for substance abuse assessment.

⁴ Includes removing funding (totaling \$1,201,965 - \$1,141,867 from the general fund) added by the Senate that would have increased service payments for elderly and disabled funding from \$7,261,313 to \$8,463,278, of which \$8,040,114 was from the general fund. Adds funding for foster care reprojections (\$1,367,209, of which \$467,463 is from the general fund).

³ Also adds funding for SMI partial care, work activity, and psychosocial clubs totaling \$3,298,563, of which \$1,909,219 is from the general fund.

SUBDIVISION 7 - VOCATIONAL
REHABILITATION

Salaries and wages		\$ 3,596,734	\$ 3,596,734		\$ 3,596,734
Operating expenses		2,660,498	2,660,498		2,660,498
Equipment		288,510	288,510		288,510
Grants		13,616,993	13,616,993		13,616,993
Capital improvements		2,626	2,626		2,626
Vocational rehabilitation services	\$20,198,854	(20,198,854)			
Total all funds	\$20,198,854	\$ (33,493)	\$20,165,361		\$20,165,361
Less estimated income	17,033,634	(129,493)	16,904,141		16,904,141
Total general fund appropriation	\$ 3,165,220	\$ 96,000	\$ 3,261,220		\$ 3,261,220
FTE positions	53	(1.5)	51.5		51.5

SUBDIVISION 8 - HUMAN
SERVICE CENTERS

Salaries and wages	\$57,504,807	\$ 500,191	\$58,004,998	\$(1,000,303)	\$57,004,695
Operating expenses	10,475,748	94,782	10,570,530	(428,119)	10,142,411
Equipment	649,275		649,275	(2,273)	647,002
Grants	11,648,074	20,520	11,668,599	(1,837,876)	9,830,723
Capital improvements	230,213		230,213	(29,992)	200,221
Northeast aging services	85,208	(85,208)			
Northeast vocational rehabilitation	798,766	(798,766)			
Total all funds	\$81,392,096	\$ (268,481)	\$81,123,615	\$(3,298,563) ⁶	\$77,825,052
Less estimated income	42,284,392	(268,481)	42,015,911	(1,389,344)	40,626,567
Total general fund appropriation	\$39,107,704	\$ 0	\$39,107,704	\$(1,909,219)	\$37,198,485
FTE positions	817.75	(5)	812.75	(15.7)	797.05

⁶ Removes funding for SMI partial care/work activity/psychosocial clubs transferred to Program and Policy - Mental Health Division. A section is added to allow the appropriation authority to be transferred to the centers as necessary. See the attached schedule detailing the transfer.

SUBDIVISION 9 - STATE
HOSPITAL

Salaries and wages	\$43,941,975	\$ (678,503)	\$43,263,472		\$43,263,472
Operating expenses	8,081,279		8,081,279		8,081,279
Equipment	352,987		352,987		352,987
Capital improvements				\$ 1,000,000	1,000,000
Total all funds	\$52,376,241	\$ (678,503)	\$51,697,738	\$ 1,000,000 ⁷	\$52,697,738
Less estimated income	17,758,882	(1,878,503)	15,880,379	1,200,000	17,080,379
Total general fund appropriation	\$34,617,359	\$ 1,200,000	\$35,817,359	\$ (200,000)	\$35,617,359
FTE positions	639.6	(9.5)	630.1		630.1

⁷ This amendment adds \$1 million from the general fund for a capital improvements line item to repair tunnels at the State Hospital (previously included in Senate Bill No. 2030) and replaces the general fund enhancement of \$1.2 million added by the Senate to replace estimated income. Estimated income is increased by \$1.2 million also.

SUBDIVISION 10 -
DEVELOPMENTAL CENTER

Salaries and wages	\$ 29,392,308		\$ 29,392,308		\$ 29,392,308
Operating expenses	7,644,021		7,644,021		7,644,021
Equipment	132,558		132,558		132,558
Capital improvements	323,275		323,275		323,275
Total all funds	\$ 37,492,162		\$ 37,492,162		\$ 37,492,162
Less estimated income	27,120,272		27,120,272		27,120,272
Total general fund appropriation	\$ 10,371,890		\$ 10,371,890		\$ 10,371,890
FTE positions	501.8		501.8		501.8

GRAND TOTAL DEPARTMENT OF
HUMAN SERVICES

Salaries and wages	\$ 150,443,905	\$ 4,437,958	\$ 154,881,863		\$ 154,881,863
Operating expenses	77,601,250	3,555,643	81,156,893	\$ 712,209	81,869,102

Equipment	1,591,924	311,990	1,903,914		1,903,914
Grants	751,778,608	37,135,438	788,914,046	5,614,294	794,528,340
DD loan fund	1,840,956		1,840,956		1,840,956
Capital improvements	556,031	2,626	558,657	1,000,000	1,558,657
Other line items/sections	<u>42,607,468</u>	<u>(42,607,468)</u>	<u>200,000*</u>		<u>200,000</u>
Total all funds	\$1,026,420,142	\$ 2,836,187	\$1,029,456,329	\$ 7,326,503	\$1,036,782,832
Less estimated income	721,216,240	(971,536)	720,444,704	8,086,701	728,531,405
Total general fund	\$ 305,203,902	\$ 3,807,723	\$ 309,011,625	\$ (760,198)	\$ 308,251,427
appropriation					
FTE positions	2,283.35	(16.95)	2,266.4		2,266.4

* Represents authority provided to continue \$200,000 appropriation from the lands and minerals trust fund in Section 8 of Engrossed Senate Bill No. 2012.

This amendment also:

- Provides for transfer of land at the Developmental Center.
 - Allows the Department of Human Services to provide merit system services.
- Delays basic care rate equalization.
 - Provides for program reductions in the event of federal program reductions.
- Amends Section 50-24.4-10 relating to nursing home reimbursement and inflation index.
- Allows for the correlation of resources for mental health services.
- After making the above changes the amendment combines the subdivisions as follows:

	ENGROSSED SB 2012	HOUSE CHANGES	HOUSE VERSION
Total funding -			
New Subdivision 1 -			
Management Council			
Subdivision 1 -	\$ 1,144,985		
Executive Office			
Subdivision 2 -	862,587		
Developmental			
Disabilities			
Council			
Subdivision 3 -	<u>21,683,138</u>		
Managerial Support			
Total	\$ 23,690,710	\$ 0	\$ 23,690,710
Total funding - New			
Subdivision 2 -			
Economic Assistance			
Subdivision 4 -	\$ 152,295,864		
Economic Assistance			
Subdivision 5 -	<u>565,390,878</u>		
Medical Assistance			
Total	\$ 717,686,742	\$ 5,449,050	\$ 723,135,792
Total funding - New			
Subdivision 3 -			
Program and Policy			
Subdivision 6 -	\$ 97,400,001		
Program and			
Policy			
Subdivision 7 -	<u>20,165,361</u>		
Vocational			
Rehabilitation			
Total	\$ 117,565,362	\$ 4,176,016	\$ 121,741,378
Total funding - New			
Subdivision 4 -			
Field Services			
Subdivision 8 -	\$ 81,123,615		
Human service center			
Subdivision 9 -	51,697,738		
State Hospital			
Subdivision 10 -	<u>37,492,162</u>		
Developmental			
Center			
Total	\$ 170,313,515	\$(2,298,563)	\$ 168,014,952
Amount in Section 8	<u>200,000</u>		<u>200,000</u>

of Engrossed Senate
Bill No. 2012

Engrossed Senate Bill No. 2012 - Total funds	\$1,029,456,329	\$ 7,326,503	\$1,036,782,832
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- The amendment also transfers SMI partial care, work activity, and psychosocial clubhouse from the human service centers to the Mental Health Division as shown on the attached schedule.

TRANSFER FROM HUMAN SERVICE CENTERS TO PROGRAM AND POLICY -
MENTAL HEALTH SERVICES

1482

JOURNAL OF THE SENATE

62nd DAY

	PARTIAL CARE	WORK ACTIVITY	PSYCHOSOCIAL CLUBHOUSE	TOTAL
By Line Item				
Salaries and wages	\$ 937,846	\$ 62,457		\$1,000,303
Operating expenses	365,952	62,167		428,119
Equipment	2,273			2,273
Grants	112,876	377,770	\$1,347,230	1,837,876
Capital improvements	<u>29,992</u>			<u>29,992</u>
 Total all funds	 \$1,448,939	 \$502,394	 \$1,347,230	 \$3,298,563
Less estimated income	<u>894,753</u>	<u>144,705</u>	<u>349,886</u>	<u>1,389,344</u>
General fund	\$ 554,186	\$357,689	\$ 997,344	\$1,909,219
 FTE	 14.7	 1		 15.7
By Human Service Center				
Northwest	\$ 227,202		\$ 119,598	\$ 346,800
North Central	312,184		275,000	587,184
Lake Region	0		115,000*	115,000
Northeast	194,603	\$172,624	275,000*	642,227
Southeast	399,190		123,945*	523,135
South Central	66,622	272,650	143,687*	482,959
West Central	115,087	57,120	145,000	317,207
Badlands	<u>134,051</u>		<u>150,000*</u>	<u>284,051</u>
 Total all funds	 \$1,448,939	 \$502,394	 \$1,347,230	 \$3,298,563
Less estimated income	<u>894,753</u>	<u>144,705</u>	<u>349,886</u>	<u>1,389,344</u>
General fund	\$ 554,186	\$357,689	\$ 997,344	\$1,909,219

TRANSFER FROM HUMAN SERVICE CENTERS TO PROGRAM AND POLICY -
MENTAL HEALTH SERVICES

* Funded entirely from the general fund. Other programs remain as funded between special funds and the general fund as included in the executive budget.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2059

In lieu of the amendments adopted by the House as printed on page 1181 of the House Journal, Engrossed Senate Bill No. 2059 is amended as follows:

Page 3, line 16, overstrike "There" and insert immediately thereafter "During the 1995-96 school year, there"

Page 3, line 18, remove the overstrike over "~~, and to school districts~~"

Page 3, remove the overstrike over lines 19 through 22

Page 3, line 23, remove the overstrike over "~~school the student is enrolled is located,~~"

Page 4, line 1, remove the overstrike over "~~living outside the~~"

Page 4, line 2, remove the overstrike over "~~city limits~~"

Page 4, remove the overstrike over lines 3 through 5

Page 4, line 6, remove the overstrike over "~~located, a sum equal to~~", after "~~one-half~~" insert "forty", and remove the overstrike over "~~cents per~~" and insert immediately thereafter "day for each public school"

Page 4, line 7, remove the overstrike over "~~student~~", after "~~trip~~" insert "who is transported", and remove the overstrike over "~~. However, no payment may be made~~"

Page 4, remove the overstrike over lines 8 and 9

Page 4, line 22, overstrike "in" and insert immediately thereafter "during the 1995-96 school year,"

Page 4, line 28, after the period insert:

"The amount received by a school district during the 1995-96 school year must be based upon the information reported by the district for the 1994-95 school year and may be used in the manner that best meets the needs of the school district.

4. Beginning with the 1996-97 school year, each school district is entitled to receive:

a. An amount equal to that received by the district during the 1995-96 school year for the provision of transportation services to students; and

b. An amount equal to seventy dollars times the number by which the students in average daily membership exceeds the number of students in average daily membership during the 1994-95 school year.

5. " and remove "develop, and require"

Page 4, remove line 29

Page 5, line 1, remove "calculate and", remove the overstrike over "~~and~~", and remove "in this"

Page 5, line 2, remove "section. The superintendent"

Page 5, line 3, remove the overstrike over "~~that may be~~"

Page 5, line 15, remove the overstrike over "During the", after "1994-95" insert "1995-96", remove the overstrike over "school year, no", and remove "No"

Page 5, line 16, overstrike "incurs" and insert immediately thereafter "incurred"

Page 5, line 17, overstrike the period

Page 5, line 24, after "subsection" insert "during the 1994-95 school year" and remove the overstrike over the period

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2015.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015

Page 1, line 8, after the semicolon insert "to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to state agency participation in the workers compensation bureau risk management program;"

Page 1, line 9, replace "direct a study of" with "provide directives relating to 911 telephone services"

Page 1, line 10, remove "statewide emergency communication needs" and after the semicolon insert "to provide for program reductions if federal programs are terminated or reduced; to require the director of the information services division to receive budget section approval for mainframe computer enhancements; to provide for the implementation of governmental accounting standards in the budget process; to provide an expiration date;"

Page 2, replace lines 1 through 11 with:

"Administration	\$13,156,166
Fiscal management	3,688,883
Facility management	7,169,297
Central personnel	1,037,077
Intergovernmental assistance	<u>39,740,705"</u>

Page 2, line 12, replace "54,342,366" with "64,792,128"

Page 2, line 13, replace "40,889,766" with "51,585,645"

Page 2, line 14, replace "13,452,600" with "13,206,483"

Page 2, replace lines 17 through 20 with:

"Information resource management	<u>\$39,702,756"</u>
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Page 2, replace lines 24 through 26 with:

"Central services	<u>\$4,449,708"</u>
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Page 2, line 27, replace "4,348,298" with "4,449,708"

Page 2, line 28, replace "4,060,723" with "4,162,133"

Page 3, line 3, replace "2,300,080" with "2,088,600"

Page 3, line 4, replace "1,910,411" with "1,530,411"

Page 3, line 6, replace "4,313,492" with "3,722,012"

Page 3, line 7, replace "1,059,270" with "626,400"

Page 3, line 8, replace "3,254,222" with "3,095,612"

Page 3, line 9, replace "16,994,397" with "16,589,670"

Page 3, line 10, replace "85,712,515" with "96,076,934"

Page 3, line 11, replace "102,706,912" with "112,666,604"

Page 3, line 17, after the period insert "Income exceeding \$100,000 must be approved by the budget section."

Page 3, after line 17, insert:

SECTION 3. LINE ITEM TRANSFERS. Upon approval of the emergency commission, the director of the office of management and budget may transfer between various line items in subdivisions 1, 2, and 3 of section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for changing circumstances in meeting established performance measures. Any further transfers must be approved by the budget section.

SECTION 4. CAPITOL BUILDING FUND. The amount of \$695,879, or so much of the sum as is necessary, included in the estimated income line item in subdivision 1 of section 1 of this Act, is to be spent by the facility management division from the capitol building fund during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. FACILITY MANAGEMENT - CAPITAL IMPROVEMENTS. Of the amount included in the facility management line item in subdivision 1 of section 1 of this Act, \$200,000 is for legislative committee room renovations and an area adjacent to the capitol for smoking. The \$200,000 is to be spent by facility management pursuant to legislative council directive and approval."

Page 4, replace lines 23 and 24 with:

"Pay grade maximums may not be used to limit the amount of any increases under this section."

Page 5, remove lines 5 through 15

Page 5, remove line 24

Page 6, after line 4, insert:

SECTION 12. A new section to chapter 65-04 of the North Dakota Century Code is created and enacted as follows:

State agency participation in risk management program. Before November 1, 1995, every state agency, institution, and entity employing twenty-five or more full-time equivalent employees shall submit to the bureau for approval a written risk management program under section 65-04-19.1. Before December 1, 1995, the bureau shall review the program and shall inform the state agency, institution, or entity of any change needed to receive the bureau's approval of the program. The state agency, institution, or entity shall make the necessary changes and shall implement the approved program before January 1, 1996. Beginning with the 1996 calendar year, every state agency, institution, and entity that maintains a risk management program approved by the bureau is entitled to a five percent annual premium discount under section 65-04-19.1."

Page 6, line 9, replace "29,281,000" with "35,444,748"

Page 6, replace lines 13 through 18 with:

"SECTION 15. STATE RADIO - 911 SERVICES. State radio communications shall eliminate its ongoing 911 services by June 30, 1997. After June 30, 1997, state radio communications may only provide backup 911 services to 911 centers on a temporary basis in the event of an emergency.

The adjutant general is to develop in conjunction with the North Dakota sheriffs association, peace officers association, 911 coordinators, association of counties, league of cities, North Dakota firemen's association, and North Dakota association of emergency medical technicians a plan to remove 911 services from state radio communications and offer possible options or alternatives regarding the eleven counties currently being served by state radio communications and submit a plan to the budget section at its June 1996 meeting. After receiving the report from the adjutant general, the budget section is to direct the office of management and budget on how to consolidate in the executive budget recommendations for the 1997-99 biennium state radio communications into the office of the adjutant general.

SECTION 16. FEDERAL PROGRAM REDUCTIONS AND TERMINATIONS - RELATED PROGRAM REDUCTIONS AND TERMINATIONS - REPORTS TO THE BUDGET SECTION. If the federal government during the 1995-97 biennium terminates or reduces funding for any program administered by an agency, department, or institution of the state of North Dakota, the agency, department, or institution shall terminate or reduce the program and not replace the reduction in federal funds with state funds, notwithstanding any other provision of law. If the federal government combines funding for separate programs in a block grant that results in a reduction of total federal funds available for those programs, the administering agency, department, or institution shall prioritize or reprioritize programs as necessary in making programmatic reductions. The agency, department, or institution may administer funds available under a new federal block grant or similar measure, consistent with the terms of that measure, notwithstanding any other provisions of law intended to conform to or implement the provisions of the repealed federal Act, and shall report any program terminations, reductions, or changes resulting from this section to the budget section of the legislative council.

SECTION 17. INFORMATION SERVICES DIVISION MAINFRAME COMPUTER ENHANCEMENTS. During the 1995-97 biennium, the director of the information services division must receive budget section approval for any upgrade or enhancement to the information services division mainframe computer, when the upgrade or enhancement will cost more than \$50,000.

SECTION 18. EXECUTIVE BUDGET - COMPLIANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS. Beginning with the executive budget for the 1997-99 biennium, the office of management and budget is to prepare the executive budget in compliance with governmental accounting standards board statement Nos. 16 and 22. Any adjustments for budget purposes should be reflected the first business day of the 1997-99 biennium."

Page 6, line 19, replace "9" with "11"

Page 6, line 21, replace "Sections 7 and" with "Section", replace "9" with "11", and replace "are" with "is"

Page 6, line 22, after "be" insert "an" and replace "measures" with "measure"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment replaces the object code-based line items with program-based line items as follows:

	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Administration	\$ 3,156,166	\$10,000,000	\$13,156,166
Fiscal management	3,688,883		3,688,883
Facility management	6,719,535	449,762	7,169,297
Central personnel	1,037,077		1,037,077
Intergovernmental assistance	<u>39,740,705</u>	<u> </u>	<u>39,740,705</u>
Total	\$54,342,366	\$10,449,762	\$64,792,128
FTE	111.6	1	112.6

The amendment makes the following changes:

	SENATE VERSION	RESTORE VACANT POSITION	MAINTENANCE SHOP RENOVATIONS	LEGISLATIVE COMMITTEE ROOM RENOVATIONS AND SMOKING AREA	CHANGE FUNDING SOURCE FOR CAPITAL IMPROVEMENTS	EMERGENCY COMMISSION OTHER FUNDS	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$ 7,928,835	\$38,012					\$ 38,012	\$ 7,966,847
Operating expenses	6,141,788							6,141,788
Equipment	112,743							112,743
Capital improvements	639,000		\$211,750	\$200,000			411,750	1,050,750 ¹
Grants	38,643,000							38,643,000
State memberships	149,000							149,000
State contingencies	500,000					\$10,000,000	10,000,000	10,500,000
Firemen's association	63,000							63,000
Capital planning	25,000							25,000
Capitol building contingency	100,000							100,000 ¹
Homeless grants	40,000							40,000
Total all funds	\$54,342,366	\$38,012	\$211,750	\$200,000	\$ 0	\$10,000,000	\$10,449,762	\$64,792,128
Less estimated income	40,889,766	0	0	0	695,879	10,000,000	10,695,879	51,585,645
Total general fund	\$13,452,600	\$38,012	\$211,750	\$200,000	\$(695,879)	\$ 0	\$(246,117)	\$13,206,483
FTE	111.6	1					1	112.6

¹ The appropriation includes funding for the following projects:

Replace carpeting in Heritage Center gallery and office areas in the Capitol tower	\$ 100,000
Re-roof portion of Liberty Memorial Building	15,000
Overhaul Judicial Wing chiller	98,000
ADA renovations	50,000
Renovations and repairs at Governor's residence	85,000
Replace carpeting in Department of Transportation building	96,000
Repair west walkway ramp on Department of Transportation building	40,000
Re-grout granite pavers and re-caulk steps and limestone	35,000
Agency office remodeling	50,000
Retrofit north and west side radiators with baseboard heat and insulation	70,000
Contingencies	100,000
Renovations to maintenance building	211,750
Legislative committee room renovations and area adjacent to Capitol for smoking	<u>200,000</u>
Total	\$1,150,750
Funds from Capitol building fund	<u>695,879</u>
General fund	\$ 454,871

The amendment also makes the following changes:

1. Replaces language limiting state employee pay increases to salary range maximums with language to not limit pay increases to salary range maximums.
2. Removes the section relating to transfers from the state aid distribution fund to the general fund for the 1993-95 biennium because 1993 House Bill No. 1005 already addresses the transfer.
3. Increases the transfer from the state aid distribution fund to the general fund for the 1995-97 biennium by \$6,163,748, from \$29,281,000 to \$35,444,748.
4. Creates a new section to the Century Code requiring state agencies employing 25 or more FTEs to participate in the Workers Compensation Bureau risk management program.
5. Adds a section providing that if federal funding for a program is terminated during the 1995-97 biennium, the administering state agency, department, or institution shall terminate the program. It also provides that if the federal government reduces federal funding by combining the funding for separate programs into a block grant, the agency, department, or institution shall prioritize or reprioritize programs as necessary.
6. Adds a section directing that the Office of Management and Budget prepare all future executive budgets to be in compliance with Governmental Accounting Standards Board Statement Nos. 16 and 22, relating to state employee accumulated sick and annual leave and general fund revenues.
7. Adds a section providing that the \$200,000 for legislative committee room renovations and a smoking area are to be spent pursuant to Legislative Council approval and directive.

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

HOUSE - This amendment replaces the object code-based line items with a program-based line item as follows:

	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Information Resource Management	\$39,702,756		\$39,702,756
FTE	146		146

The object code-based line items are as follows:

Salaries and wages	\$11,637,012		\$11,637,012
Operating expenses	22,833,344		22,833,344
Equipment	4,800,000		4,800,000
Communications impaired	<u>432,400</u>		<u>432,400</u>
Total special funds	\$39,702,756		\$39,702,756

The amendment also adds a section requiring that the director of the Information Services Division receive Budget Section approval for any mainframe changes costing more than \$50,000.

DEPARTMENT 118 - CENTRAL SERVICES

HOUSE - This amendment replaces the object code-based line items with a program-based line item as follows:

	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Central services	\$4,348,298	\$101,410	\$4,449,708
FTE	26	1	27

The amendment makes the following changes:

	SENATE VERSION	RESTORE VACANT POSITION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,510,700	\$101,410	\$101,410	\$1,612,110
Operating expenses	2,796,673			2,796,673
Equipment	<u>40,925</u>			<u>40,925</u>
Total all funds	\$4,348,298	\$101,410	\$101,410	\$4,449,708
Less estimated income	<u>4,060,723</u>	<u>101,410</u>	<u>101,410</u>	<u>4,162,133</u>
Total general fund appropriation	\$ 287,575	\$ 0	\$ 0	\$ 287,575
FTE	26	1	1	27

DEPARTMENT 506 - STATE RADIO COMMUNICATIONS

HOUSE - This amendment makes the following changes:

	SENATE VERSION	REMOVE FUNDING FOR STATEWIDE EMERGENCY COMMUNICATION NEEDS STUDY	REMOVE NEW POSITIONS ADDED IN EXECUTIVE BUDGET	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$2,300,080		\$(211,480)	\$(211,480)	\$2,088,600
Operating expenses	1,910,411	\$(380,000)		(380,000)	1,530,411
Equipment	<u>103,001</u>	<u> </u>	<u> </u>	<u> </u>	<u>103,001</u>
Total all funds	\$4,313,492	\$(380,000)	\$(211,480)	\$(591,480)	\$3,722,012
Less estimated income	<u>1,059,270</u>	<u>(380,000)</u>	<u>(52,870)</u>	<u>(132,870)</u>	<u>626,400</u>
Total general fund	\$3,254,222	\$ 0	\$(158,610)	\$(158,610)	\$3,095,612
FTE	34		(4)	(4)	30

The amendment also removes the section directing State Radio Communications to conduct a statewide comprehensive review of state and local emergency communication needs.

The amendment also adds a section directing State Radio Communications to discontinue its ongoing 911 services by June 30, 1997. After June 30, 1997, State Radio Communications may only provide temporary backup 911 services to other 911 centers. The Adjutant General is also to develop a plan to remove 911 services from State Radio Communications and to direct the Office of Management and Budget on how to consolidate State Radio Communications into the office of the Adjutant General for the 1997-99 biennium. The plan is to be submitted to the Budget Section at its June 1996 meeting.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2080.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2080

In lieu of the amendments to Reengrossed Senate Bill No. 2080 as printed on pages 1082 and 1083 of the House Journal, Reengrossed Senate Bill No. 2080 is amended as follows:

Page 1, line 1, after "enact" insert "a new subsection to section 21-10-06 and"

Page 1, line 2, after the first "to" insert "investment of funds by the state investment board and to"

Page 1, line 6, after the semicolon insert "to suspend sections 15-10-17.2, 32-12.1-15, and 54-14-03.2 of the North Dakota Century Code, relating to claims against the state;"

Page 1, line 8, after the second semicolon insert "to provide for a legislative council study;"

Page 1, line 9, after the semicolon insert "to provide an expiration date;"

Page 7, after line 29, insert:

"SECTION 2. A new subsection to section 21-10-06 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

State risk management fund."

Page 11, line 5, after the second comma insert "public nonprofit corporations,"

Page 11, line 15, remove the overstrike over "6-"

Page 11, line 16, after "government" insert ""Public nonprofit corporation" means a nonprofit corporation that performs a governmental function and is funded, entirely or partly, by the state, a city, county, park district, school district, or township" and remove the overstrike over the overstruck period

Page 15, line 23, after "3." insert ""Occurrence" means an accident, including continuous or repeated exposure to a condition, which results in an injury."

4."

Page 15, line 26, replace "4" with "5"

Page 15, line 28, replace "5" with "6"

Page 16, line 1, replace "6" with "7"

Page 16, line 4, replace "7" with "8"

Page 16, after line 5, insert:

"9. "State institution" means the state hospital, the developmental center at Grafton, the state penitentiary, the Missouri River correctional center, the North Dakota industrial school, the school for the blind, and the school for the deaf."

Page 16, line 24, replace "judgement" with "judgment"

Page 16, line 25, replace "limits" with "seven hundred fifty thousand dollar limit"

Page 16, line 28, replace "judgement" with "judgment", replace "commissioner" with "director", and replace "insurance" with "the office of management and budget"

Page 16, line 29, remove "commissioner's" and after "budget" insert "for the office of management and budget"

Page 17, line 1, replace "limits" with "limit"

Page 18, line 9, replace "medical or" with "institution"

Page 18, line 10, remove "corrections facility"

Page 18, line 13, replace "at" with "of"

Page 18, after line 16, insert:

"m. A claim resulting from environmental contamination, except to the extent that federal environmental law permits the claim.

n. A claim resulting from a natural disaster, an act of God, a military action, or an action or omission taken as part of a disaster relief effort."

Page 19, line 24, replace "commissioner" with "director" and replace "insurance" with "the office of management and budget"

Page 20, line 6, replace "The commissioner" with "Within two working days after receipt of notice of a claim, the director" and replace "insurance" with "the office of management and budget"

Page 20, line 9, replace "commissioner of insurance" with "director"

Page 20, line 13, after "approved" insert "and signed"

Page 20, line 14, remove "as to its form and legality"

Page 20, line 19, replace "commissioner" with "director" and replace "insurance" with "the office of management and budget"

Page 20, line 25, after "insurance" insert "- Reinsurance" and replace "commissioner" with "director"

- Page 20, line 26, replace the first "insurance" with "the office of management and budget" and after "state" insert "may participate in a government self-insurance pool or"
- Page 20, line 28, replace "for which coverage is not provided by the state risk management fund" with ". The director shall limit participation in government self-insurance pools and the purchase of insurance to exposures determined to cause an excessive financial risk to the state risk management fund including exposures reasonably expected to deplete the fund and have a significant detrimental impact on the state's budget"
- Page 21, line 3, after "or" insert "coverage may be provided"
- Page 21, line 4, replace "commissioner" with "director", replace the first "insurance" with "the office of management and budget", and after "policy" insert "or memorandum of coverage"
- Page 21, line 5, replace "five" with "three" and after the underscored period insert "The director may procure an excess loss reinsurance contract for the state."
- Page 21, line 7, replace "commissioner" with "director" and replace "insurance" with "the office of management and budget"
- Page 21, line 8, replace "insurance" with "self-insurance"
- Page 21, line 10, remove "insurance"
- Page 21, line 11, replace "commissioner of insurance" with "director"
- Page 21, line 13, replace "commissioner" with "director" and replace "insurance" with "the office of management and budget"
- Page 21, line 16, after the underscored period insert "The state investment board shall invest the fund in accordance with chapter 21-10." and after "entities" insert "and interest and income received on investments"
- Page 21, line 19, replace "commissioner" with "director" and replace "insurance" with "the office of management and budget"
- Page 21, line 26, after "purchases" insert "or government self-insurance pool participation"
- Page 22, line 1, after "fund" insert "or contract for a third-party administrator"
- Page 22, line 2, replace "commissioner" with "director" and replace the first "insurance" with "the office of management and budget"
- Page 22, line 3, after "or" insert "government self-insurance pools or" and after "and" insert "government self-insurance pools and"
- Page 22, line 4, after "carriers" insert "or memorandums of coverage with government self-insurance pools"
- Page 22, line 5, after "insurance" insert "or coverage"
- Page 22, line 7, replace the first "commissioner" with "director", replace "insurance" with "the office of management and budget", and replace the second "commissioner" with "director"
- Page 22, line 8, replace "insurance" with "the office of management and budget"

Page 22, line 9, after the first "insurance" insert "or coverage", replace "commissioner" with "director", and after "company" insert "or government self-insurance pool"

Page 22, line 10, after "policy" insert "or memorandum of coverage"

Page 24, after line 4, insert:

"SECTION 12. SUSPENSION. Section 15-10-17.2 of the North Dakota Century Code and sections 32-12.1-15 and 54-14-03.2 of the 1993 Supplement to the North Dakota Century Code are suspended upon the effective date of this Act. If Senate Concurrent Resolution No. 4014, as adopted by the fifty-fourth legislative assembly, is approved by the voters, the suspension of sections 15-10-17.2, 32-12.1-15, and 54-14-03.2 ceases and those sections become effective as they existed immediately before the effective date of this Act."

Page 24, replace lines 10 through 20 with:

"SECTION 15. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the state risk management fund in the state treasury, not otherwise appropriated, to the office of management and budget for the purpose of administering the state risk management fund and providing for the defense of the state or an employee of the state pursuant to chapter 32-12.2, for the period beginning with the effective date of this Act and ending June 30, 1997, as follows:

Administration - risk management fund	\$ 679,000
Legal defense services	<u>528,000</u>
Total special funds appropriation	\$1,207,000"

Page 26, replace lines 2 and 3 with:

"University of North Dakota	246,196	246,196"
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Page 28, line 20, replace "1,803,235" with "2,049,431", replace "1,572,245" with "1,569,799", and replace "3,375,480" with "3,619,230"

Page 28, after line 20, insert:

"SECTION 17. PENDING CASES. A state agency may pay, from its 1995-97 biennium operating budget appropriation, settlements or judgments resulting from court decisions affecting state agency liability for claims accruing before the effective date of this Act, subject to written approval of the attorney general, for the biennium beginning July 1, 1995, and ending June 30, 1997. Any state agency that pays a settlement or judgment may request, if necessary, a deficiency appropriation from the fifty-fifth legislative assembly.

SECTION 18. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying the impact of the North Dakota supreme court decision abolishing the doctrine of sovereign immunity during the 1995-96 interim."

Page 28, line 22, after the period insert "If this Act becomes ineffective pursuant to section 21 of this Act, any claim that accrues during the period during which the Act is effective is governed by this Act. If this Act becomes ineffective, any funds in the state risk management fund must be maintained in the fund to pay any judgments or settled claims after the Act becomes ineffective."

Page 28, line 23, replace "This" with "Sections 1 through 12 and sections 14 through 19 of this" and replace "becomes" with "become"

Page 28, line 24, after the period insert "If Senate Concurrent Resolution No. 4014, as approved by the fifty-fourth legislative assembly, is not approved by the voters, section 13 of this Act becomes effective upon the official certification by the secretary of state that the measure was not approved."

SECTION 21. EXPIRATION DATE. If Senate Concurrent Resolution No. 4014 is approved by the fifty-fourth legislative assembly and the measure is approved by the voters, sections 1 through 10 and section 14 of this Act become ineffective on the date that measure becomes effective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - Provides that the risk management fund be administered by the Office of Management and Budget rather than the Commissioner of Insurance. The \$400,000 appropriation from the risk management fund for Insurance Department administrative costs is removed and \$1,207,000 from the risk management fund is provided to the Office of Management and Budget for administrative costs of the fund and defense costs of the state and its employees as follows:

Salaries and wages	\$ 254,000 (1 FTE risk manager and 1 FTE support position)
Operating expenses	135,000
Claims management	290,000
Legal defense services	528,000 ¹
Total	\$1,207,000

¹ This funding is provided for the Office of Management and Budget to purchase legal services from the Attorney General or other entity. If necessary, the Attorney General may request Emergency Commission approval under section 54-16-04.2 of the North Dakota Century Code to receive and spend collections from the Office of Management and Budget for providing legal services.

Provides \$246,196 from the general fund for estimated liability insurance premium costs for the University of North Dakota. This amount was inadvertently excluded from the Senate version.

Removes the \$2,446 from special funds for estimated liability insurance premium costs for the UND Rehabilitation Hospital because the hospital has been leased to United Hospital of Grand Forks.

A section is added authorizing state agencies to pay settlements or judgments resulting from court decisions in liability cases against the agency from their 1995-97 operating budget appropriations. The section allows an agency that pays a settlement or judgment during the 1995-97 biennium to request a deficiency appropriation, if necessary, from the 1997 Legislative Assembly.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2519.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2519

In lieu of the amendments adopted by the House as printed on pages 1327-1336 of the House Journal, Reengrossed Senate Bill No. 2519 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact three new sections to chapter 15-40.1 and a new

section to chapter 57-38 of the North Dakota Century Code, relating to additional payments for small but necessary schools, supplemental payments, increased weighting factors for students attending school out of state, and an optional contribution from individual and corporate income taxpayers to the elementary and secondary education support fund; to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, and 15-40.1-09 of the North Dakota Century Code, relating to per student payments and the school district equalization factor, high school weighting factors, elementary weighting factors, and the computation of foundation aid; to provide for a legislative council study; to provide a continuing appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Per student payments for small but necessary schools. Per student payments made in accordance with sections 15-40.1-07 and 15-40.1-08 must be adjusted as follows:

1. For each elementary school that has less than fifty students and in which fifteen percent or more of the elementary students enrolled would have to travel beyond a fifteen-mile [24.15-kilometer] radius from their residences in order to attend another school, the weighting factor provided under section 15-40.1-08 must be increased by twenty percent for the first fifteen students. If the school has fewer than fifteen students, the payment received must be for fifteen students.
2. For each high school that has less than thirty-five students and in which fifteen percent or more of the high school students enrolled would have to travel beyond a twenty-mile [32.2-kilometer] radius from their residences in order to attend another school, the weighting factor provided under section 15-40.1-07 must be increased by twenty percent for the first twenty students. If the school has fewer than twenty students, the payment received must be for twenty students.

SECTION 2. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Per student payments for students attending school out of state. For each student attending school out of state in accordance with section 15-40.2-09, the weighting factors provided in sections 15-40.1-07 and 15-40.1-08 must be increased by twenty percent.

SECTION 3. AMENDMENT. Section 15-40.1-06 of the North Dakota Century Code is amended and reenacted as follows:

15-40.1-06. Declaration of legislative intent - Educational support per student - School district equalization factor - Limitations.

1. It is the intent of the legislative assembly, not considering any separate and supplemental payments as may be provided by law, to support elementary and secondary education in this state from state funds based on the educational cost per student. In determining the educational cost per student, the following criteria may not be used:

- a. Expenditures for capital outlay for buildings and sites, or debt service.
 - b. Expenditures from school activities and school lunch programs.
 - c. Expenditures for the cost of transportation, including the cost of schoolbuses.
- 2.
- a. The educational support per student during the first year of the ~~1993-95~~ 1995-97 biennium must be one thousand ~~five~~ seven hundred ~~seventy~~ seventy-eight dollars and for the second year of the biennium the educational support per student must be one thousand ~~six~~ nine hundred ~~thirty-six~~ one dollars and is the basis for calculating grants-in-aid on a per student basis as provided in sections 15-40.1-07 and 15-40.1-08.
 - b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 must be supported in the amount of two hundred twenty dollars, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07.
 - c. School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the 1991-92 school year or for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid a school district is entitled to under this subsection for each high school that is not accredited must be reduced by two hundred dollars times the number of students in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per student in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-07 for the entire school year in which the school becomes accredited.
 - d. School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the 1992-93 school year or for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of students in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the per student

payments provided for in section 15-40.1-08 for the entire school year in which the school becomes accredited.

3. In determining the amount of payments due school districts for tuition apportionment provided in section 15-44-03, and per student and transportation aid under this section, the amount of tuition apportionment, per student aid, and transportation aid for which a school district is eligible must be added together, and from that total, the following amounts must be subtracted:
 - a. The product of ~~twenty-three~~ thirty mills for the ~~1993-94~~ 1995-96 school year and ~~twenty-four~~ thirty-six mills for ~~each year thereafter~~ the 1996-97 school year times the latest available net assessed and equalized valuation of property of the school district. For succeeding school years, the number of mills to be used in the computation must be determined as follows:
 - (1) The superintendent of public instruction shall determine the percentage resulting from dividing the number of mills used in the computation the previous year by the state average school district general fund mill levy.
 - (2) The superintendent of public instruction shall determine the amount of foundation aid estimated to be distributed during the current year and subtract from that the amount of foundation aid that was distributed during the prior year, and divide the result by the amount of foundation aid distributed during the prior year.
 - (3) The superintendent of public instruction shall multiply the quotient determined under paragraph 2 by fifty percent and shall add this product to the percentage obtained in paragraph 1. This sum shall be multiplied times the state average school district general fund mill levy to determine the number of mills to be used in the computation provided in subdivision a. However, the number of mills used may not fall below thirty-six mills, nor rise above twenty-five percent of the state average school district general fund mill levy.
 - b. The amount that the unobligated general fund balance of a school district on the preceding June thirtieth is in excess of three-fourths of the actual expenditures, plus an additional twenty thousand dollars.
4. No school district may receive foundation payments beyond the October payment unless the following reports have been filed with the superintendent of public instruction:
 - a. Annual average daily membership report.
 - b. Annual school district financial report.
 - c. The September tenth fall enrollment report.
 - d. The personnel report forms for certified and noncertified employees.

5. No school district may receive the January foundation payment unless the taxable valuation and mill levy certifications are on file with the department of public instruction by December fifteenth.

SECTION 4. AMENDMENT. Section 15-40.1-07 of the North Dakota Century Code is amended and reenacted as follows:

15-40.1-07. High school per student payments - Amount - Proportionate payments. Payments must be made each year from state funds to each school district operating a high school and to each school district contracting to educate high school students in a federal school, subject to adjustment as provided in section 15-40.1-09, as follows:

1. For each high school district having under seventy-five students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor 1.625 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.625 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per student as provided in section 15-40.1-06. Beginning July 1, ~~1994~~ 1996, the factor is ~~1.625 adjusted by fifty percent of the difference between 1.625 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.~~
2. For each high school district having seventy-five or more, but less than one hundred fifty students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor 1.335 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.335 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per student provided in section 15-40.1-06. Beginning July 1, ~~1994~~ 1996, the factor is ~~1.335 adjusted by fifty percent of the difference between 1.335 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.~~
3. For each high school district having one hundred fifty or more, but less than five hundred fifty students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor 1.24 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.24 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per student provided in section 15-40.1-06. Beginning July 1, ~~1994~~ 1996, the factor is ~~1.24 adjusted by fifty percent of the difference between 1.24 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.~~

4. For each high school district having a total high school enrollment of five hundred fifty or more students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor 1.14 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.14 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of high school students in grades nine through twelve registered in that school district, times the educational support per student provided in section 15-40.1-06. Beginning July 1, ~~1994~~ 1996, the factor is ~~1.14 adjusted by fifty percent of the difference between 1.14 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.~~
5. For high schools having an approved alternative education program, the amount of money resulting from multiplying the factor in:
 - a. Subsection 1 times the number of students registered in the alternative education program, times the educational support per student provided in section 15-40.1-06, if the alternative education program has less than seventy-five students in average daily membership.
 - b. Subsection 2 times the number of students registered in the alternative education program, times the educational support per student provided in section 15-40.1-06, if the alternative education program has seventy-five or more, but less than one hundred fifty students in average daily membership.
 - c. Subsection 3 times the number of students registered in the alternative education program, times the educational support per student provided in section 15-40.1-06, if the alternative education program has one hundred fifty or more, but less than five hundred fifty students in average daily membership.
 - d. Subsection 4 times the number of students registered in the alternative education program times the educational support per student as provided in section 15-40.1-06 if the alternative education program has five hundred fifty or more students in average daily membership.

Every high school district must receive at least as much in total payments as it would have received if it had the highest number of students in the next lower category. Payments may not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this chapter have been met. Payments must be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school district must be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation or students enrolled in less than four units of standard high school work who are in their fourth year of high school coursework and who are enrolled in approved alternative high school curriculum programs, proportionate payments must be made to the public school district in

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

SECTION 5. AMENDMENT. Section 15-40.1-08 of the North Dakota Century Code is amended and reenacted as follows:

15-40.1-08. Elementary per student payments - Amount. Payments must be made from state funds to each school district operating an elementary school and to each school district contracting to educate elementary students in a federal school, employing teachers holding valid certificates or permits in accordance with section 15-47-46 and chapter 15-36, adjusted as provided in section 15-40.1-09, as follows:

1. ~~For each one room rural school, the amount of money resulting from multiplying the factor 1.28 adjusted by twenty five percent of the difference between 1.28 and the factor representing the five year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through eight in average daily membership, up to a maximum of sixteen students, times the educational support per student provided in section 15-40.1-06. There must be paid .9 times each additional student in its school in grades one through eight in average daily membership times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than twenty students in average daily membership. If the one room rural school is located in a school district with another elementary school, the weighting factor for the students in grades one through six must be based on the average daily membership in the district in grades one through six as provided in subsections 2 through 4. If the one room rural school is located in a school district with another school that has students in grade seven or eight, the weighting factor for the students in grade seven or eight must be the same as that provided for in subsection 5. Beginning July 1, 1994, the factor is 1.28 adjusted by fifty percent of the difference between 1.28 and the five year average cost of education per student for this category, as determined by the superintendent of public instruction.~~
- 2- For each elementary school in school districts having under one hundred students in average daily membership in grades one through six, the amount of money resulting from multiplying the factor 1.09 adjusted by twenty-five seventy-five percent of the difference between 1.09 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher, ~~up to a maximum of twenty students per classroom or per teacher,~~ times the educational support per student provided in section 15-40.1-06. ~~There must be paid .9 times each additional student in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per student provided in section~~

~~15-40.1-06~~, except that no payment may be made for more than twenty-five students in average daily membership in each classroom or for each teacher. Beginning July 1, 1994 ~~1996~~, the factor is ~~1.00~~ adjusted by fifty percent of the difference between ~~1.00~~ and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

- ~~3-2.~~ For each elementary school in school districts having one hundred or more students in average daily membership in grades one through six, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary students in grades one through six, the amount of money resulting from multiplying the factor .905 ~~adjusted by twenty-five~~ seventy-five percent of the difference between .905 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. Beginning July 1, 1994 ~~1996~~, the factor is ~~.905~~ adjusted by fifty percent of the difference between .905 and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.
- ~~4-3.~~ For each elementary school in school districts having an average daily membership of one thousand or more elementary students in grades one through six, the amount of money resulting from multiplying the factor .95 ~~adjusted by twenty-five~~ seventy-five percent of the difference between .95 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. Beginning July 1, 1994 ~~1996~~, the factor is ~~.95~~ adjusted by fifty percent of the difference between ~~.95~~ and the five-year average cost of education per student for this category, as determined by the superintendent of public instruction. ~~Beginning July 1, 1995, the factor is .95 adjusted by seventy five percent of the difference between .95 and the five year average cost of education per student for this category, as determined by the superintendent of public instruction. Beginning July 1, 1996, the superintendent of public instruction shall establish the factor that reflects the five year average cost of education per student for this category.~~
- ~~5-4.~~ For each of the above classes of elementary schools, ~~except for one room rural schools that are not located in a district with another school having students in grade seven or eight,~~ there must be paid to each school the amount of money resulting from multiplying the factor 1.01 ~~adjusted by twenty-five~~ seventy-five percent of the difference between 1.01 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of

students in that school in grades seven and eight in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06, except that no payment may be made for more than thirty students in average daily membership in each classroom or for each teacher. Beginning July 1, 1994 1996, the factor is ~~1.01 adjusted by fifty percent of the difference between 1.01 and~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

6- 5. For each elementary school having students under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, the amount of money resulting from multiplying the factor 1.01 adjusted by ~~twenty-five~~ seventy-five percent of the difference between 1.01 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of special education students in that school under the compulsory age for school attendance in average daily membership in each classroom or for each teacher times the educational support per student provided in section 15-40.1-06. Beginning July 1, 1994 1996, the factor is ~~1.01 adjusted by fifty percent of the difference between 1.01 and~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

7- 6. For each elementary school providing a kindergarten that is established according to provisions of section 15-45-01, the amount of money resulting from multiplying the factor .50 adjusted by ~~twenty-five~~ seventy-five percent of the difference between .50 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, times the number of students in that school in average daily membership in each classroom or for each teacher times the educational support per student, as provided under section 15-40.1-06, except that no payment may be made for more than twenty-five students in average daily membership in each classroom or for each teacher. The full per student payment may be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period must receive a proportionately smaller per student payment. Beginning July 1, 1994 1996, the factor is ~~.50 adjusted by fifty percent of the difference between .50 and~~ the five-year average cost of education per student for this category, as determined by the superintendent of public instruction.

The superintendent of public instruction shall make proportionate payments to each public school district educating students who are also enrolled in nonpublic schools.

Every school district must receive at least as much in total payments for elementary students as it would have received if it had the highest number of students in the next lower category.

SECTION 6. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Supplemental payment to high school districts. The superintendent of public instruction shall calculate the average valuation of property per student by dividing the number of students in average daily membership in grades one through twelve in a high school district into the district's latest available net assessed and equalized taxable valuation of property. If the quotient is less than the latest available statewide average taxable valuation per student and if the district's educational cost per student is below the most recent available statewide average cost of education per student, the superintendent of public instruction shall:

1. Determine the difference between the latest available statewide average taxable valuation per student and the average valuation per student in the high school district;
2. Multiply the result determined under subsection 1 by the number of students in average daily membership in grades one through twelve in the high school district;
3. Multiply the result determined under subsection 2 by the number of general fund mills levied by the district in excess of one hundred thirty-five, provided that any mills levied by the district which are in excess of two hundred may not be used in this calculation; and
4. Multiply the result determined at under subsection 3 by twenty-five percent. The result is the supplemental payment to which a high school district is entitled, in addition to any other amount provided under chapter 15-40.1.

SECTION 7. AMENDMENT. Section 15-40.1-09 of the North Dakota Century Code is amended and reenacted as follows:

15-40.1-09. Application for payments - Verification and determination of payments for high school students - Report of county superintendent of schools - Appeal. Immediately upon the completion of the registration of students at the beginning of each school term and in no event later than September tenth of each year, the business manager of each school district within or without this state which is claiming payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a claim on a form prescribed by the superintendent of public instruction stating the number of students registered in high school and elementary grades for which payments are claimed, and such other information as may be reasonably requested by the superintendent of public instruction. Not later than December first, the superintendent of public instruction shall certify to the office of management and budget a list of the school districts and schools not operated by school districts entitled to payments from state funds, together with the amounts to which the several districts and schools are entitled. Per student aid as provided under sections 15-40.1-06, 15-40.1-07, and 15-40.1-08 must be computed on the basis of the previous year's average daily membership less the number of students attending school during the current school year in another district under the provisions of open enrollment or the current year's fall enrollment, whichever is greater provides the greatest payment, for all current grade levels. Adjustments must be made in the subsequent year according to a comparison between the average daily membership for the year for which the adjusted payment is being made and the year preceding the year for which the adjusted payment is being made, whichever is greater, for grade levels that existed in both years. The greater of the two preceding years' average daily membership must be used in computing any adjustment in a district's foundation aid payments. For purposes of this chapter, "average daily membership" shall mean the total days all students in a given school are in attendance, including days set aside for the North

Dakota education association convention, plus any three holidays selected from those listed in subsections 2 through 10 of section 15-38-04.1 which have been decided upon after consultation with the teachers, the total days all students are absent, and the two parent-teacher conference days authorized in section 15-47-33, divided by one hundred eighty days. School districts educating children of agricultural migratory workers or offering high school summer school programs during the months of June, July, and August shall not be restricted to payments for a one hundred eighty-day school term.

Immediately upon the termination of the school term and in no event later than July fifteenth of each year, the business manager of each school district within or without this state which has received payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a verified statement of the name, residence, and membership of elementary and high school students as provided for in this section, and number of units of high school work taken by each high school student enrolled during the previous school year. The statement shall be attested to by the county superintendent of schools. The county superintendent shall investigate the validity of the statement and shall determine the residence and other qualifications of each student named in the statement. The county superintendent shall certify to the superintendent of public instruction on or before September first of each year the number of enrolled students in each district in the county for the previous school year upon which any adjustment may be based as provided in this section. If any statement is disallowed in whole or in part, notice of the disallowance and the names of students who are disallowed shall be reported to the superintendent of public instruction and to the district filing the statement. Any district may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before September fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final.

SECTION 8. A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

Optional contributions to elementary and secondary education support fund - Continuing appropriation. An individual or corporate taxpayer may designate on the tax return a contribution to the elementary and secondary education support fund in any amount of one dollar or more to be added to the tax liability or deducted from any refund that would otherwise be payable by or to the individual or corporation. On all state income tax returns the tax commissioner shall notify the taxpayer of this optional contribution. The amount of optional contributions under this section must be transferred by the tax commissioner to the state treasurer for deposit in the elementary and secondary education support fund. Whenever the elementary and secondary education support fund reaches a balance of one hundred thousand dollars, the office of management and budget shall distribute all moneys received under this section to the public school districts of this state in the same manner as moneys are distributed from the state tuition fund, based upon the certification of the superintendent of public instruction. The amounts provided for in this section are appropriated for this purpose as a standing and continuing appropriation.

SECTION 9. LEGISLATIVE COUNCIL STUDY OF EDUCATION FINANCE. The legislative council shall appoint a committee consisting of fifteen members to study the financing of elementary and secondary schools. The house majority leader shall recommend six house members from the

majority party and the house minority leader shall recommend three house members from the minority party. The senate majority leader shall recommend four senate members from the majority party and the senate minority leader shall recommend two senate members from the minority party. The legislative council shall ensure that the committee contains a balanced representation. During the 1995-96 interim, the committee shall review the formulas used to equalize state aid including formulas for student transportation and special education, funding sources that would be alternatives to property tax, and any other issues related to the financing of elementary and secondary schools. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-fifth legislative assembly.

SECTION 10. EFFECTIVE DATE. Section 8 of this Act is effective for taxable years beginning after December 31, 1994."

Renumber accordingly

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2059 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2059: Sens. Freborg, Grindberg, O'Connell.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2519 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2519: Sens. Freborg, Grindberg, O'Connell.

SECOND READING OF HOUSE BILL

HB 1249: A BILL for an Act to create and enact a new section to chapter 37-07.1 of the North Dakota Century Code, relating to tuition reimbursement payments; to amend and reenact sections 37-07.1-03 and 37-07.2-01 of the North Dakota Century Code, relating to tuition waivers and grants; and to repeal section 37-07.1-06 of the North Dakota Century Code, relating to tuition payments.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsch; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langlely; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1249 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on Engrossed SB 2349 as printed on SJ pages 1371-1372 be adopted.

REQUEST

SEN. LAFOUNTAIN REQUESTED that his remarks be recorded in the Journal, which request was granted.

REMARKS OF SENATOR LAFOUNTAIN

Madam President, members of the Senate. If I understand this bill, it is closing records that have been open to the state of North Dakota for 21 years, and I thought we just had this discussion yesterday regarding the tribal business records, which is a profit entity. So what we are doing here is taking limited liability corporations, the people in the state of North Dakota have had a chance to have access to those records and we are now saying we are going to close them. It should be noted that the newspaper association was opposed to this, and the people who promoted it said that this is going to promote unfair competitive business practices, and as I recall that was the same issue raised at the tribal gaming issues. Madam President, I made the comment yesterday, you know we make many contradictions and this is one example and I guess we all vote our conscience.

REQUEST

SEN. LAFOUNTAIN REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2349, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed SB 2349, the roll was called and there were 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Bowman; DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Scherber; Tallackson; Tomac; Wogsland; Yockim

The conference committee report on Engrossed SB 2349 was adopted.

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to create and enact two new subsections to section 10-06.1-17 and section 10-23-03.3 of the North Dakota Century Code, relating to annual reports required of farm corporations and limited liability companies engaged in farming and reinstatement of corporations and foreign corporations following dissolution or revocation for failure to file an annual report; to amend and reenact sections 10-23-01, 10-23-02, 10-23-03, and 10-23-06 of the North Dakota Century Code, relating to annual reports of domestic and foreign corporations and license fees paid by corporations; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

MAYS: DeMers; LaFountain; Nelson, C.; O'Connell

Engrossed SB 2349, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2016, as engrossed: Your conference committee (Sens. Naaden, Solberg, Robinson and Reps. Gerntholz, Martinson, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1164-1178, adopt amendments as follows, and place SB 2016 on the Seventh order:

That the House recede from its amendments as printed on page 1164 of the Senate Journal and page 1178 of the House Journal and that Engrossed Senate Bill No. 2016 be amended as follows:

Page 1, line 16, replace "6,859,828" with "7,959,828"

Page 1, line 17, replace "1,398,081" with "298,081"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	ENGROSSED BILL	CHANGE FLOOD DISASTER FUNDING FROM GENERAL TO OTHER FUNDS	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$1,630,084			\$1,630,084
Operating expenses	623,180			623,180
Equipment	123,700			123,700
Grants	<u>5,880,945</u>			<u>5,880,945</u>
Total all funds	\$8,257,909			\$8,257,909
Less estimated income	<u>6,859,828</u>	<u>\$ 1,100,000</u>	<u>\$1,100,000</u>	<u>7,959,828</u>
Total general fund	\$1,398,081	\$(1,100,000)	\$(1,100,000)	\$ 298,081

FTE 20

20

Engrossed SB 2016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on Engrossed SB 2016 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2016, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2016, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2063 as printed on SJ page 1419 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2063: Sens. Wanzek, Schobinger, Kelsh.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

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

HB 1367: Sens. Watne; Urlacher; Mathern

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

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

HB 1178: Sens. Grindberg; Wanzek; O'Connell

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has appointed Rep. Payne to replace Rep. Dalrymple on the Conference Committee on HB 1001.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1155.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1015, HB 1017, HB 1432.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2008: Reps. Clayburgh; Tollefson; Laughlin

SB 2305: Reps. Freier; Howard; Kaldor

SB 2313: Reps. Byerly; Howard; Kroeber

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1003 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1003: Reps. Wald; Freier; Wilkie

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has rereferred SB 2455 back to conference committee.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has appointed Sen. Lips to replace Sen. Nething on the Conference Committee on HB 1001.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2074, SB 2209, SB 2442.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1041, HB 1064, HB 1094, HB 1134, HB 1207, HB 1221, HB 1250, HB 1298, HB 1300, HB 1329.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3019.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Sand, Chairman) has carefully examined the Journal of the Sixty-First Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1424, line 42, replace "disagreement" with "this agreement"

Page 1427, line 48, after "which" insert "is"

Page 1428, line 13, replace "would" with "with"

Page 1439, remove lines 23 through 27

Page 1449, remove lines 32 through 35

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2012 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2012: Sens. St. Aubyn, Nalewaja, Mushik.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2080 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2080: Sens. Nething, W. Stenehjem, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act

with a like committee from the House as a Conference Committee on Engrossed HB 1003, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1003: Sens. Nething, Solberg, Tallackson.

MOTION

SEN. GOETZ MOVED that SB 2264, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. THANE MOVED that the conference committee report on Engrossed SB 2425 as printed on SJ page 1452 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2425, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2425: A BILL for an Act to amend and reenact sections 40-21-02 and 40-21-07 of the North Dakota Century Code, relating to biennial city elections; and to repeal section 40-21-03 of the North Dakota Century Code, relating to biennial municipal elections in council cities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Kinnoin; Langley; Stenehjem, W.; Tallackson

Engrossed SB 2425, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the conference committee report on Engrossed SB 2475 as printed on SJ page 1453 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2475, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2475: A BILL for an Act providing an appropriation for adjusted compensation to certain veterans; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Kinnoin; Langley; Stenehjem, W.; Tallackson

Engrossed SB 2475, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. HUTCH MOVED that the conference committee report on SCR 4026 as printed on SJ page 1453 be adopted, which motion prevailed, on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on Engrossed HB 1210 as printed on SJ page 1455 be adopted, which motion prevailed, on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. KRINGSTAD MOVED that the conference committee report on Engrossed HB 1386 as printed on SJ page 1457 be adopted, which motion prevailed, on a voice vote.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2059 and SB 2519 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2059: Sens. Freborg; Grindberg; O'Connell

SB 2519: Sens. Freborg; Grindberg; O'Connell

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2349.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2012 and SB 2080 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2012: Sens. St. Aubyn; Malewaja; Mushik

SB 2080: Sens. Nething; W. Stenehjem; Tallackson

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

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

HB 1003: Sens. Nething; Solberg; Tallackson

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1129, HB 1376, HCR 3003, HCR 3010, HCR 3013, HCR 3016, HCR 3023, HCR 3025, HCR 3030, HCR 3033, HCR 3039, HCR 3040.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2016.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 5:08 p.m., March 31, 1995: SB 2004, SB 2010, SB 2014, SB 2075, SB 2090, SB 2104, SB 2134, SB 2155, SB 2176, SB 2212, SB 2270, SB 2306, SB 2309, SB 2342, SB 2343, SB 2351, SB 2352, SB 2353, SB 2383, SB 2388, SB 2399, SB 2482, SB 2491, SB 2500, SB 2508.

MOTION

SEN. GOETZ MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Monday, April 3, 1995, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2006: Your conference committee (Sens. Streibel, Solberg, Lindaas and Reps. Clayburgh, Martinson, Laughlin) recommends that the SENATE ACCEDE to the House amendments on SJ pages 1385-1386 and place SB 2006 on the Seventh order.

SB 2006 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2081, as engrossed: Your conference committee (Sens. Tennesos, Christmann, Heitkamp and Reps. Lloyd, Timm, Dobrinski) recommends that the HOUSE RECEDE from the House amendments on SJ pages 945-948, adopt amendments as follows, and place SB 2081 on the Seventh order:

That the House recede from its amendments as printed on pages 945-948 of the Senate Journal and pages 948-950 of the House Journal and that Engrossed Senate Bill No. 2081 be amended as follows:

Page 1, line 14, after the semicolon insert "and"

Page 1, line 16, replace "; and" with a period

Page 1, remove lines 17 through 21

Page 2, line 1, after "levy" insert "one percent more in taxable year 1995 and one percent more in taxable year 1996 than the amount levied in dollars in the base year and for taxable years 1997 and 1998 may elect to levy"

Page 2, line 10, after the period insert "However, no reduction may be made under this section due to the exemption of the personal property of railroads by enactment of House Bill No. 1396 by the fifty-fourth legislative assembly."

Page 2, remove lines 19 through 29

Page 3, remove lines 1 through 7

Page 3, line 8, replace "5" with "4"

Page 3, line 19, replace "6" with "5"

Page 3, line 23, replace "7" with "6"

Page 4, line 3, replace "8" with "7"

Page 4, line 13, replace "9" with "8"

Page 4, after line 16, insert:

"SECTION 2. Protection of taxpayers and taxing districts. Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts allowed by this section.
2. For purposes of this section:

- a. "Base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year;
 - b. "Budget year" means the taxing district's year for which the levy is being determined under this section; and
 - c. "Calculated mill rate" means the mill rate that results from dividing the base year taxes levied by the sum of the taxable value of the taxable property in the base year plus the taxable value of the exempt property calculated in the same manner as taxable property.
3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
- a. Reduced by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final base year taxable valuation of any taxable and exempt property that is not included in the taxing district for the budget year but was included in the taxing district for the base year.
 - b. Increased by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final budget year taxable valuation of any taxable and exempt property that was not included in the taxing district for the base year but which is included in the taxing district for the budget year.
 - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.
4. A taxing district may levy an amount in dollars equal to the amount levied in any of the previous three years reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district and increased by an amount equal to the sum determined by the application of any unused mill levy authority from that year, which was authorized by law or by the electors of that taxing district but not levied for that year, to the budget year taxable valuation of the taxable property in that taxing district. A taxing district electing to increase its levy under this subsection may not add any amount permitted by subsection 3 to the amount levied under this subsection.
5. In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district.
6. Under this section a taxing district may supersede any applicable mill levy limitations otherwise provided by law, or a taxing district may levy up to the mill levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:

- a. Any irrevocable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.
 - b. The one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
7. A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.
 8. Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations."

Page 4, line 18, replace "Subsection 3 of" with "Section"

Page 4, line 19, remove "section"

Page 4, line 20, replace "Subsection 4 of" with "Section 2"

Page 4, line 21, remove "section 1"

Renumber accordingly

Engrossed SB 2081 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2115: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Dalrymple, Clayburgh, Laughlin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1036 and place SB 2115 on the Seventh order.

SB 2115 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2181, as engrossed: Your conference committee (Sens. Grindberg, Krebsbach, Scherber and Reps. K. Henegar, Thoreson, Boucher) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1036-1038, adopt amendments as follows, and place SB 2181 on the Seventh order:

That the House recede from its amendments as printed on pages 1036-1038 of the Senate Journal and pages 1053-1055 of the House Journal and that Engrossed Senate Bill No. 2181 be amended as follows:

Page 1, line 1, after "50-06-05.6" insert ", a new section to chapter 50-06.1, a new section to chapter 54-34.3, and a new subsection to section 54-44.3-20"

Page 1, line 2, after "aging" insert ", the committee on employment of people with disabilities, the commission on the status of women, and positions exempt from the central personnel system", remove the first "and", and after "reenact" insert "subsection 5 of section 39-01-15,"

Page 1, line 3, remove "50-26-01, 50-26-02, 50-26-03, 50-26-05,"

Page 1, line 5, after "to" insert "parking certificates for the mobility impaired and to", after "administration" insert a semicolon, and after "and" insert "; to repeal chapter 50-26 of the North Dakota Century Code, relating to"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Subsection 5 of section 39-01-15 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. Except as provided in this subsection, two dollars of each fee for issuance of a certificate and one dollar of each fee for issuance of an additional certificate under this section must be deposited in the state highway department fund for purposes of defraying the cost of issuing the certificate. The rest of the fee, and the five-dollar fee received for the issuance of an additional certificate under subsection 4, must be deposited in the state treasury and credited to the employment of people with disabilities fund. The fees deposited in the fund are hereby appropriated on a continuing basis to the committee on employment of people with disabilities of the ~~governor's council on human resources department of human services~~ for development of job opportunities for disabled individuals in this state. If a certificate is lost, mutilated, or destroyed, the person to whom the certificate was issued is entitled to a replacement. The person shall furnish proof satisfactory to the director that the certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars."

Page 1, line 11, overstrike "the" and remove "committee on"

Page 1, overstrike lines 12 and 13

Page 1, line 14, overstrike "the status of women;"

Page 4, replace lines 11 through 29 with:

"SECTION 4. A new section to chapter 50-06.1 of the North Dakota Century Code is created and enacted as follows:

Committee on employment of people with disabilities - Appointment - Expenses - Director - Duties. There is established a committee on employment of people with disabilities. The committee consists of three members. The governor shall appoint each member for a term of three years, staggered so that the term of one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The committee, with the approval of the governor, shall appoint a full-time director to serve at the pleasure of the governor. For administrative purposes, the director is an unclassified employee of the department and is not included in the central personnel system. The committee shall coordinate activities and serve as a clearinghouse for information relating to the employment of people with disabilities. The committee shall prepare for and perform followup duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations

in developing needed services, facilities, and opportunities, and provide consultant help to local organizations created for the purpose of coordinating activities for the employment of people with disabilities."

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 29

Page 9, line 2, overstrike "50-26-01", remove the underscored comma, and after the second comma insert "section 4 of this Act, section 8 of this Act,"

Page 9, line 24, overstrike "governor's council" and insert immediately thereafter "committee", overstrike "human resources" and insert immediately thereafter "aging"

Page 9, line 25, after the first period insert "The committee on employment of people with disabilities."

t. The commission on the status of women.

u."

Page 9, line 26, overstrike "t." and remove "The committee on aging."

Page 9, line 27, replace "u." with "v."

Page 9, line 28, replace "v" with "w"

Page 9, line 29, replace "w" with "x"

Page 10, line 1, replace "x" with "y"

Page 10, after line 1, insert:

"SECTION 8. A new section to chapter 54-34.3 of the North Dakota Century Code is created and enacted as follows:

Commission on the status of women - Appointment - Expenses - Duties. There is established a commission on the status of women. The commission consists of five members. The governor shall appoint each member for a term of four years, staggered so that the term of at least one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The commission shall coordinate activities and serve as a clearinghouse and an advisory group to the department for information relating to economic development programs that focus on career development for women. The commission shall prepare for and perform followup duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities, and provide consultant help to local organizations created for the purpose of coordinating activities for the economic and career development of women.

SECTION 9. A new subsection to section 54-44.3-20 of the North Dakota Century Code is created and enacted as follows:

The director of the committee on employment of people with disabilities of the department of human services.

SECTION 10. REPEAL. Chapter 50-26 of the North Dakota Century Code is repealed."

Renumber accordingly

Engrossed SB 2181 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2305: Your conference committee (Sens. Solberg, St. Aubyn, Tallackson and Reps. Freier, Howard, Kaldor) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1416-1418 and place SB 2305 on the Seventh order.

SB 2305 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1155, as engrossed: Your conference committee (Sens. Sand, Krebsbach, Scherber and Reps. Kempenich, Skarphol, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1091-1092, adopt amendments as follows, and place HB 1155 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1091 and 1092 of the House Journal and pages 919 and 920 of the Senate Journal, and that Engrossed House Bill No. 1155 be amended as follows:

Page 1, line 2, after "settlements" insert "; and to provide a penalty"

Page 3, line 10, after "requirements" insert "- Penalty"

Page 4, after line 13, insert:

"6. A person may not act as or hold oneself out to be a viatical settlement provider unless licensed under this chapter. Any person willfully violating this section is guilty of a class C felony."

Renumber accordingly

Engrossed HB 1155 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator Goetz's motion.

William C. Parker, Secretary