

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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SEVENTY-FOURTH DAY

Bismarck, April 19, 1983

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

The prayer was offered by Rev. James Kloster, First Lutheran Church, Mandan.

ROLL CALL

The roll was called and all members were present, except Representatives Eagles, Gerl, Goetz, Gorder, Gullickson, Kuchera, Lautenschlager, W. Meyer, Moore, Nicholas, E. Pomeroy, Stofferahn

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Seventy-third day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

MESSAGES FROM THE SENATE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee reports on HB 1004 and HB 1386, and the President has appointed as a new conference committee to act with a like committee from the House on:

HB 1004: Sens. Lips, Streibel, Tallackson

HB 1386: Sens. Stenehjem, Holmberg, J. Meyer

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following on which the Senate has adopted the conference committee reports and subsequently passed the same:

HB 1022, HB 1027, HB 1028, HB 1029, HB 1036

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1249, HB 1570

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2501, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2501: Sens. Tennefos, Thane, Tallackson

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES TO THE SENATE

HOUSE CHAMBER

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

SB 2001, SB 2012, SB 2016, SB 2018, SB 2038

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HB 1007

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTIONS

REP. G. MARTIN MOVED that the House reconsider its action whereby it did not concur in the Senate amendments to HB 1005, and that the House do now concur in the Senate amendments to HB 1005, and that the Conference Committee on HB 1005 be dissolved, which motion prevailed.

REP. G. MARTIN MOVED that the rules be suspended, that HB 1005 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

HB 1005: A BILL for an Act making an appropriation for defraying the expenses of the various institutions under the supervision of the board of higher education of the state of North Dakota; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 88 YEAS, 13 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Moore; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Gorder; Gunsch; Kingsbury; Koehn; Melby; Murphy; Olson, A.; Retzer; Rued; Thompson; Whalen

ABSENT AND NOT VOTING: Eagles; Gerl; Meyer, W.; Nicholas; Pomeroy, E.

HB 1005 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. MERTENS MOVED that the vote by which HB 1005 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on HB 1004:

Reps. Mertens, G. Martin, Peterson

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2501:

Reps. Mertens, G. Martin, Peterson

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on HB 1386:

Reps. Nowatzki, Linderman, Kretschmar

MOTION

REP. BACKES MOVED that the House stand in recess until 9:00 a.m., which motion prevailed.

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

MESSAGES TO THE SENATE

HOUSE CHAMBER

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

HB 1004: Reps. Mertens, G. Martin, Peterson

HB 1386: Reps. Nowatzki, Kretschmar, Linderman

Very respectfully,

CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did not concur in the Senate amendments to HB 1005, and now wishes to inform you that it does now concur in the Senate amendments to HB 1005, and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1005.

Very respectfully,

CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2501: Reps. Mertens, G. Martin, Peterson

Very respectfully,

CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE

SENATE CHAMBER

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

HB 1025: Sens. Lips, Fritzell, Tallackson

Very respectfully,

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2008, SB 2015, SB 2033, SB 2067, SB 2244

Very respectfully,
LEO LEIDHOLM, Secretary

MOTION

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

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

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bills and finds the same correctly enrolled:

HB 1030, HB 1031, HB 1728, HCR 3101

REP. G. MARTIN, Chairman

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

MOTION

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

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

REVISION AND CORRECTION OF THE JOURNAL

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully reexamined the Journal of the Seventy-second day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 2852, delete lines 19 and 20

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully reexamined the Journal of the Seventy-third day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 2885, delete lines 33 through 49, and insert in lieu thereof the following:

"YEAS: Backes; Black; Boyle; Brokaw; Conmy; DeMers;
Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl;
Goetz; Gullickson; Hamerlik; Haugland; Hausauer;

Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kloubec; Knudson; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meiers, R.; Mertens; Meyer, R.; Moore; Mushik; Nalewaja; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Timm; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Aubol; Gorder; Gunsch; Halmrast; Hanson, O.; Hughes; Kingsbury; Koehn; Larson, R.; Meier, A.; Melby; Murphy; Olafson; Olson, A.; Retzer; Rued; Thompson; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Hanson, L.; Meyer, W.; Nicholas; Unhjem"

On page 2886, delete lines 2 through 6

REP. LAUGHLIN, Chairman

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

MOTION

REP. BACKES MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1030, HB 1031, HB 1728, HCR 3101
SB 2008, SB 2015, SB 2033, SB 2067, SB 2244

CHARLES FLEMING, Chief Clerk

MOTION

REP. BACKES MOVED that the House reconsider its action whereby HB 1005 was passed.

REQUEST

REP. BACKES REQUESTED permission to withdraw his motion to reconsider HB 1005, which request was granted.

TUESDAY, APRIL 19, 1983

2905

MOTION

REP. BACKES MOVED that the House stand in recess until 2:00 p.m., which motion prevailed.

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

April 19, 1983

The Honorable Tish Kelly
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

This is to inform you that on April 19, 1983, I signed HB 1500 and HB 1539.

Sincerely,

ALLEN I. OLSON
Governor

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

HB 1030, HB 1031, HB 1728, HCR 3101

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2008, SB 2015, SB 2033, SB 2067, SB 2244

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTION

REP. BACKES MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

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

MESSAGE FROM THE SENATE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1030, HB 1031, HB 1728, HCR 3101

Very respectfully,
LEO LEIDHOLM, Secretary

MOTIONS

REP. NOWATZKI MOVED that the House reconsider its action whereby it did not concur in the Senate amendments to HB 1386, and that the House do now concur in the Senate amendments to HB 1386, and that the conference committee be dissolved, which motion prevailed.

REP. NOWATZKI MOVED that HB 1386 be placed on the Eleventh order of business for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1386: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, to permit the award of cash prizes not exceeding three hundred dollars in raffles.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 3 YEAS, 101 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Backes; Kretschmar; Peterson

NAYS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Nicholas; Pomeroy, G.

HB 1386 was declared lost.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1053 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2113-2115 of the House Journal and that Engrossed HB 1053 be amended as follows:

On page 1 of the engrossed bill, line 3, after the first semicolon insert the words "to create and enact a new subsection to section 17 and a new subsection to section 18 of Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, relating to mill levy limitations which apply to school districts; and to amend and reenact section 57-15-14 of the North Dakota Century Code as amended by Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, relating to school district excess mill levies;"

On page 1 of the engrossed bill, delete lines 9 through 28 and insert in lieu thereof the following:

"Protection of taxpayers and taxing districts. Each taxing district, with the exception of school districts, may levy the amount in dollars as certified in the budget by the governing body, the percentage increase as allowed under subsection 2 more than the amount levied in dollars in the prior year, or the amount levied in dollars in the prior year plus an amount equal to the sum determined by application of any mill levies authorized by law but not levied in the taxing district for the prior year plus any mill levies specifically authorized by the electors of that taxing district but not levied for the prior year in that taxing district, whichever is less, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts provided in this section.
2. A taxing district may elect to levy six percent more in 1983 than the amount levied in dollars in 1982 and may elect to levy six percent more in 1984 than the amount levied in dollars in 1983. The governing body of the taxing district must specifically approve by resolution the levy

of the additional percentage and any increase of four percent or more for 1983 or 1984 must be approved by sixty percent of the governing body. Before adding the increase, the dollar amount levied in the prior year which is used as a base amount shall be:

- a. Reduced by an amount equal to the sum determined by the application of the mill levies for that taxing district to the final taxable valuation of any property which is removed from the assessment rolls of that taxing district after the prior year but was included in the assessment for the prior year.
 - b. Increased by an amount equal to the sum determined by the application of the mill levies for that taxing district to the taxable valuation of any taxable property which was not taxable in the prior year or was omitted from the assessment rolls for that year but which is included in the assessment for the current year.
 - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.
3. A taxing district may levy an amount in dollars equal to the amount levied in the prior year reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district plus an amount equal to the sum determined by the application of any mill levies authorized by law but not levied by the governing body of the taxing district for the prior year and any mill levies specifically authorized by the electors of that taxing district but not levied for the prior year to the taxable valuation of the taxable property in that taxing district. A taxing district electing to increase its levy under this subsection may not add the percentage increase permitted by this section to the amount levied pursuant to this subsection.
4. 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 after the effective date of this Act, but the percentage increase over the prior year's levies authorized by this section shall not be applied to any increase authorized by this subsection."

On page 2 of the engrossed bill, delete lines 1 through 18

On page 2 of the engrossed bill, underscore lines 19 through 29

On page 2 of the engrossed bill, line 30, underscore the word "to", delete the words "the Fargo", underscore the word "school", and delete the words "district or to any school district in" and insert in lieu thereof the word "districts."

On page 2 of the engrossed bill, delete lines 31 and 32

On page 2 of the engrossed bill, underscore lines 33 and 34

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

On page 3 of the engrossed bill, after line 2, insert the following new sections:

"SECTION 2. A new subsection to section 17 of Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, is hereby created and enacted to read as follows:

Any increase in the levy for the purposes provided for in this section which exceeds an amount in mills equal to two-thirds or more of the difference between the amount levied for those purposes the prior year and the maximum levy permitted under this section must be approved by sixty percent of the members of the school board by resolution.

SECTION 3. A new subsection to section 18 of Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, is hereby created and enacted to read as follows:

Any increase in the levy for the purposes provided for in this section which exceeds an amount in mills equal to two-thirds or more of the difference between the amount levied for these purposes the prior year and the maximum levy permitted without

electorate approval pursuant to section 57-15-14 must be approved by sixty percent of the members of the school board by resolution.

SECTION 4. AMENDMENT. Section 57-15-14 of the North Dakota Century Code as amended by Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-15-14. Tax levy limitations in school districts. The Subject to the provisions of subsection 3, the aggregate amount levied each year for the purposes listed in section 18 of this Act by any school district, except the Fargo school district, shall not exceed the amount in dollars which the school district levied for the prior school year plus eighteen percent up to a general fund levy of seventy mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
 - a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the electors voting upon the question at any regular or special school district election.
 - b. There shall be no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the electors voting at any regular or special election upon such question.
2. In any school district having a total population of less than four thousand according to the last federal decennial census, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the electors voting upon the question at any regular or special school election.

3. Any school district may increase its levy for the purposes listed in section 18 of Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, by at least six percent in 1983 from the amount levied in dollars in 1982 and six percent more in 1984 from the amount levied in dollars in 1983. In addition, any school district whose electorate has approved a specified levy for prior years and which district did not levy up to the authorized level of that specified levy, may levy the difference between the levy authorized and the amount levied the preceding year for that purpose in addition to the maximum levy allowable under section 57-15-14 as amended by Senate Bill No. 2047, as approved by the forty-eighth legislative assembly.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district shall be submitted to the electorate at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken, unless such census is greater than four thousand in which case only fifteen percent of the number of persons enumerated in the school census shall be required. However, not fewer than twenty-five signatures shall be required unless the district has fewer than twenty-five electors, in which case the petition shall be signed by not less than twenty-five percent of the electors of the district. In those districts with fewer than twenty-five electors, the number of electors in the district shall be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority shall not affect the tax levy in the calendar year in which the election is held. The election shall be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy."

And renumber the lines, subsections, sections, and pages accordingly

For the Senate: Sens. Goodman, Moore (refused to sign), Matchie
For the House: Reps. Richard, Aubol, Hughes

REP. RICHARD MOVED that the report be adopted, which motion failed.

MOTION

REP. BACKES MOVED that a conference committee be appointed on HB 1053, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on HB 1053:

Reps. Sinner, A. Olson, Laughlin

MESSAGE TO THE SENATE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did not concur in the Senate amendments to HB 1386, and wishes to inform you that it does now concur in the Senate amendments to HB 1386, and subsequently failed to pass the same. Also, the House has dissolved the House Conference Committee on HB 1386.

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTION

REP. BACKES MOVED that the House consider the election of one of its members to the Education Commission of the States, which motion prevailed.

NOMINATIONS

REP. JACOBSON NOMINATED Representative Serenus Hoffner.

REP. KRETSCHMAR NOMINATED Representative Swiontek.

MOTION

REP. BACKES MOVED that nominations cease, which motion prevailed.

ROLL CALL

The question being on the election of a member to the Education Commission of the States, the roll was called and there were 54 votes for Representative Serenus Hoffner, 47 votes for Representative Swiontek, 5 absent and not voting.

Voting for Representative Serenus Hoffner: Aubol; Backes; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gerl; Gullickson; Halmrast; Hanson, L.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koski; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nowatzki;

O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

Voting for Representative Swiontek: Anderson, C.; Anderson, R.; Black; Conmy; Eagles; Gates; Goetz; Gorder; Gunsch; Hamerlik; Haugland; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Lipsiea; Martin, C.; Martinson; Melby; Moore; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.; Peltier; Peterson; Retzer; Rice; Riley; Rued; Schindler; Shide; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen; Wold

Absent and not voting: Hanson, O.; Hausauer; Lardy; Nicholas; Strinden

MOTION

REP. SWIONTEK MOVED that a unanimous ballot be cast for Representative Serenus Hoffner, which motion prevailed.

Representative Serenus Hoffner was thereupon elected to serve on the Education Commission of the States.

MOTION

REP. BACKES MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

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

MESSAGE TO THE SENATE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has not adopted the conference committee report on HB 1053, and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1053: Reps. Sinner, A. Olson, Laughlin

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORTS OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 3:15 p.m., April 19, 1983:

HCR 3101

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 3:18 p.m., April 19, 1983:

HB 1030, HB 1031, HB 1728

REP. G. MARTIN, Chairman

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

MOTION

REP. BACKES MOVED that the House stand in recess until 5:00 p.m., which motion prevailed.

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

MESSAGES FROM THE SENATE

SENATE CHAMBER

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

HB 1053: Sens. Wright, Lee, Matchie

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee reports and subsequently passed the same:

SB 2019, SB 2020, SB 2226

Very respectfully,
LEO LEIDHOLM, Secretary

MOTION

REP. BACKES MOVED that, immediately following consideration of the conference committee reports, where appropriate, the bills be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred SB 2019 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 2099 of the House Journal and that Engrossed SB 2019 be amended as follows:

On page 1 of the engrossed bill, line 1, delete the words "to provide for the office of management and budget"

On page 1 of the engrossed bill, line 2, delete the words "to alter statutory payment dates;"

On page 1 of the engrossed bill, delete lines 6 through 14

On page 2 of the engrossed bill, delete lines 11 through 15 and insert in lieu thereof the following: "otherwise appropriated, an amount sufficient to pay interest costs on any moneys borrowed under the provisions of this Act. This appropriation authority shall expire on June 30, 1985."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment deletes the provision authorizing the director of the Office of Management and Budget to alter or delay payments. The amendment also deletes the specific amount contained in the appropriation section since an Attorney General's opinion indicates that in this instance a specific appropriation is not necessary.

For the Senate: Sens. Lips, Thane, Heigaard

For the House: Reps. Opedahl, Mertens, Peterson

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

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act providing for cash flow financing; making an appropriation; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 82 YEAS, 13 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, S. F.; Horgan; Hughes; Keller; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Moore; Mushik; Nalewaja; Nicholas; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riley; Sanstead; Schindler; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Gerl; Gorder; Hanson, O.; Kent;
Kingsbury; Lipsiea; Melby; Murphy; Olafson; Rued;
Thompson; Whalen

ABSENT AND NOT VOTING: Eagles; Hoffner, Serenus;
Jacobson; Kuchera; Meyer, R.; Meyer, W.; Nowatzki;
Olson, A.; Riehl; Schneider; Swiontek

SB 2019 passed, the title was agreed to, and the emergency clause carried.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred SB 2020 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2291-2296 of the House Journal and that Engrossed SB 2020 be amended as follows:

- On page 1, line 2, delete the words "and authorizing a board of"
- On page 1, line 3, delete the words "university and school lands loan" and insert in lieu thereof the words "; authorizing a developmentally disabled facility loan fund", and delete the word "construction,"
- On page 1, line 4, delete the words "reconstruction, and acquisition" and insert in lieu thereof the word "establishment"
- On page 1, line 5, after the word "disabled" insert the words ", chronically mentally ill, and physically disabled", and after the word "persons" and before the period insert the words "; and authorizing the board of university and school lands to invest in a developmentally disabled facility loan fund program"
- On page 1 of the engrossed bill, line 18, delete the numerals "34,132,917" and insert in lieu thereof the numerals "34,789,370"
- On page 1 of the engrossed bill, line 24, delete the numerals "189,228,007" and insert in lieu thereof the numerals "190,873,070"
- On page 1 of the engrossed bill, line 25, delete the words "all funds", and delete the numerals "380,984,613" and insert in lieu thereof the numerals "383,286,129"
- On page 1 of the engrossed bill, after line 25, insert the following new line:

"Less budget adjustment 495,000"

On page 1 of the engrossed bill, line 26, delete the numerals "250,811,975" and insert in lieu thereof the numerals "253,752,368"

On page 1 of the engrossed bill, line 27, delete the numerals "130,172,638" and insert in lieu thereof the numerals "129,038,761"

On page 2 of the engrossed bill, line 2, delete the numerals "205,621" and insert in lieu thereof the numerals "209,016"

On page 2 of the engrossed bill, line 5, delete the words "all funds", and delete the numerals "818,126" and insert in lieu thereof the numerals "821,521"

On page 2 of the engrossed bill, after line 5, insert the following new line:

"Less budget adjustment 9,930"

On page 2 of the engrossed bill, line 6, delete the numerals "597,590" and insert in lieu thereof the numerals "593,116"

On page 2 of the engrossed bill, line 7, delete the numerals "220,536" and insert in lieu thereof the numerals "218,475"

On page 2 of the engrossed bill, line 8, delete the numerals "130,393,174" and insert in lieu thereof the numerals "129,257,236"

On page 2 of the engrossed bill, line 9, delete the numerals "251,409,565" and insert in lieu thereof the numerals "256,434,034"

On page 2 of the engrossed bill, line 10, delete the numerals "381,802,739" and insert in lieu thereof the numerals "385,691,270"

On page 2, delete lines 16 through 30 and insert in lieu thereof the following new sections:

"SECTION 3. DEVELOPMENTALLY DISABLED FACILITY LOAN FUND PROGRAM NO. 2. There is hereby created a developmentally disabled facility loan fund program no. 2 for the purpose of making loans to nonprofit corporations, organized in the localities in which facilities are proposed to be located, for project costs, including the cost of real estate, construction, reconstruction, acquisition,

furnishings, and equipment, and administrative costs related to the establishment thereof, of facilities for developmentally disabled, chronically mentally ill, and physically disabled persons. The loan fund may borrow an amount not to exceed five million dollars from the common school trust fund to finance the program. The loan shall be repaid from any moneys in the lands and minerals trust fund not otherwise appropriated. Any interest earned by the loan fund before loans are made shall be credited by the Bank to the lands and minerals trust fund. The loan fund program shall be administered by the Bank of North Dakota in the same manner the Bank administers the program established by chapter 6-09.6, except that all payments of principal and interest shall be credited by the Bank to the lands and minerals trust fund after the Bank has deducted a service fee for administering the program equivalent to an annual fee of one-half of one percent of the principal balance of the outstanding loans.

SECTION 4. LOAN AUTHORITY. The board of university and school lands is hereby authorized to invest an amount not to exceed five million dollars from the common school trust fund in the developmentally disabled facility loan fund program no. 2. The term of this investment shall not exceed twenty-five years and the rate of interest shall not exceed ten and one-half percent. The common school trust fund shall have a security interest in the properties of the lands and minerals trust fund in the amount of the loan.

SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the lands and minerals trust fund, not otherwise appropriated, the sum of \$1,144,300, or so much thereof as may be necessary, for the purpose of making payments of principal and interest to the common school trust fund on any loans made from it pursuant to section 3, for the biennium beginning July 1, 1983, and ending June 30, 1985.

SECTION 6. PSYCHIATRIC RESIDENCY PROGRAM. It is the intent of the legislative assembly that the department of human services be permitted to continue the psychiatric residency program in cooperation with the university of North Dakota within the limits of available appropriations.

SECTION 7. FACILITY STAFF TRAINING. It is the intent of the legislative assembly that the department of human services design and implement a

facility staff training system in cooperation with the director of institutions and the board of higher education to assure adequate and appropriate staff development and training for the providers of community-based care on behalf of developmentally disabled persons.

SECTION 8. COMPREHENSIVE COMMUNITY RESIDENTIAL PROGRAM. It is the intent of the legislative assembly that the department of human services implement a comprehensive community residential program for developmentally disabled children, including the use of intermediate care facilities and other such foster home and group home resources as deemed appropriate.

SECTION 9. LEGISLATIVE INTENT - REIMBURSEMENT BY THE DEPARTMENT OF HUMAN SERVICES FOR SPECIAL EDUCATION BOARDING CARE COSTS. It is the intent of the legislative assembly that the department of human services, within the limits of appropriations provided therefor, make reimbursements to local school districts toward defraying the costs of room and board paid on behalf of handicapped children placed in facilities outside their school district of residence for special education services not available within their school district of residence. It is the intent of the legislative assembly that reimbursements shall be made regardless of whether the child has been placed in a facility within the state or outside the state. Any special education room and board costs in excess of those payments made by the department of human services are the responsibility of the local school district. The placement of handicapped children in public or private facilities will be made by school districts. Placement in congregate care will be made in facilities designated by the department of human services.

SECTION 10. APPROPRIATION. There is hereby appropriated \$944,250, or so much thereof as may be necessary, from estimated collections resulting from the requirements of Senate Bill No. 2373, relating to the penalty and punishments resulting from operating a motor vehicle while under the influence, to the human services department for the purpose of defraying the expenses including twenty-four additional personnel to provide chemical dependency evaluations and treatments for the biennium beginning July 1, 1983, and ending June 30, 1985."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Department of Human Services

The salaries and wages line item has a net increase of \$656,453; \$584,243 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$252,226 over the executive budget for health insurance premiums.

The other grants, benefits, and claims line item is adjusted as follows:

	<u>Adjustment</u>	<u>Total</u>	<u>General Fund</u>	<u>Estimated Income</u>
1. Increased to provide funds for a projected increase in the AFDC caseload and increases in the level of payments to be determined by the department of human services.	\$ 871,363		\$277,025	\$ 594,338
2. Decreased Title XIX grants for ICF/MR at Grafton/San Haven as a result of increases in salaries at those two institutions.	456,409		182,564	273,845
3. Increased to provide all the funds for the state's share of boarding care costs (in-state and out-of-state) in one budget. This amount was previously in Senate Bill No. 2002, the Department of Public Instruction and represented the amount allocated for in-state boarding care. A new section (Section 9) has been added to the bill to allow the Department of Human Services to make reimbursements for both in-state and out-of-state boarding care for handicapped students.	317,291		317,291	
4. Adjustment to reflect the Department of Human Services	-0-		(2,000,000)	2,000,000

receiving a Title XIX waiver
for certain developmentally
disabled services.

Total increase (decrease) to other grants, benefits, and claims line item	\$1,645,063	\$(1,223,120)	\$2,868,183
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The appropriation is reduced by a budget adjustment of \$495,000 from the general fund. The executive director shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$495,000 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

In addition, new Sections 3, 4, and 5 are added to create a Developmentally Disabled Loan Fund Program No. 2 for facilities for developmentally disabled, chronically mentally ill, and physically disabled persons; to give the Board of University and School Lands the authority to invest up to \$5 million from the common school trust fund in the Developmentally Disabled Faculty Loan Fund Program No. 2; and to appropriate \$1,144,300 from the lands and minerals trust fund for the purpose of making payments of principal and interest to the common school trust fund.

The new Section 6 allows the Department of Human Services to continue the psychiatric residency program in cooperation with the University of North Dakota should funds be available in the next biennium. The new Section 7 provides direction to the Department of Human Services in the establishment of a facility staff training program to assure adequate and appropriate staff development and training for providers of community based care of developmentally disabled persons.

The new Section 8 states it is the Legislative Assembly's intent that the Department of Human Services implement a comprehensive community residential program for developmentally disabled children.

The new Section 9 provides that it is the Legislative Assembly's intent that the Department of Human Services reimburse local school districts for a portion of the costs of room and board paid on behalf of handicapped children placed in both in-state and out-of-state facilities because services are not available in their school district of residence.

Section 10 appropriates \$944,250 from fees collected for addiction evaluations and treatments required by Senate Bill No. 2373. Senate Bill No. 2373 provides that drivers convicted of driving while intoxicated be evaluated for chemical addiction and receive treatment if necessary. The Department of Human Services, in Section 10, is given the authority to expend moneys received from fees collected for evaluation and treatment at the regional human service centers.

Governor's Council on Human Resources

The salaries and wages line item has a net increase of \$3,395; \$2,397 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$1,115 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$9,930 (two percent); \$4,458 from the general fund. The executive director of the Department of Human Services shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$9,930 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

For the Senate: Sens. Lips, Thane, Grotberg
For the House: Reps. Mushik, Horgan, Unhjem

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

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of the human services department; authorizing a developmentally disabled facility loan fund loan program for the establishment by nonprofit corporations of facilities for developmentally disabled, chronically mentally ill, and physically disabled persons; and authorizing the board of university and school lands to invest in a developmentally disabled facility loan fund program.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 77 YEAS, 23 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aubol; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Richard; Riehl; Sanstead; Schoenwald; Shide; Shockman; Sinner; Solberg; Strinden; Swiontek; Unhjem; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Dotzenrod; Gorder; Gunsch; Hanson, O.; Hughes; Kent; Kingsbury; Lang; Melby; Murphy; Olafson; Olson, A.; Rice; Riley; Rued; Schindler; Stofferahn; Thompson; Timm; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Backes; Eagles; Kuchera; Meyer, R.; Meyer, W.; Schneider

SB 2020 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred SB 2226 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on pages 2075 and 2076 of the House Journal.

For the Senate: Sens. Peterson, Miller Heinrich (refused to sign), Bakewell

For the House: Reps. Serenus Hoffner (refused to sign), Schindler, Lautenschlager

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

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1052 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2332 and 2333 of the House Journal and that Engrossed HB 1052 be amended as follows:

- On page 1 of the engrossed bill, line 3, delete the word "and", and after the word "date" and before the period insert the words "; and to declare an emergency"
- On page 1 of the engrossed bill, line 23, delete the word "forty" and insert in lieu thereof the word "twenty-five", and after the word "determined" insert the words "by the agricultural economics department at North Dakota state university"
- On page 1 of the engrossed bill, line 24, overstrike the words "which would be produced if the"
- On page 1 of the engrossed bill, line 25, overstrike the words "land were used for the growing of hay" and insert immediately thereafter the words "based upon the animal unit carrying capacity of the land"
- On page 2 of the engrossed bill, line 16, remove the overstrike over the numerals "~~1983~~", and delete the numerals "1985"
- On page 2 of the engrossed bill, line 17, after the word "~~five-year~~" insert the words "rate which is one-half of one percentage point below a"
- On page 2 of the engrossed bill, line 28, remove the overstrike over the numbers "~~1983~~"
- On page 2 of the engrossed bill, line 29, delete the numerals "1984 and 1985"
- On page 2 of the engrossed bill, line 30, after the period insert the following: "Notwithstanding the other provisions of this section, the maximum increase or decrease in the capitalization rate in any two-year period is three-tenths of one percentage point above or below the capitalization rate for the year preceding the two-year period."
- On page 2 of the engrossed bill, line 34, after the word "basis" insert the words ", to compute the average agricultural value per acre for cropland and noncropland, which is agricultural land, for each county,"
- On page 3 of the engrossed bill, line 1, delete the words "The information provided will show the county-wide"
- On page 3 of the engrossed bill, delete line 2

On page 3 of the engrossed bill, line 4, overstrike the words "this estimate" and insert immediately thereafter the words "these estimates"

On page 3 of the engrossed bill, line 32, delete the numerals "1984" and insert in lieu thereof the numerals "1983"

On page 3 of the engrossed bill, after line 32, insert the following new section:

"SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines and pages accordingly

For the Senate: Sens. Adams, Lee, Matchie

For the House: Reps. Sinner, Koski (refused to sign), R. Anderson

REP. SINNER MOVED that the report be adopted, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1052: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to the assessment of agricultural land; to provide an effective date; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 76 YEAS, 28 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; Dotzenrod; Erdman; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Kent; Kingsbury; Knudson; Koski; Kretschmar; Kuchera; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Murphy; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Richard; Riehl; Riley; Sanstead; Schindler; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Thompson; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, W.

NAYS: Black; DeMers; DuBord; Gates; Gerl; Hamerlik; Hanson, L.; Horgan; Hughes; Kloubec; Koehn; Lardy;

Martin, G.; Martinson; Moore; Mushik; Nalewaja; Rice;
Rued; Schneider; Schoenwald; Swiontek; Timm; Unhjem;
Wentz; Williams, C.; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Eagles; Hausauer

HB 1052 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. BACKES MOVED that SB 2497 be returned to the Committee on Finance and Taxation, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2497 was rereferred to the Committee on Finance and Taxation.

MOTION

REP. BACKES MOVED that the House stand in recess until 7:00 p.m., which motion prevailed.

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

MESSAGES FROM THE SENATE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee reports and subsequently passed the same:

SB 2009, SB 2031, SB 2037, SB 2044

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2493, and subsequently passed the same.

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES TO THE SENATE

HOUSE CHAMBER

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

HB 1052

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2019, SB 2020

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2226

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bill and finds the same correctly enrolled:

HB 1005

REP. G. MARTIN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1005

CHARLES FLEMING, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed SB 2009 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2160-2162 of the House Journal and that Engrossed SB2009 be amended as follows:

On page 1 of the engrossed bill, line 18, delete the numerals "29,809,040" and insert in lieu thereof the numerals "30,509,016"

On page 1 of the engrossed bill, line 23, delete the words "all funds", and delete the numerals "43,669,884" and insert in lieu thereof the numerals "44,369,860"

On page 1 of the engrossed bill, after line 23, insert the following new line:

"Less budget adjustment 109,566"

On page 1 of the engrossed bill, line 24, delete the numerals "22,925,751" and insert in lieu thereof the numerals "27,240,740"

On page 1 of the engrossed bill, line 25, delete the numerals "20,744,133" and insert in lieu thereof the numerals "17,019,554"

On page 1 of the engrossed bill, line 28, delete the numerals "4,273,435" and insert in lieu thereof the numerals "4,281,172"

On page 2 of the engrossed bill, line 1, delete the numerals "4,273,435" and insert in lieu thereof the numerals "4,281,172"

On page 2 of the engrossed bill, line 4, delete the numerals "9,369,835" and insert in lieu thereof the numerals "9,591,497"

On page 2 of the engrossed bill, line 9, delete the words "all funds", and delete the numerals "12,956,310" and insert in lieu thereof the numerals "13,177,972"

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

"Less budget adjustment 40,434"

On page 2 of the engrossed bill, line 10, delete the numerals "5,238,858" and insert in lieu thereof the numerals "5,380,278"

On page 2 of the engrossed bill, line 11, delete the numerals "7,717,452" and insert in lieu thereof the numerals "7,757,260"

On page 2 of the engrossed bill, line 12, delete the numerals "32,735,020" and insert in lieu thereof the numerals "29,057,986"

On page 2 of the engrossed bill, line 13, delete the numerals "28,164,609" and insert in lieu thereof the numerals "32,621,018"

On page 2 of the engrossed bill, line 14, delete the numerals "60,899,629" and insert in lieu thereof the numerals "61,679,004"

On page 2 of the engrossed bill, delete lines 20 through 27 and insert in lieu thereof the following new section:

"SECTION 3. APPROPRIATION - TRANSFER. There is hereby transferred to the Grafton state school the sum of \$11,722,662 from the resources trust fund created by subdivision 2 of section 57-51.1-07 of the 1981 Supplement to the North Dakota Century Code for the purpose of defraying the expenses of the Grafton state school, including \$7,722,622 of capital improvements. The transfers shall be made only at such times that funds are needed for disbursement by the Grafton state school."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Grafton State School

The salaries and wages line item has a net increase of \$699,976; \$384,987 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$238,524 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$109,566 from the general fund. The superintendent shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$109,566 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction. Wherever possible the budget reductions should be applied to areas not eligible for the Title XIX reimbursement or other general fund moneys should be used for matching to reduce to the extent possible a loss of Title XIX moneys.

Section 3 of the bill is changed to allow an additional \$4 million from the resources trust fund to be transferred to the Grafton state school. This bill now provides a total transfer of \$11,722,662 from the trust to the Grafton state school, \$7,722,662 of which is for capital improvements.

Grafton - Deinstitutionalization

The Grafton - deinstitutionalization appropriation has a net increase of \$7,737 from the general fund. This adjusts the appropriation to allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages

earned after July 1, 1984. It also provides \$36,710 over the executive budget for health insurance premiums.

San Haven

The salaries and wages line item has a net increase of \$221,662; \$80,242 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$65,239 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$40,434 from the general fund. The superintendent shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$40,434 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction. Wherever possible the budget reductions should be applied to areas not eligible for the Title XIX reimbursement or other general fund moneys should be used for matching to reduce to the extent possible a loss of Title XIX moneys.

For the Senate: Sens. Thane, Nelson, Tallackson

For the House: Reps. Mushik, Erdman, Unhjem

REP. MUSHIK MOVED that the report be adopted, which motion failed.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed SB 2031 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2099 and 2100 of the House Journal and that Engrossed SB 2031 be amended as follows:

On page 1 of the engrossed bill, line 14, delete the numerals "3,797,969" and insert in lieu thereof the numerals "3,882,441"

On page 1 of the engrossed bill, line 19, delete the words "all funds", and delete the numerals "7,380,689" and insert in lieu thereof the numerals "7,465,161"

On page 1 of the engrossed bill, after line 19, insert the following new line:

"Less budget adjustment

102,983"

On page 1 of the engrossed bill, line 20, delete the numerals "911,900" and insert in lieu thereof the numerals "1,409,982"

On page 1 of the engrossed bill, line 21, delete the numerals "6,468,789" and insert in lieu thereof the numerals "5,952,196"

On page 1 of the engrossed bill, line 24, delete the numerals "500,000" and insert in lieu thereof the numerals "1,000,000", and delete the comma

On page 1 of the engrossed bill, delete line 25

On page 1 of the engrossed bill, line 26, delete the words "the forty-eighth legislative assembly,"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Water Commission

The salaries and wages line item is increased by \$84,472 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$21,965 over the executive budget for health insurance premiums.

The general fund appropriation is decreased by \$500,000 with a corresponding increase to the estimated income line item to reflect a \$500,000 increase in funding from the resources trust fund. This provides for a total of \$1 million to be transferred from the resources trust fund to the Water Commission operating fund to be used for the Contracts line item.

The total appropriation is reduced by a budget adjustment of \$102,983 (two percent), of which \$101,065 is from the general fund and \$1,918 from other funds. The Water Commission shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$102,983 budget reduction.

For the Senate: Sens. Tweten, Thane, Tallackson

For the House: Reps. Rayl, G. Martin, Peterson

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

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act making an appropriation for defraying the expenses of the water commission of the state of North Dakota; and providing for a transfer from the resources trust fund.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 89 YEAS, 10 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, G.; Martinson; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Swiontek; Timm; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; Gerl; Knudson; Martin, C.; Meier, A.; Melby; Olafson; Thompson; Unhjem; Vander Vorst

ABSENT AND NOT VOTING: Eagles; Kuchera; Laughlin; Moore; Olson, A.; Sinner; Strinden

SB 2031 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Reengrossed SB 2037 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 2071 of the House Journal and that Reengrossed SB 2037 be amended as follows:

On page 1 of the reengrossed bill, line 13, delete the numerals "19,171,300" and insert in lieu thereof the numerals "22,000,000"

On page 1 of the reengrossed bill, line 14, delete the numerals "19,171,300" and insert in lieu thereof the numerals "22,000,000"

On page 1 of the reengrossed bill, delete lines 19 through 27

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Adds \$2,828,700 to the distribution of general fund revenue to local political subdivisions. The amendment also removes the section of legislative intent that limited revenue sharing to the appropriated amount.

For the Senate: Sens. Nething, Lips, Heigaard
For the House: Reps. Opedahl, Mertens, Kuchera

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

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act making an appropriation for the distribution of state general fund revenue to local political subdivisions of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Eagles; Kuchera; Laughlin; Moore;
Olson, A.; Sinner; Strinden

SB 2037 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred SB 2044 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2073, 2074 and 2296 of the House Journal and that SB 2044 be amended as follows:

On page 1, line 3, delete the words "; to repeal chapter 35 of the 1981 Session Laws," and insert in lieu thereof a period

On page 1, delete lines 4 through 6

On page 1, line 17, remove the overstrike over the words "~~for the year prior to the current~~"

On page 1, line 18, remove the overstrike over the words "~~first~~ year", and delete the words "sections 57-38-07, 57-38-29, and 57-38-30" and insert in lieu thereof the words "chapter 57-38"

On page 1, line 20, delete the words "sections 57-39.2-02.1 and 57-40.2-02.1" and insert in lieu thereof the words "chapters 57-39.2 and 57-40.2"

On page 1, line 24, delete the words "within the limits of" and insert in lieu thereof the word "by"

On page 3, delete lines 25 through 34

On page 4, delete lines 1 through 5

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The bill is amended to clarify its meaning that revenue sharing relates to all sales and income taxes and also that moneys for revenue sharing are to be paid by legislative appropriation. The amount also deletes the provisions of the bill relating to the six-month period ending June 30, 1983.

For the Senate: Sens. Thane, Streibel, Heigaard

For the House: Reps. Mushik, Mertens, Kuchera

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

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to amend and reenact sections 54-27-20.1 and 54-27-20.2 of the North Dakota Century Code, relating to state revenue sharing.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 96 YEAS, 4 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kingsbury; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehi; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Dotzenrod; Hughes; Kloubec; Murphy

ABSENT AND NOT VOTING: Eagles; Hanson, O.; Kuchera; Laughlin; Olson, A.; Sinner

SB 2044 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2009:

Reps. Mushik, Erdman, Unhjem

MOTION

REP. UNHJEM MOVED that HB 1734 and HB 1735 be returned to the House floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

REP. UNHJEM REQUESTED the unanimous consent of the House to withdraw HB 1734 and HB 1735. There being no objection, it was so ordered by the Speaker.

MESSAGE TO THE SENATE
HOUSE CHAMBER

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

HB 1005

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTION

REP. BACKES MOVED that the House stand in recess until 8:00 p.m., which motion prevailed.

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

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

SB 2031, SB 2037, SB 2044

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has not adopted the conference committee report on SB 2009, and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2009: Reps. Mushik, Erdman, Unhjem

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bills and finds the same correctly enrolled:

HB 1009, HB 1022, HB 1027, HB 1028, HB 1029, HB 1036

REP. G. MARTIN, Chairman

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

MOTION

REP. BACKES MOVED that the rules be suspended and that the House reconsider its action whereby HB 1005 was passed.

REQUEST

REP. G. MARTIN REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to reconsider HB 1005, the roll was called and there were 57 YEAS, 44 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Dotzenrod; Gorder; Gullickson; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Hill; Hjelle; Hughes; Keller; Kent; Kingsbury; Kloubec; Knudson; Lang; Larson, R.; Laughlin; Lipsiea; Martinson; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nicholas; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Retzer; Riehl; Riley; Schindler; Shide; Shockman; Sinner; Strinden; Thompson; Unhjem; Vander Vorst; Vig; Watne; Whalen; Williams, W.; Wold; Speaker Kelly

NAYS: Black; Conmy; DeMers; DuBord; Erdman; Gates; Gerl; Goetz; Hamerlik; Haugland; Hausauer; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Mertens; Nalewaja; Nowatzki; O'Connell; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Rued; Sanstead; Schoenwald; Swiontek; Timm; Wentz; Williams, A.; Williams, C.

ABSENT AND NOT VOTING: Eagles; Larson, B.; Schneider; Solberg; Stofferahn

So the motion to reconsider HB 1005 failed for want of a two-thirds majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1005

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2009: Sens. Thane, Nelson, Tallackson

Very respectfully,
LEO LEIDHOLM, Secretary

MOTIONS

REP. MERTENS MOVED that HB 1004 be returned to conference committee, which motion prevailed.

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

REP. BACKES MOVED that the House stand adjourned until 8:00 a.m., Wednesday, April 20, 1983, which motion prevailed.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk