

MONDAY, APRIL 1, 1985

2005

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FIFTY-EIGHTH DAY

The Senate convened at 9:00 a.m., with President Meiers presiding. Bismarck, April 1, 1985

The prayer was offered by Reverend Larry Winter, Immanuel Lutheran Church, Zap, North Dakota.

Dearest Lord and Saviour, on this April Fools' Day, we thank You that Your presence here is not an April fool, for Your promise is, "I am with you always!" We thank You for this past weekend; for that opportunity for the legislators to be with their families to enjoy conversation, love and loyalty, cordial friendship, those cheerful chatterboxes at the kitchen table, and the opportunity to worship as a family. Lord Jesus, we thank You for this Holy Week which You have made holy with Your triumphant entry into Jerusalem that first Palm Sunday; Your institution of the Lord's Supper that first Maundy Thursday; and Your vicarious suffering on Calvary's Cross that first Good Friday, making atonement and redemption for us. Gracious Lord Jesus, give wisdom and judgment to these folk in their deliberations. As they give of their time and talent to this state we love so much, give them the spirit of the Golden Rule, "Do for others what you want them to do for you." Dear Lord, as this legislative session draws to its close, give to Your servants here patience, understanding, charity, tranquility, and remove all malice. We thank You, Jesus Christ, that You do not veto our petition for forgiveness nor call us out of order when we repent. In Jesus' name, I pray. Amen.

ROLL CALL

The roll was called and all members were present, except Senator W. Meyer.

A quorum was declared by the President.

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1003

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SCR 4073

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1655

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on SB 2223, SB 2273, SB 2355, SB 2405, SB 2413, SB 2477, and HB 1070, HB 1077, and HB 1493 and subsequently passed the same.

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed:

SB 2511

SEN. BAKEWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

SB 2015, SB 2018, SB 2024, SB 2026, SB 2160, SB 2197,
SB 2274, SB 2436, SB 2468

SEN. BAKEWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

SB 2015, SB 2018, SB 2024, SB 2026, SB 2160, SB 2197,
SB 2253, SB 2274, SB 2436, SB 2468, SMR 2

SEN. BAKEWELL, Chairman

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

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1007, HB 1015, HB 1020, HB 1025, HB 1028, and HB 1486 and subsequently passed the same

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2068, SB 2116, SB 2251, SB 2279, SB 2470

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2013, SB 2130, SB 2216, SB 2284, SB 2306, SB 2312,
SB 2341, SB 2371, SB 2445, SB 2508, SB 2510

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the Speaker has appointed Representative G. Berg as a replacement conferee for Representative Nowatzki on SB 2025.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the Speaker has appointed Representative Graba as a replacement conferee for Representative Stofferahn on SB 2019.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2441

ROY GILBREATH, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1001 as recommended by the Committee on Appropriations as printed on pages 1994-2004 of the Senate Journal be adopted, and when so adopted, recommends that HB 1001 DO PASS.

REQUEST

SEN. NAADEN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1001, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1001, the roll was called and there were 27 YEAS, 26 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, J.; Meyer, W.; Mushik; Redlin; Satrom; Shea; Stenehjem; Stromme; Tallackson; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Freborg; Kelly; Kilander; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

The motion to adopt the amendments to HB 1001 passed.

MOTION

SEN. STREIBEL MOVED that the rules be suspended, that HB 1001 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act making an appropriation for defraying the expenses of various elected and appointed officials of the state of North Dakota; and to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to reports by the state tax commissioner to the budget section of the legislative council regarding the auditing enhancement program and settlements of tax assessments.

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 38 YEAS, 15 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Mushik; Nething; Olson; Parker; Redlin; Reiten; Satrom; Shea;

Stenehjem; Stromme; Tallackson; Thane; Tweten; Waldera;
Walsh; Wenstrom; Wogsland

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

ABSENT AND NOT VOTING: None

HB 1001 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1001 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1004 as recommended by the Committee on Appropriations as printed on page 2002 of the Senate Journal be adopted, and when so adopted, recommends that HB 1004 DO PASS, which motion prevailed.

MOTION

SEN. SHEA MOVED that the rules be suspended, that HB 1004 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act making an appropriation for the homestead tax credit.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

HB 1004 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1004 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2138 as printed on pages 1891-1893 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2138:

Sens. Naaden, Nelson, Kusler

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MOORE MOVED that the Senate do not concur in the House amendments to SCR 4010 as printed on page 1953 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SCR 4010:

Sens. David, Moore, Redlin

MOTION

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

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a concurrent resolution congratulating the Bismarck High School Demons wrestling team for its national record-setting winning streak, and recommends the same be introduced.

SEN. TENNEFOS, Chairman

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

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sens. Satrom, Lips, Heinrich, Olson introduced:

(Approved by the Committee on Delayed Bills)

SCR 4079: A concurrent resolution congratulating the Bismarck High School Demons wrestling team for its national record-setting winning streak.

Was read the first time.

MOTION

SEN. SATROM MOVED that the rules be suspended, that SCR 4079 not be printed, not be referred to committee, but be read in its entirety, printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Satrom, Lips, Heinrich, Olson introduced:

SENATE CONCURRENT RESOLUTION NO. 4079

A concurrent resolution congratulating the Bismarck High School Demons wrestling team for its national record-setting winning streak.

WHEREAS, the Bismarck High School Demons wrestling team has won 171 consecutive dual meets since 1971; and

WHEREAS, this winning streak is a national record for wrestling and may be a national record for all sports; and

WHEREAS, the Bismarck Demon athletic program has been led by Bismarck Public School Athletic Director Dick Karlgaard throughout the period of this phenomenal winning streak; and

WHEREAS, the Demon wrestling coaches during the streak included State Representative Jerry Halmrast, Mike Schaff, and Mark Carter; and

WHEREAS, Demon wrestling teams have won 17 state team championships, and Demon wrestlers have won 63 individual championships; and

WHEREAS, three former Demons, Phil Reimnitz, Lee Peterson, and Mark Reimnitz, have won National Collegiate Athletic Association championships; and

WHEREAS, Coach Jerry Halmrast was named National Coach of the Year in 1973, and Dick Karlgaard was named District 7 Athletic Director of the Year in 1980 and 1983; and

WHEREAS, the Bismarck Demon wrestling team has brought national attention and renown to Bismarck and this state and recognition to the high quality activities program carried on throughout the North Dakota High School Activities Association;

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

That the Forty-ninth Legislative Assembly of the State of North Dakota extends its sincere and hearty congratulations to the Bismarck High School Demons wrestling team and the

individuals who have taken part in that program for their outstanding athletic achievements; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the superintendent of the Bismarck school system, Bismarck School Board, Bismarck High School Athletic Department, and the North Dakota High School Activities Association.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4079: A concurrent resolution congratulating the Bismarck High School Demons wrestling team for its national record-setting winning streak.

Was read the second time.

The question being on the final adoption of the resolution.

SCR 4079 was declared adopted on a voice vote.

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2015, SB 2018, SB 2024, SB 2026, SB 2160, SB 2197, SB 2253, SB 2274, SB 2436, SB 2468, SMR 2

LEO LEIDHOLM, Secretary

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

SB 2015, SB 2018, SB 2024, SB 2026, SB 2160, SB 2197, SB 2253, SB 2274, SB 2436, SB 2468

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1001, HB 1004

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2138 and SCR 4010 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2138: Sens. Naaden, Nelson, Kusler
SCR 4010: Sens. David, Moore, Redlin

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing:

SMR 2

SEN. BAKEWELL, Chairman

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

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1043, HB 1404, and HB 1494 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1043: Reprs. Kuchera, Wald, Stofferahn
HB 1404: Reprs. Unhjem, Nicholas, Nowatzki
HB 1494: Reprs. Kingsbury, Gunsch, Opedahl

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1153, HB 1204, HB 1233, HB 1242, HB 1295, HB 1458,
HB 1606, HB 1656, HCR 3094, HCR 3097, HCR 3098

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1001 and HB 1003 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1001: Reprs. Kingsbury, Gunsch, Laughlin
HB 1003: Reprs. Kingsbury, Gunsch, Graba

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did concur in the Senate amendments to HB 1653, and consequently did not concur in the Senate amendments to HB 1653, and the Speaker has appointed as a conference committee to meet with a like committee from the Senate, the following:

HB 1653: Reprs. Strinden, Unhjem, Kelly
 ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM 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 2138: Reprs. Kuchera, Wald, Nowatzki
 SCR 4010: Reprs. Kretschmar, A. Olson, Lloyd
 ROY GILBREATH, Chief Clerk

MOTION

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

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

REVISION AND CORRECTION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-seventh day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 1967, line 10, before the numerals "2167" insert the numerals "2016"

SEN. DAVID, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1153, HB 1204, HB 1233, HB 1242, HB 1295, HB 1458,
 HB 1606, HB 1656, HCR 3094, HCR 3097, HCR 3098

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

SENATE CHAMBER

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

HB 1153, HB 1204, HB 1233, HB 1242, HB 1295, HB 1458,
 HB 1606, HB 1656, HCR 3094, HCR 3097, HCR 3098

LEO LEIDHOLM, Secretary

MOTION

SEN. LIPS MOVED that Senator Naaden replace Senator Nelson on the conference committee on SB 2010, which motion prevailed.

APPOINTMENTS OF CONFERENCE COMMITTEES

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1001, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1001:

Sens. Streibel, Naaden, Shea

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1002, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1002:

Sens. Lips, Thane, Shea

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1003, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1003:

Sens. Tennefos, Wenstrom, Tallackson

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1006, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1006:

Sens. Nelson, Tweten, Stromme

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1011, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1011:

Sens. Nelson, Tweten, Stromme

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1526, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1526:

Sens. Nelson, Tweten, Mushik

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1653, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1653:

Sens. Lips, Tennefos, Mushik

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3102: A concurrent resolution urging the National Guard to name the proposed new National Guard armory in Bismarck after Brigadier General Raymond J. Bohn.

Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

HCR 3103: A concurrent resolution urging the Governor to appoint three citizen members and the Legislative Council to appoint six legislators to a committee formed for the purpose of providing a forum for cooperation with surrounding states with a goal of sharing services and state resources and resolving issues of common concern in a mutually beneficial manner.

Was read the first time and referred to the Committee on State and Federal Government.

HCR 3104: A concurrent resolution directing the Legislative Council to study municipal court services.

Was read the first time and referred to the Committee on Judiciary.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a concurrent resolution directing the Legislative Council to study existing services provided for vulnerable elderly persons, and a concurrent resolution reaffirming legislative support for Garrison Diversion and the Lonetree Reservoir and requesting the Governor to initiate a study of possible adverse effects of transfers of fish species, biota, and pathogens from the Missouri River Basin to the Hudson Bay Drainage Basin and recommends the same be introduced.

SEN. TENNEFOS, Chairman

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4080: A concurrent resolution directing the Legislative Council to study existing services provided for vulnerable elderly persons, whether the delivery of those services might be better coordinated, and whether existing services are adequate in scope to protect elderly incapacitated persons.

Was read the first time and referred to the Committee on Appropriations.

SCR 4081: A concurrent resolution reaffirming legislative support for Garrison Diversion and the Lonetree Reservoir, and requesting the Governor to initiate a study of the possible adverse effects of transfers of fish species, biota, and pathogens from the Missouri River Basin to the Hudson Bay Drainage Basin.

Was read the first time and referred to the Committee on Natural Resources.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

SB 2017, SB 2035, SB 2049, SB 2053, SCR 4070, SCR 4074,
SCR 4075, SCR 4078, SCMR 1

SEN. BAKEWELL, Chairman

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

MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

SB 2495

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2017, SB 2035, SB 2049, SB 2053, SB 2296, SCR 4070,
SCR 4074, SCR 4075, SCR 4078, SCMR 1

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE SENATE CHAMBER

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

SB 2017, SB 2035, SB 2049, SB 2053, SB 2296, SCR 4070,
SCR 4074, SCR 4075, SCR 4078, SCMR 1

LEO LEIDHOLM, Secretary

MOTION

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

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

MESSAGES TO THE HOUSE SENATE CHAMBER

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

HB 1001: Sens. Streibel, Naaden, Shea
HB 1003: Sens. Tennefos, Wenstrom, Tallackson
HB 1653: Sens. Lips, Tennefos, Mushik

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1002: Sens. Lips, Thane, Shea
HB 1006: Sens. Nelson, Tweten, Stromme
HB 1011: Sens. Nelson, Tweten, Stromme
HB 1526: Sens. Nelson, Tweten, Mushik

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2511, SCR 4079

LEO LEIDHOLM, Secretary

RECOGNITION

SEN. KILANDER: I have a double honor today - first to introduce to you Miss Jill Hutchinson. Jill is Miss North Dakota Teen USA. As a part of this introduction I should let you know that Jill represented herself and North Dakota in the Miss Teen USA pageant in Miami on January 22. She distinguished not only herself but also North Dakota in placing in the top 10 candidates in the nation. She is here today to let us know that the Miss North Dakota Teen pageant will be in Bismarck this September. Jill grew up in Fargo, she is a freshman at NDSU now and I have had the opportunity to know Jill for a number of years. I can tell you that Jill is not only an attractive young lady, she is also a bright, active and articulate young lady - the kind of person who we all see in our home districts and it is a privilege to introduce to you the "Cream of the teen-age crop" in North Dakota, Miss Jill Hutchinson. Miss Hutchinson was introduced to the Senate and addressed the Assembly.

MOTION

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

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

MONDAY, APRIL 1, 1985

2019

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President has appointed Senator Naaden to replace Senator Nelson on the Conference Committee on SB 2010.

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report:

HB 1446

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2223, SP 2405

ROY GILBREATH, Chief Clerk

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

March 30, 1985

The Honorable Ruth Meiers
President of the Senate
Senate Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam President:

This is to inform you that on March 29, 1985, I signed the following:

SB 2059, SB 2067, SB 2143, SB 2161, SB 2209, SB 2232,
SB 2242, SB 2281, SB 2286, SB 2319, SB 2332, SB 2357,
SB 2389, SB 2425, SB 2426, SB 2427, SB 2451, SB 2472,
SB 2476, SB 2349, SB 2466.

On March 30, 1985, I signed the following:

SB 2181, SB 2287, SB 2289, SB 2316, SB 2381, SB 2417,
SB 2475, SB 2479, SB 2055, SB 2079, SB 2097, SB 2104,
SB 2136, SB 2137, SB 2163, SB 2202, SB 2205, SB 2238,

SB 2266, SB 2305, SB 2323, SB 2326, SB 2337, SB 2361,
SB 2368, SB 2379, SB 2423, SB 2433, SB 2434.

Sincerely,

GEORGE A. SINNER
Governor

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

April 1, 1985

The Honorable Ruth Meiers
President of the Senate
Senate Chamber
State Capitol
Bismarck, North Dakota 58505

Dear Madam President:

This is to inform you that on March 31, 1985, I signed the following:

SB 2167, SB 2170, SB 2201, SB 2214, SB 2228, SB 2250,
SB 2342, SB 2364, SB 2430, SB 2435, SB 2442, SB 2498,
SB 2290.

Sincerely,

GEORGE A. SINNER
Governor

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

SB 2015, SB 2018, SB 2024, SB 2026, SB 2160, SB 2197,
SB 2253, SB 2274, SB 2436, SB 2468

ROY GILBREATH, Chief Clerk

SECOND READING OF SENATE BILL

SB 2245: A BILL for an Act to create and enact a new subdivision to subsection 6 of section 53-06.1-01 of the North Dakota Century Code, relating to uses by chambers of commerce of net proceeds from charitable gambling.

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 35 YEAS, 18 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; David; Dotzenrod; Holmberg; Ingstad; Kelly; Kilander; Krauter; Lips; Lodoen; Meyer, D.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Christensen; Freborg; Heigaard; Heinrich; Hilken; Kelsh; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, J.; Meyer, W.; Redlin; Satrom; Shea; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2245 passed and the title was agreed to.

MOTIONS

SEN. NOTHING MOVED that SCR 4080 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

SEN. NOTHING MOVED that SCR 4080 be placed on the Eleventh order of business, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4080: A concurrent resolution directing the Legislative Council to study existing services provided for vulnerable elderly persons, whether the delivery of those services might be better coordinated, and whether existing services are adequate in scope to protect elderly incapacitated persons.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4080 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1189: A BILL for an Act to create and enact a new chapter to title 30.1 of the North Dakota Century Code, relating to protection of elderly incapacitated persons; to provide a penalty; to provide for a legislative council study; to provide an appropriation; and to provide an effective date.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 10 YEAS, 43 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Maixner; Matchie; Meyer, J.;
Mushik; Redlin; Satrom; Waldera; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David;
Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Kelly;
Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz;
Lips; Lodoen; Meyer, D.; Meyer, W.; Moore; Mutch;
Naaden; Nelson; Nething; Olson; Parker; Peterson;
Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson;
Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wenstrom;
Wright

ABSENT AND NOT VOTING: None

HB 1189 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3003: A concurrent resolution to create a new article V of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; to repeal the present article V of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and to provide an effective date.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David;
Dotzenrod; Freborg; Heigaard; Heinrich; Hilken;
Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter;
Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner;
Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore;
Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker;
Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem;
Streibel; Stromme; Tallackson; Tennefos; Thane; Todd;

Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland;
Wright

NAYS: None

ABSENT AND NOT VOTING: None

HCR 3003 was declared adopted.

HCR 3099: A concurrent resolution directing the Legislative Council to study state funds, and specifically profits of the Bank of North Dakota, which may be available for providing financial aid to students attending postsecondary educational institutions and to determine the feasibility of initiating new state programs to provide financial aid to those students.

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

The question being on the final adoption of the resolution.

HCR 3099 was declared lost on a voice vote.

HCR 3100: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of combining the North Dakota Council on the Arts and the North Dakota Council on Humanities, and using the Tourism Division of the Economic Development Commission to help promote the continued development of arts and humanities in the state.

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

The question being on the final adoption of the resolution.

HCR 3100 was declared lost on a voice vote.

HCR 3101: A concurrent resolution directing the Legislative Council to study alternative organizational and administrative structures for the Workmen's Compensation Bureau.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3101 was declared adopted on a voice vote.

APPOINTMENTS OF CONFERENCE COMMITTEES

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1043, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1043:

Sens. Vosper, Naaden, Hilken

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1404, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1404:

Sens. Bakewell, Thane, Kelsh

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1494, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1494:

Sens. Adams, Tweten, W. Meyer

ANNOUNCEMENT

SEN. NETHING ANNOUNCED the following changes be made on Conference Committees:

SB 2021: Sen. Streibel be replaced with Sen. Nelson
 SB 2025: Sen. Streibel be replaced with Sen. Lips
 SB 2032: Sen. Tallackson be replaced with Sen. Mushik
 SB 2036: Sen. Mushik be replaced with Sen. Stromme

POINT OF PERSONAL PRIVILEGE

SEN. NETHING: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Madam President, fellow Senators. Joint Rule 208 of the Senate and House Rules provides that executive agency bills be deemed introduced by the standing committee with general jurisdiction over the subject matter of the bill.

Madam President, in visiting with the Governor today, it was agreed that we would introduce an agency bill which would provide for a two-cent increase in the gasoline tax and that the method we prefer to use was to suspend our rules and let it come in as an agency bill.

However, the bill needs to be drafted, which shows that it comes from the Committee on Transportation, when in fact the Committee on Transportation has no part of the introduction of the bill, but instead, the information appears on the bill because of Rule 208.

I wanted all of you to understand that, because as you look at the bill when it comes into your bill book, you will see that, and many of you, particularly on the Transportation Committee, would wonder why this would happen. It's just that that is the style that the rules require, and that is the way we need to proceed, because we have no authority to suspend the House rules unless they consent.

MOTION

SEN. NETHING MOVED that the rules be suspended, and that SB 2512, as an executive agency bill, be introduced.

REQUEST

SEN. TENNEFOS REQUESTED a roll call vote on the motion that SB 2512 be introduced, which request was granted.

ROLL CALL

The question being on the motion that SB 2512 be introduced, the roll was called and there were 34 YEAS, 18 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Heigaard; Heinrich; Holmberg; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjelm; Stromme; Tallackson; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Ereborg; Hilken; Ingstad; Kelly; Lashkowitz; Moore; Mutch; Redlin; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Wenstrom

The motion to introduce SB 2512 lost for want of a two-thirds majority vote.

REPORT OF CONFERENCE COMMITTEE

SEN. CHRISTENSEN MOVED that the conference committee report on SB 2369 as printed on page 1925 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2369: A BILL for an Act to amend and reenact subsection 1 of section 43-41-02 of the North Dakota Century Code, relating to exemptions from the licensing requirements for social workers.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.

SB 2369 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on SB 2411 as printed on page 1926 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to create and enact a new section to chapter 12.1-30 of the North Dakota Century Code, relating to a severability clause for the chapter; to amend and reenact sections 12.1-30-01, 12.1-30-02, and 12.1-30-03 of the North Dakota Century Code, relating to businesses and occupations permitted to operate on Sunday; 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 43 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Berube; Dotzenrod; Holmberg; Kelly; Kilander; Mushik; Redlin; Shea; Tweten; Vosper

ABSENT AND NOT VOTING: None

SB 2411 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the conference committee report on SB 2489 as printed on pages 1927-1928 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2489: A BILL for an Act to amend and reenact subsection 2 of section 53-06.1-03 and subdivision b of subsection 3 of section 53-06.1-03 of the North Dakota Century Code, relating to licensing of organizations conducting games of chance; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Redlin; Tweten

ABSENT AND NOT VOTING: None

SB 2489 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. WRIGHT MOVED that the conference committee report on SCR 4051 as printed on page 1928 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4051: A concurrent resolution directing the Legislative Council, with the assistance of citizen advisers, to study

issues of concern to the state and persons living within the boundaries of the Fort Berthold Reservation.

Which has been read.

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

SCR 4051 was declared adopted on a voice vote.

REPORTS OF CONFERENCE COMMITTEES

SEN. STENEHJEM MOVED that the conference committee report on HB 1168 as printed on page 1929 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the conference committee report on HB 1614 as printed on page 1929 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1614: A BILL for an Act to create and enact a new subsection to section 15-28-01 of the North Dakota Century Code, relating to certain school board elections and terms of office for school board members; and to amend and reenact section 15-28-03 of the North Dakota Century Code, relating to certain school board elections and terms of office for school board members.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nething; Olson; Parker; Peterson; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Mutch; Nelson; Satrom; Tallackson; Tennefos; Wenstrom

HB 1614 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the conference committee report on SB 2153 as printed on page 1989 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to amend and reenact section 15-39.1-08 of the North Dakota Century Code, relating to compensation of the members of the teachers' fund for retirement board.

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 31 YEAS, 16 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Bakewell; Christensen; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Mushik; Nething; Olson; Peterson; Redlin; Reiten; Shea; Stenehjem; Stromme; Waldera; Walsh; Wogsland; Wright

NAYS: Adams; Berube; David; Dotzenrod; Freborg; Krauter; Meyer, D.; Meyer, W.; Moore; Naaden; Parker; Streibel; Thane; Todd; Tweten; Vosper

ABSENT AND NOT VOTING: Mutch; Nelson; Satrom; Tallackson; Tennefos; Wenstrom

SB 2153 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. WRIGHT MOVED that the conference committee report on SB 2257 as printed on page 1990 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2257: A BILL for an Act to amend and reenact subsection 4 of section 57-60-01 and subsection 4 of section 57-60-02 of the North Dakota Century Code, relating to the definition of "gross receipts" for purposes of the privilege tax on coal conversion facilities and relating to the rate of tax on coal conversion facilities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 46 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Holmberg; Ingstad; Kelly; Kilander; Kusler; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

NAYS: Heinrich; Hilken; Kelsh; Krauter; Maixner; Wogsland

ABSENT AND NOT VOTING: Langley

SB 2257 passed and the title was agreed to.

MOTION

SEN. LASHKOWITZ MOVED that Senate Rule 402-I be invoked for the purpose of introducing a bill at this time.

REQUEST

SEN. LASHKOWITZ REQUESTED a recorded roll call on the motion to invoke Senate Rule 402-I, which request was granted.

ROLL CALL

The question being on the motion to invoke Senate Rule 402-I, the roll was called and there were 22 YEAS, 31 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Satrom; Shea; Stromme; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: None

The motion lost.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

SB 2477

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2049, SB 2053, SB 2296, SCR 4070, SCR 4074, SCR 4075,
SCR 4078, SCCR 1

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State for his filing:

SCR 4070, SCR 4074, SCR 4075, SCR 4078, SCCR 1

SEN. BAKEWELL, Chairman

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has not adopted the conference committee report on HB 1526 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1526: Reps. Kingsbury, Gunsch, Graba

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1043: Sens. Vosper, Naaden, Hilken

HB 1404: Sens. Bakewell, Thane, Kelsh

HB 1494: Sens. Adams, Tweten, W. Meyer

LEO LEIDHOLM, Secretary

REPORT OF CONFERENCE COMMITTEE

SEN. PETERSON MOVED that the conference committee report on SB 2267 as printed on pages 1990-1991 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2267: A BILL for an Act to amend and reenact sections 15-60-04 and 15-60-05 of the North Dakota Century Code, relating to loans received by school districts from the state school construction fund and the interest incurred by school districts on such loans.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2267 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on SB 2354 as printed on page 1992 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to amend and reenact subsection 2 of section 57-43.1-14, section 57-43.1-15, subsection 11 of section 57-43.2-01, and section 57-43.2-25 of the North Dakota Century Code, relating to license fees and definitions for various taxes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg;

Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Freborg; Maixner

SB 2354 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. CHRISTENSEN MOVED that the conference committee report on SB 2374 as printed on page 1992 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2374: A BILL for an Act to create and enact two new subsections to section 43-41-02 and a new subsection to section 43-41-06 of the North Dakota Century Code, relating to exceptions to the social work practice licensing requirements and the waiver of licensing requirements for certain social workers; and to amend and reenact subsection 5 of section 43-41-01 and section 43-41-05 of the North Dakota Century Code, relating to the definition of social work practice and licensing requirements for the private practice of social work.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2374 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. WRIGHT MOVED that the conference committee report on HB 1081 as printed on pages 1992-1993 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1081: A BILL for an Act to amend and reenact sections 51-07-11, 57-22-18, 57-55-01.1, 57-55-02, 57-55-03, 57-55-04, 57-55-05, 57-55-06, 57-55-07, subsection 1 of section 57-55-10, and subsection 2 of section 57-55-11 of the North Dakota Century Code, relating to the payment of mobile home taxes and to tax permits.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Mutch; Parker; Reiten

HB 1081 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. CHRISTENSEN MOVED that the conference committee report on HB 1318 as printed as page 1994 of the Senate Journal be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1526 has had the same under consideration and recommends that your conference committee, having been unable to agree, recommends that the conference committee be discharged and a new conference committee be appointed.

For the Senate: Sens. Nelson, Tweten, Mushik
 For the House: Reps. Kingsbury, Gunsch, Graba

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

MESSAGE TO THE HOUSE
 SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President has appointed replacements on the following conference committees:

SB 2021: Sen. Nelson to replace Sen. Streibel
 SB 2025: Sen. Lips to replace Sen. Streibel
 SB 2032: Sen. Mushik to replace Sen. Tallackson
 SB 2036: Sen. Stromme to replace Sen. Mushik

LEO LEIDHOLM, Secretary

REPORTS OF CONFERENCE COMMITTEES

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2005 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1886 of the Senate Journal and that Engrossed SB 2005 be amended as follows:

That the House recede from its amendments as found on page 2387 of the House Journal and on page 1886 of the Senate Journal and that engrossed Senate Bill No. 2005 be amended as follows:

On page 1 of the engrossed bill, line 19, delete the numerals "18,959,806" and insert in lieu thereof the numerals "19,459,806"

On page 1 of the engrossed bill, line 21, delete the numerals "21,705,484" and insert in lieu thereof the numerals "22,205,484"

On page 1 of the engrossed bill, line 23, delete the numerals "14,050,495" and insert in lieu thereof the numerals "14,550,495"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Board of Vocational Education

The grants, benefits, and claims line item is increased by \$500,000 from the general fund to provide additional general fund moneys for vocational education grants. This is a \$921,631 reduction from the amendments adopted by the House.

For the Senate: Sens. Thane, Nelson, Shea

For the House: Reps. Wold, O. Hanson, Lautenschlager

Engrossed SB 2005 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2011 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1897 of the Senate Journal and that Engrossed SB 2011 be amended as follows:

That the House recede from its amendments as printed on pages 2426-2427 of the House Journal and on page 1897 of the Senate Journal and that engrossed Senate Bill No. 2011 be amended as follows:

On page 1 of the engrossed bill, line 15, delete the numerals "300,000" and insert in lieu thereof the numerals "335,000"

On page 1 of the engrossed bill, line 18, delete the numerals "704,885" and insert in lieu thereof the numerals "739,885"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Indian Affairs Commission

The Native American alcohol and drug abuse education line item is increased by \$35,000 from the general fund.

For the Senate: Sens. Naaden, Nelson, Stromme

For the House: Reps. Rice, Winkelman, Stofferahn

Engrossed SB 2011 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2012 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 1726-1727 of the Senate Journal:

For the Senate: Sens. Naaden, Streibel, Walsh

For the House: Reps. Gunsch, Gernholtz, Laughlin

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

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2014 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1897-1898 of the Senate Journal and that Engrossed SB 2014 be amended as follows:

That the House recede from its amendments as found on page 2427 of the House Journal and on pages 1897-1898 of the Senate Journal and that engrossed Senate Bill No. 2014 be amended as follows:

On page 1 of the engrossed bill, line 19, delete the numerals "2,235,377" and insert in lieu thereof the numerals "1,935,377"

On page 1 of the engrossed bill, line 20, delete the numerals "441,167" and insert in lieu thereof the numerals "741,167"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Weather Modification Board

The general fund line item is increased by \$300,000, with a corresponding decrease to the estimated income line item to provide general fund support for the weather modification operations program. The \$300,000 is a decrease of \$50,000 from the \$350,000 general fund increase in the amendments adopted by the House.

For the Senate: Sens. Tweten, Thane (refused to sign), Walsh
For the House: Reps. Unhjem, Rice, Opedahl

Engrossed SB 2014 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2021 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 1898-1899 of the Senate Journal.

For the Senate: Sens. Wenstrom, Nelson (refused to sign), Mushik
For the House: Reps. Unhjem, O. Hanson, Kelly

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

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2028 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 1846-1848 of the Senate Journal.

For the Senate: Sens. Tennefos, Nelson, Walsh
For the House: Reps. Kingsbury, Gunsch, Graba

Engrossed SB 2028 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2065 has had the same under consideration

and recommends that the HOUSE RECEDE from its amendments as found on pages 1562-1564 of the Senate Journal and that Engrossed SB 2065 be amended as follows:

- On page 7 of the engrossed bill, line 25, after the word "the" insert the word "qualified"
- On page 16 of the engrossed bill, line 5, after the word "the" insert the word "qualified"
- On page 24 of the engrossed bill, line 26, after the word "the" insert the word "qualified"
- On page 25 of the engrossed bill, line 18, after the word "the" insert the word "qualified"
- On page 25 of the engrossed bill, line 21, delete the word "containing" and insert in lieu thereof the words "signed by"
- On page 25 of the engrossed bill, line 22, delete the word "signatures" and insert in lieu thereof the words "qualified electors"
- On page 25 of the engrossed bill, line 27, after the word "signatures" insert the words "of qualified electors"
- On page 25 of the engrossed bill, line 28, after the word "twenty-five" insert the word "qualified"
- On page 25 of the engrossed bill, line 29, after the word "the" insert the word "qualified"
- On page 25 of the engrossed bill, line 31, after the word "twenty-five" insert the word "qualified"
- On page 25 of the engrossed bill, line 32, after the word "of" insert the word "qualified"
- On page 25 of the engrossed bill, line 33, after the second word "the" insert the word "qualified"

And renumber the lines and pages accordingly

For the Senate: Sens. Peterson, Freborg, Heinrich

For the House: Reps. Schindler, D. Olsen, Halmrast (refused to sign)

Engrossed SB 2065 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2178 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found

on pages 1689-1690 of the Senate Journal and that engrossed SB 2178 be further amended as follows:

That the Senate accede to the House amendments to engrossed Senate Bill No. 2178, as printed on pages 1689-1690 of the Senate Journal and pages 2101-2102 of the House Journal, and that engrossed Senate Bill No. 2178 be further amended as follows:

On page 14 of the engrossed bill, line 34, after the underscored period insert the following: "However, unclaimed intangible property held for the owner by a public employee pension program in this state is not subject to abandonment under this Act until after June 30, 1987."

And renumber the lines and pages accordingly.

For the Senate: Sens. Parker, Mutch, Kelsh
For the House: Reps. Kloubec, Koland, Stofferahn

Engrossed SB 2178 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred SB 2301 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1778-1780 of the Senate Journal and that SB 2301 be amended as follows:

That the House recede from its amendments as found on pages 2270-2273 of the House Journal and pages 1778-1780 of the Senate Journal, and that Senate Bill No. 2301 be amended as follows:

On page 1, line 1, delete the word "section" and insert in lieu thereof the words "sections 5-03-01 and"

On page 1, line 2, delete the word "penalty" and insert in lieu thereof the words "penalties for illegal distribution of alcoholic beverages and"

On page 1, after line 5, insert the following section:

"SECTION 1. AMENDMENT. Section 5-03-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-03-01. State wholesale license required - Qualifications - Penalty. Before any person shall engage in the sale at wholesale of beer or liquor in this state he shall first procure a license from only the state treasurer. Such license shall only allow sale to licensed retailers, licensed wholesalers and regular retail outlets on federal military reservations. No such license shall be issued unless the applicant shall file a sworn application,

accompanied by the required fee, showing the following qualifications:

1. Applicant, other than corporate, must be a citizen of the United States and a resident of the state of North Dakota and a person of good moral character. If applicant is a corporation, the manager of the licensed premises shall be a resident of the state of North Dakota, a citizen of the United States, and a person of good moral character, and the officers, directors, and stockholders must be citizens of the United States and persons of good moral character. Corporate applicants must first be properly registered with the secretary of state.
2. The state treasurer may require applicant to set forth such other information as is necessary to enable him to determine if a license should be granted.
3. No person shall be eligible for such a license unless he has a warehouse and office in this state in which is kept a complete set of records relative to his alcoholic beverage transactions in North Dakota.

Any person distributing alcoholic beverages in this state without compliance with the provisions of this title is guilty of ~~an infraction~~ a class B misdemeanor."

And renumber the lines and pages accordingly

For the Senate: Sens. Olson, Holmberg, Lashkowitz

For the House: Reps. R. Anderson, A. Hausauer, Enget

SB 2301 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2352 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 1893 of the Senate Journal and that Engrossed SB 2352 be further amended as follows:

On page 2 of the engrossed bill, line 11, delete the word "shall" and insert in lieu thereof the words "may, without fear of reprisal,"

On page 2 of the engrossed bill, line 13, delete the words "without fear of reprisal"

On page 2 of the engrossed bill, line 15, after the word "A" insert the words "job related"

On page 2 of the engrossed bill, line 16, after the word "A" insert the words "job related"

On page 2 of the engrossed bill, line 17, after the word "The" insert the words "job related"

And renumber the lines and pages accordingly

For the Senate: Sens. Lodoen, Vosper, Matchie

For the House: Reps. R. Berg, Myrdal, DeMers

Engrossed SB 2352 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred SB 2432 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1611 of the Senate Journal.

For the Senate: Sens. Stenehjem, Olson, Redlin

For the House: Reps. Lindgren, Murphy, Keller

SB 2432 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1446 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1517-1518 of the Senate Journal and that Engrossed HB 1446 be amended as follows:

On page 1 of the engrossed bill, line 1, after the word "subsections" insert the numeral and comma "6," and after the numeral "7" insert a comma

On page 1 of the engrossed bill, line 7, after the word "Subsections" insert the numeral and comma "6," and after the numeral "7" insert a comma

On page 1 of the engrossed bill, after line 9, insert the following new subsection:

- "6. "Expert examiner" means a licensed physician, psychiatrist, ~~or~~ clinical psychologist, or master addiction counselor appointed by the court to examine the respondent. An evaluation of a respondent's physical condition shall be made only by a licensed physician or psychiatrist, ~~while~~ an evaluation of a respondent's mental status shall be made only by a licensed psychiatrist or clinical psychologist, and an examination by a master addiction counselor shall be limited to whether the respondent is an alcoholic or drug addict."

- On page 1 of the engrossed bill, line 11, after the word "or" insert the word "master"
- On page 1 of the engrossed bill, line 12, delete the words "certified by the department of human services as"
- On page 1 of the engrossed bill, delete line 13
- On page 1 of the engrossed bill, line 14, delete the words "department for master addiction counselors"
- On page 1 of the engrossed bill, line 17, immediately after the period insert the words "An examination by a master addiction counselor shall be limited to whether the respondent is an alcoholic or drug addict, and whether the respondent is a person requiring treatment."
- On page 2 of the engrossed bill, line 4, after the word "services" insert the words ", except that for the purpose of section 25-03.1-25, only a master addiction counselor may authorize an emergency commitment"

And renumber the lines, subsections, and pages accordingly

For the Senate: Sens. Christensen, Stenehjem, J. Meyer
 For the House: Reps. Hamerlik, Larson, DeMers

Engrossed HB 1446 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred HB 1009 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 2, after the word "services" insert the words ", state hospital,"
- On page 1 of the engrossed bill, line 4, after the semicolon insert the words "providing legislative intent regarding medical assistance payment determinations and low income home energy assistance payments;"
- On page 1 of the engrossed bill, line 20, delete the numerals "19,529,935" and insert in lieu thereof the numerals "19,601,276"
- On page 1 of the engrossed bill, line 21, delete the numerals "8,027,175" and insert in lieu thereof the numerals "8,102,175"

- On page 1 of the engrossed bill, line 23, delete the numerals "404,098,965" and insert in lieu thereof the numerals "422,757,934"
- On page 1 of the engrossed bill, line 24, delete the numerals "475,832,512" and insert in lieu thereof the numerals "494,637,822"
- On page 1 of the engrossed bill, line 25, delete the numerals "294,843,725" and insert in lieu thereof the numerals "308,583,162"
- On page 1 of the engrossed bill, line 26, delete the numerals "180,988,787" and insert in lieu thereof the numerals "186,054,660"
- On page 2 of the engrossed bill, line 11, delete the numerals "5,973,826" and insert in lieu thereof the numerals "5,937,715"
- On page 2 of the engrossed bill, line 15, delete the numerals "44,848,956" and insert in lieu thereof the numerals "44,812,845"
- On page 2 of the engrossed bill, line 16, delete the numerals "13,412,207" and insert in lieu thereof the numerals "13,393,107"
- On page 2 of the engrossed bill, line 17, delete the numerals "31,436,749" and insert in lieu thereof the numerals "31,419,738"
- On page 2 of the engrossed bill, line 26, delete the numerals "212,632,028" and insert in lieu thereof the numerals "217,680,890"
- On page 2 of the engrossed bill, line 27, delete the numerals "310,100,253" and insert in lieu thereof the numerals "323,820,590"
- On page 2 of the engrossed bill, line 28, delete the numerals "522,732,281" and insert in lieu thereof the numerals "541,501,480"
- On page 3 of the engrossed bill, after line 26, insert the following new sections:

"SECTION 7. LEGISLATIVE INTENT. The legislative assembly recognizes the need to achieve the effective limitation of costs while providing for payment rates which are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws,

regulations, and quality and safety standards. It is the intent of the legislative assembly that Senate Concurrent Resolution No. 4002 not be regarded as a deterrent to the achievement of these recognized needs. It is the further intent of the legislative assembly that the department seek to achieve cost savings through a variety of waiver options to certain requirements for the state plan for medical assistance benefits, including, but not limited to, competitive bidding for certain services, primary case management systems, restriction of specialty services to designated providers, central broker services, restriction of recipient-free choice, preferred provider-type innovations to providing services, the use of a drug formulary, and the introduction of rate limitation methodologies which may represent approved or approvable amendments to the state plan.

SECTION 8. LEGISLATIVE INTENT - LOW INCOME HOME ENERGY ASSISTANCE PAYMENT - PRORATION. It is the intent of the legislative assembly that should sufficient funds not be available to fully fund within the amounts allocated by the legislative assembly for the low income home energy assistance program during the 1985-87 biennium, the department in lieu of changing eligibility guidelines shall reduce by the same percentage all recipient payments to achieve the necessary reduction.

SECTION 9. APPROPRIATION - BUDGET SECTION. There is hereby appropriated to the department of human services any additional federal funds which become available as a result in changes to the federal financial participation rate during the biennium beginning July 1, 1985, and ending June 30, 1987. If the \$3,400,000 of additional federal funds relating to the limitation on the drop in the rate of federal financial participation does not become available, the department of human services shall report to the budget section the amount of the resulting deficiency appropriation that will be introduced to the fiftieth legislative assembly."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Department of Human Services

The salaries and wages line item provides for the continuation of 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

The operating expenses line item is increased by \$71,341 from the general fund to provide funds for implementation of Senate Bill

No. 2417 relating to guardianship of developmentally disabled persons.

The data processing line item is increased by \$75,000, \$37,500 from the general fund and \$37,500 from other funds, to provide funds for implementation of Senate Concurrent Resolution No. 4002 relating to revisions to the Medicaid reimbursement system.

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

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
Amount in Engrossed House Bill No. 1009	\$145,089,285	\$259,009,680	\$404,098,965
Adjustments:			
1. Add funds to provide 0% increases in AFDC payments, reflect February 1985 caseload base, and allow a caseload increase of 20 per month	\$ 1,285,714	\$ 2,263,004	\$ 3,548,718
2. Add funds to reflect revised medical assistance caseload projections, reflect February 1985 caseload base, and allow an increase in medical assistance eligibles of 98 per month	4,599,250	8,607,914	13,207,164
3. Add funds for revisions in the reimbursement of long-term care facilities	67,940	108,840	176,780
4. Adjust funding for developmentally disabled appropriation to provide 0% annual inflationary increases and include funds for one 15-bed MSLA facility	804,128	(677,821)	126,307
5. Restore \$1.6 million of the \$3.22 million for the low income home energy assistance program used in the House version of	1,600,000		1,600,000

House Bill No. 1009 for
the social services
block grants

6.	Change funding of medical assistance and AFDC grants to reflect possible change in federal financial participation rate for the federal fiscal year beginning October 1, 1986	(3,400,000)	3,400,000	-0-
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Total adjustments to grants line item	\$ 4,957,032	\$ 13,701,937	\$ 18,658,969
Grants line item as amended	\$150,046,317	\$272,711,617	\$422,757,934

A new section is added to provide legislative intent regarding the department limiting medical assistance costs and encouraging efficient and economical long-term care facilities. The section encourages the department to seek Medicaid waivers from the federal government from several requirements in the state plan for medical assistance.

A new section is added providing legislative intent regarding the department allocating a reduction in available low income home energy assistance funds. The section provides the department shall reduce all grant recipients by a uniform percentage to achieve any necessary reduction.

A new section is added appropriating any additional federal funds which may become available as a result in changes in the federal financial participation rate in entitlement programs.

These amendments, as shown above, reflect an anticipated increase in the federal financial participation rate with an impact of \$3.4 million. It is recognized that should this not be received a deficiency appropriation is expected to be necessary during the 1987 legislative session.

State Hospital

The salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

The operating expenses line item is decreased by \$36,111 from the general fund to reflect lower natural gas usage.

The estimated income line item is decreased by \$19,100 with a corresponding increase in the general fund appropriation to reflect Land Department revised estimates of the distribution from the interest and income account.

SEN. LIPS, Chairman

HB 1009 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1031 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 18, delete the numerals "7,238,528" and insert in lieu thereof the numerals "7,338,528"
- On page 1 of the engrossed bill, line 19, delete the numerals "4,380,090" and insert in lieu thereof the numerals "4,330,090"
- On page 1 of the engrossed bill, line 22, delete the numerals "12,525,478" and insert in lieu thereof the numerals "12,575,478"
- On page 1 of the engrossed bill, line 23, delete the numerals "266,158" and insert in lieu thereof the numerals "316,158"
- On page 1 of the engrossed bill, line 27, delete the numerals "999,537" and insert in lieu thereof the numerals "1,034,537"
- On page 1 of the engrossed bill, line 28, delete the numerals "4,080,426" and insert in lieu thereof the numerals "4,249,762"
- On page 2 of the engrossed bill, line 3, delete the numerals "5,871,963" and insert in lieu thereof the numerals "6,076,299"
- On page 2 of the engrossed bill, line 4, delete the numerals "12,259,320" and insert in lieu thereof the numerals "12,334,320"
- On page 2 of the engrossed bill, line 5, delete the numerals "6,138,121" and insert in lieu thereof the numerals "6,667,457"
- On page 2 of the engrossed bill, line 6, delete the numerals "18,397,441" and insert in lieu thereof the numerals "19,001,777"

On page 2 of the engrossed bill, after line 24, insert the following new section:

"SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to roughrider industries, \$75,000, or so much thereof as may be necessary, for the purpose of paying expenses associated with the assumption of responsibility for the warehousing and distribution of food commodities. There is also hereby appropriated the sum of \$275,000, or so much thereof as may be necessary, from the proceeds of a loan, to roughrider industries, for the purpose of paying expenses associated with the assumption of responsibility for the warehousing and distribution of food commodities."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Penitentiary

The salaries and wages line item is increased by \$100,000 to provide additional funds for overtime and temporary salaries. This increase is to be offset by a \$50,000 decrease to the operating expenses line item and a \$50,000 increase in the estimated income line item, with no change to the general fund appropriation amount.

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

Penitentiary Industries

The salaries and wages line item is increased by \$35,000 from other funds to provide additional funds for overtime salaries.

The remaining salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

The operating expenses line item is increased by \$144,336 from other funds to provide authorization for repayment of a loan from the Bank of North Dakota in June 1984. The operating expenses line item is further increased by \$25,000 from other funds to provide funds for additional payments to the motor pool.

A new section is added which appropriates \$75,000 from the general fund and authorizes a loan and expenditure of an additional \$275,000 to allow the Penitentiary Industries to assume the responsibility of warehousing and distributing food commodities.

SEN. LIPS, Chairman

HB 1031 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred HB 1196 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact section 50-01-09.2 of the North Dakota Century Code, relating to increased state reimbursements to counties for optional supplementation of supplemental security income benefits; to repeal chapter 527 of the 1983 Session Laws; and to provide an effective date.

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

SECTION 1. AMENDMENT. Section 50-01-09.2 of the parent volume for title 50 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-01-09.2. Reimbursement to counties by state for general assistance provided. Within the limits of legislative appropriations, the department of human services shall reimburse each county upon claim being made by the county, for one-half of the amounts expended on behalf of persons unable to provide themselves with a reasonable subsistence compatible with decency and health and who are not otherwise provided for under the laws of this state. Claim for reimbursement along with a certification of amounts paid shall be presented quarterly by the board of county commissioners to the department of human services. An amount not to exceed one-half of the sums so certified shall be paid to the county by the department of human services, except that the department shall reimburse the county for sixty-five percent of the cost of supplementary payments to or on behalf of those individuals residing in adult family care homes and custodial care homes who are in receipt of supplemental security income benefits under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] and who are determined by the department to need assistance to enable them to meet the reasonable costs of custodial care in those homes, upon the audit and approval of the claim in the manner provided by law.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on July 1, 1986."

And renumber the lines and pages accordingly

SEN. LIPS, Chairman

HB 1196 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1636 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments adopted by the Senate as found on page 1688 of the Senate Journal, Engrossed House Bill No. 1636 is amended as follows:

- On page 2 of the engrossed bill, line 16, after the word "three" insert the word "two", remove the overstrike over the word "years", and delete the words "one year"
- On page 2 of the engrossed bill, line 18, delete the words "For five years, the" and insert in lieu thereof the word "The"
- On page 2 of the engrossed bill, line 21, after the word "to" insert the words "the prior mortgagor with an option to buy"
- On page 2 of the engrossed bill, line 23, delete the words "if any mineral interest owned by that prior mortgagor is"
- On page 2 of the engrossed bill, line 24, delete the words "not severed from the interest in the surface to the land,"
- On page 2 of the engrossed bill, line 29, after the period insert the following sentence: "The exemption in the preceding sentence is unlimited in duration in the case of a contract for deed, and five years in all other cases but the exemption applies only if the property is appraised. The appraisal must be made by three independent appraisers, one selected by the corporation, one selected by the prior mortgagor, and the third selected by the first two appraisers. If the exemption is because the property is being sold, the sale price cannot exceed the price determined by the appraisers. If the exemption is because the land is being leased, the annual lease payments required of the tenant cannot exceed seven percent of the appraised value."

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

MONDAY, APRIL 1, 1985

2051

HB 1636 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. NELSON MOVED that the absent Senator be excused, which motion prevailed.

SEN. NETHING MOVED that at the conclusion of the Fifth order of business and the Seventh order of business, the Senate adjourn and convene at 9:00 a.m., Tuesday, April 2, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary