

FRIDAY, APRIL 5, 1985

2247

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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SIXTY-SECOND DAY

Bismarck, April 5, 1985

The Senate convened at 9:00 a.m., with President Meiers presiding.

The prayer was offered by Senator Jerry Meyer.

Give us, Lord, a bit o' sun,  
A bit o' work and a bit o' fun,  
Give us in all the struggle and sputter,  
Our daily bread and a bit o' butter  
Give us health our keep to make  
And a bit to spare for other's sake  
Give us, too, a bit of song,  
And a tale and a book to help us along,  
Give us, Lord, a chance to be  
Our goodly best, brave, wise, and free,  
Our goodly best for ourselves and others  
Till all men learn to live as brothers.

(An Old English Prayer)

ROLL CALL

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

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixty-first day and finds the same to be correct.

SEN. DAVID, Chairman

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

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 4002, SCR 4005, SCR 4051, SCR 4056, SCR 4066, SCR 4071,  
SCR 4073, SCR 4079

SEN. BAKEWELL, Chairman

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

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

HB 1001, HB 1003, HB 1196

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I regret to inform you that the motion to return SCR 4072 to the House failed, pursuant to Senate Rule 407.

LEO LEIDHOLM, Secretary

MESSAGE 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 and subsequently passed:

HB 1002, HB 1048

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 Governor for his approval:

SB 2062, SB 2100, SB 2114, SB 2115, SB 2135, SB 2186,  
SB 2204, SB 2260, SB 2273, SB 2354, SB 2355, SB 2369,  
SB 2410, SB 2432, SB 2438, SB 2450, SB 2464, SB 2491

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 engrossed:

SB 2005, SB 2011, SB 2014, SB 2065, SB 2153, SB 2245,  
SB 2257, SB 2301, SB 2352, SB 2374, SB 2411, SB 2489

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 2005, SB 2011, SB 2014, SB 2065, SB 2153, SB 2245,  
SB 2257, SB 2301, SB 2352, SB 2374, SB 2411, SB 2489,  
SB 2511, SCR 4080, SCR 4081

SEN. BAKEWELL, Chairman

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

## SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2005, SB 2011, SB 2014, SB 2065, SB 2153, SB 2245,  
SB 2257, SB 2301, SB 2352, SB 2374, SB 2411, SB 2489,  
SB 2511, SCR 4080, SCR 4081

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 2005, SB 2011, SB 2014, SB 2065, SB 2153, SB 2245,  
SB 2257, SB 2301, SB 2352, SB 2374, SB 2411, SB 2489,  
SB 2511, SCR 4080, SCR 4081

LEO LEIDHOLM, Secretary

## SECOND READING OF HOUSE BILL

HB 1663: A BILL for an Act to provide for a contingent sales and use tax increase if general fund revenue receipts fall below a specified level; and to provide an expiration 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 26 YEAS, 27 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Christensen; David; Freborg;  
Hilken; Ingstad; Kelly; Kilander; Lashkowitz; Lodoen;  
Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething;

Olson; Parker; Peterson; Redlin; Reiten; Streibel;  
Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: None

HB 1663 was declared lost.

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MOTION

SEN. MOORE MOVED that the vote by which HB 1663 lost be reconsidered and the motion to reconsider be laid on the table, which motion lost on a verification vote.

EXPLANATION OF VOTE

SEN. LASHKOWITZ: Madam President, I rise to explain my vote on HB 1663.

As you noticed, I voted "nay" on the clincher motion because it gives all of us, not only myself, an opportunity to reflect on this and to await further additional information. I think the clincher motion in the dying hours of the session can be very detrimental.

MESSAGES FROM THE HOUSE

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 1004, HB 1127, HB 1458

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1031

ROY GILBREATH, Chief Clerk

POINTS OF PERSONAL PRIVILEGE

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

I rise to set the record straight regarding what occurred in connection with the refusal to message SCR 4072 to the House, pursuant to the House request. Last evening, the body refused to transmit in response to a House message for return to the House of SCR 4072.

At that time, various comments were made relative to what occurred. Rather than simply relying on my memory, I've

gone to the Journal. For the record, may I state that even though there were remarks made, apparently to the contrary, on the floor of the Senate last evening, that the rules were complied with in every respect. Now, I would be one of the last people to demean or show disrespect towards not only the personnel of this body, but to its rules as well, which enable it to function.

The life of SCR 4072 had this bit of significant history. First, the resolution was placed in the hands of the Delayed Bills Committee. The Delayed Bills Committee had taken this matter under advisement and it had been approved by the Committee on Delayed Bills, so there was a "do pass" ruling.

Thereafter--I think this is the operational sticking point--it was my privilege to move that the rules be suspended, that SCR 4072 not be printed, not be referred to a committee, but be placed on the calendar for second reading and final passage. If anybody is trying to follow the record, I'm reading from the Senate Journal, March 15, pages 1462-1463.

Then it was acted upon by the Senate, and the motion carried. Now, in order to complete this record, allow me to state that there was no motion made for appealing the ruling of the chair. There is always in these Journals a certain telescope reporting, which is all right, but, as I say, the next significant point is that there was no appealing ruling from the rule of the chair.

Then we proceed to the Committee on Correction and Revision of the Journal, which we've researched Monday the 18th and Tuesday the 19th, and there was no attempt to alter the record in the slightest.

And for your convenience, the Senate Journal that I'm referring to is on March 18, page 1489, and March 19, page 1521. I think that places the facts, the hard facts, the operational facts, clearly in the record, but last night, the casualty of this scenario was that legislation failed on the floor of the Senate for refusal to transmit a piece of legislation to the House at its request--in these, the dying hours of this session.

A little further refresher--if you remember at the outset of this session, I reported to this body some criticism visited upon my person for having talked casually to a member of the opposite party. I neither apologize nor regret that because the encounter was nothing more than a brief encounter, as we say "Good morning," "Have a good holiday," and the rest.

Why do I mention this at the present time? Because, last night, we saw a scenario that reflected both the majority leader and the minority leader concurring. That's not so bad in itself, but it was matter of joint collaboration on a piece of legislation. We also saw, as part of this performance, that a sponsor of the bill, in effect, disavowed the bill. That doesn't bother me, but it all came together in a very interesting confluence of time.

Now I'm only going to say what I think civilized legislators oftentimes do, and I respect the men and women of this body. I think before this scenario unfolded, it would have been proper, legitimate, and reasonable that if I were clued into this pending strategy--strategy to catch a helpless piece of legislation in the pincers--there would be nothing wrong with saying there is apparent error in the rules, but apparently, there is a single standard operating where certain people can talk to each other, arrange for their presentation of matters that are not factual to this body.

I think that the story of the legislation can only be complete with that information I've submitted to this body. The rules were suspended, reported to me by the Delayed Bills Committee, both of which were fuzzed over in last night's discussion.

It isn't that this is a matter of personal pride, but I would say this--that I take a back seat to no one in my regard for each other and in my regard for these rules and my attempt to comply with them. I don't know what else I can add, except that there's been a strange double standard prevailing here. Certain people can talk to each other and enlist the support on a bipartisan basis to put across this impossible situation.

One more thing before we conclude--I think it's time that the rules be revised, if necessary, to see to it that legislation can really flow as it's intended by our respective various electorates and constituencies.

But I would say that, notwithstanding all that was said on the floor last night, I think the young people of this state were caught in the middle of an unfortunate situation.

I think that, as we find the sporting world today in the midst of gambling and other scandals, it's not remiss for this body to congratulate and encourage young people in their athletic performances and achievements. When we have to say we will only recognize people of national significance, it goes without saying that this is little bit of straining the fact to make it difficult to accept

that as the final word. But I think those are the facts, and I hope that this information is helpful to this body.

**PRESIDENT R. MEIERS:** Senator Lashkowitz, I would like to state for the record that the chair did not rule on this matter. The body accepted the Delayed Bills Committee report and adopted it. But, at no time was the chair asked to rule. Had the president been asked to rule, it would have been necessary to declare the resolution out of order, according to rule 407 in the Senate Rules. The Senate could have suspended the rules by a two-thirds vote and allowed the resolution. Had they done so, we would have to assume that many other champions in the state would have wanted to be acknowledged also in the same manner. But I did want to clear the record that there was no ruling from the chair.

**SEN. LASHKOWITZ:** Madam President, to continue on my point of personal privilege, my reference was to the history of this measure as set forth in the Journal of March 15, pages 1462-1463.

I'm simply here to state that this is not a fresh piece of legislation. It had been properly introduced, properly acted upon by the Delayed Bills Committee, properly received in this body. The rules were, at that point in time, suspended on March 15, and when they were suspended, we then proceeded to having the matter considered and acted upon.

I would make one further observation--that, at that point, this was now the property of the full Senate, acted upon duly and properly and approved. Then it proceeded over to the House. At that point, it was in the pipeline and belonged to the entire Legislative Assembly. I submitted--and this question has not been answered to my satisfaction-- I'm merely stating that there was one question that remains uncertain. Can a piece of legislation in the pipeline be treated as a new measure when it proceeds to the other House? I don't have the absolute answer to that, but I think it could be arguably stated that, at that point in time, the legislation is properly proceeding in an orderly fashion and would have to be defeated before it could be rejected.

#### SIGNING OF BILLS AND RESOLUTIONS

**THE SECRETARY ANNOUNCED** that the President signed the following:

HB 1004, HB 1127, HB 1458

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 1004, HB 1127, HB 1458

LEO LEIDHOLM, Secretary

REPORT OF CONFERENCE COMMITTEE

SEN. BAKEWELL MOVED that the conference committee report on HB 1404 as printed on pages 2231-2238 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1404: A BILL for an Act to adopt the Family Farm Survival Act of 1985 and to provide participation in short-term loans to farmers and agribusinesses; to create and enact a new section to chapter 4-36 of the North Dakota Century Code, relating to a bond reserve fund; to amend and reenact section 4-36-03, subsection 6 of section 4-36-04, sections 4-36-06, 4-36-07, 4-36-08, 4-36-12, 4-36-24, and 4-36-25, relating to the Agricultural Development Act; to provide appropriations; 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 48 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Adams; Meyer, D.; Mutch; Nelson; Tennefos

ABSENT AND NOT VOTING: None

HB 1404 passed, the title was agreed to, and the emergency clause carried.

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## REPORT OF CONFERENCE COMMITTEE

SEN. CHRISTENSEN MOVED that the conference committee report on HB 1446 as printed on pages 2238-2239 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to amend and reenact subsections 6, 7, and 9 of section 25-03.1-02 of the North Dakota Century Code, relating to independent expert examiners and mental health professionals for commitment proceedings.

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 44 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; David; Mutch; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Hilken; Moore

HB 1446 passed and the title was agreed to.

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## POINTS OF PERSONAL PRIVILEGE

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

I would like to answer some comments made by the Senator from district 52 as to what the vote was on 2497 cast in the 1983 Legislative Session. I said at that time that it was my recollection that I had voted against that trigger bill at that time. It was stated here that there was a vote on March 30 in which every member of the majority party voted for the bill. That is a correct vote. However, the trigger was not amended into the vote until about three weeks after that vote. It was amended in on April 20. Also on April 20, there was a final vote on 2497. That final vote was 38 yeas, 15 nays, with members of both parties voting in favor of it and members of both parties voting against it and Sen. Moore is clearly

indicated as voting against the trigger bill on April 20 of the last session.

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

The point being, in response to the Senator from the 52nd district, who stated that every Republican voted for SB 2497, I have the tally here before me and Sen. Streibel voted "no". I echo the sentiments of the good Senator who just spoke. Some of us wonder if the press doesn't have that in their story already. I would suggest that when research is done in the future on a bill that has a reference point that it be followed through to its finality.

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

I don't know if I need to be on a point of personal privilege but I should explain my source of that information and I owe the senators an apology but that information was assembled by the legislative council and I guess it may be a mistake to assume that the legislative council information is accurate, but those copies were made by Mr. Walstad, provided to me by the council yesterday and if that is an error I apologize to the Senate. It was clearly an error of reciting information given to me by the council, however.

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

I would like to echo the two statements made by the other two senators on personal privilege. I would like the Senate body to know that I have that before me also and that I was recorded as a "no" vote in 1983.

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

The point is essentially the same that has been discussed by the other senators. I, too, am recorded on page 2660 of the Journal as voting "nay" on the final passage of SB 2497.

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

I was in shock when I was listening to the Senator from the 52nd district this morning when he insisted that all of us had voted for the trigger tax mechanism. It took me several minutes to get over that because I was sure that I had pushed my button two years ago but sometimes we do have

a lack of memory. I immediately checked at the library at which I found this information to be inaccurate and I wanted to assure the senators and the rest of the people who may have been misled or been misinformed that I had also voted "nay" on the trigger tax mechanism in 1983.

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

Well, I too appear to be repetitious. I voted against 2497 the last time also. But I would like to just go one step further. I'm not that concerned about the media because I know how the media goofs things up too, being one of them. But I would like to also explain that I can kind of appreciate the Senator from district 52. I've known him for a long long time and I do sincerely believe that he did not intentionally give the wrong information, but when we're trying to put things together to explain our side and how we feel, we search and seek all the information we can get. Sometimes we may pick up the wrong information or get the wrong information so I sympathize and I certainly do accept his apology. But I still wanted you to know that I voted against it the last time, as well as this time.

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

The same point that has been reiterated and, further, I would like to let this body know that I am as consistent this time as I was last time. I also voted "nay".

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

One fact, for the first time in thirteen sessions that I've ever risen on a point of personal privilege. I probably wouldn't have done so now but only it kind of created a chain reaction here. In listening to the arguments by the Senator from district 52, I thought I ought to have my head examined if I had voted last session for a trigger mechanism and, sure enough, the records have kept me straightened out anyway, or at least I feel satisfied, and I wish to notify you that the record shows that I voted against the trigger. Sorry.

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

I rise on a point of personal privilege to apologize to these fine gentlemen. I will have to say that I was surprised they voted for the trigger according to my records and I asked about that and it was confirmed to me about this information. I hope the Senator from district 28 knows that's why I brought it back, because I dealt with

them all session long on committee, and I apologize: you fellows are at least consistent. That, I think, is a plus. I hope this is the end of it. I will release a statement to the press that I misrepresented those views immediately and if any of you want to change your vote we're happy to have it.

REPORT OF CONFERENCE COMMITTEE

SEN. TWETEN MOVED that the conference committee report on HB 1494 as printed on pages 2239-2241 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1494: A BILL for an Act to establish a farm foreclosure negotiation board and a home-quarter purchase fund; and to provide an appropriation.

Which has been read.

ROLL CALL

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

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

NAYS: Adams; David; Kelly; Lodoen; Mutch; Naaden; Nelson; Peterson; Teneffos; Vosper

ABSENT AND NOT VOTING: None

HB 1494 passed and the title was agreed to.

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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 and subsequently passed:

HB 1006, HB 1009, HB 1010

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2065, SB 2153, SB 2245, SB 2257, SB 2301, SB 2352,  
 SB 2374, SB 2411, SB 2489, SB 2511, SCR 4080, SCR 4081  
 ROY GILBREATH, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the conference committee report on HB 1526 as printed on pages 2241-2242 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1526: A BILL for an Act making an appropriation for defraying the expenses of the educational broadcasting council.

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 39 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Nelson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; David; Freborg; Kelly; Mutch; Naaden; Nething; Olson; Parker; Streibel; Tennefos; Tweten

ABSENT AND NOT VOTING: Meyer, W.

HB 1526 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. VOSPER MOVED that the conference committee report on HB 1636 as printed on pages 2242-2244 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1636: A BILL for an Act to amend and reenact section 10-06-13 of the North Dakota Century Code, relating to divestiture of farmland and ranchland.

Which has been read.

## ROLL CALL

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

**YEAS:** Adams; 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; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

**NAYS:** Tennefos

**ABSENT AND NOT VOTING:** None

HB 1636 passed and the title was agreed to.

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## POINT OF PERSONAL PRIVILEGE

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

Madam President, I left the floor for a few minutes to do something else, and when I came back to the floor I voted wrong on HB 1526, and I would like the record to show that I would have voted "Yes" on HB 1526 rather than "No".

## REPORT OF PROCEDURAL COMMITTEE

**MADAM PRESIDENT:** Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval:

SB 2065, SB 2153, SB 2245, SB 2257, SB 2301, SB 2352,  
SB 2374, SB 2411, SB 2489, SB 2511

**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 the following bills were delivered to the Secretary of State for his filing:

SCR 4080, SCR 4081

**SEN. BAKEWELL, Chairman**

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

## REPORTS OF CONFERENCE COMMITTEES

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2029 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1899-1901 of the Senate Journal and that Engrossed SB 2029 be amended as follows:

That the House recede from its amendments as printed on pages 2429-2431 of the House Journal and on pages 1899-1901 of the Senate Journal and that engrossed Senate Bill No. 2029 be amended as follows:

- On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the following words: "; to provide for a transfer; to amend and reenact section 54-52.1-04.2 of the North Dakota Century Code, relating to the self-insurance plan for hospital and medical benefits coverage; and to declare an emergency"
- On page 1 of the engrossed bill, line 16, delete the numerals "766,611" and insert in lieu thereof the numerals "704,504"
- On page 1 of the engrossed bill, line 17, delete the numerals "601,330" and insert in lieu thereof the numerals "293,154"
- On page 1 of the engrossed bill, line 18, delete the numerals "673,800" and insert in lieu thereof the numerals "610,163"
- On page 1 of the engrossed bill, line 19, delete the numerals "18,800" and insert in lieu thereof the numerals "11,639"
- On page 1 of the engrossed bill, line 20, delete the numerals "150,000" and insert in lieu thereof the numerals "50,000"
- On page 1 of the engrossed bill, line 21, delete the numerals "2,210,541" and insert in lieu thereof the numerals "1,669,460"
- On page 2 of the engrossed bill, line 4, delete the numerals "2,282,140" and insert in lieu thereof the numerals "1,741,059"
- On page 2 of the engrossed bill, after line 16, insert the following new sections:

"SECTION 4. UNIFORM GROUP INSURANCE PROGRAM RESERVE FUND - TRANSFER. The public employees retirement system shall transfer from the uniform group insurance program reserve fund to the general fund in the state treasury on March 1, 1987, the sum of \$1,000,000. The public employees retirement system shall transfer from the uniform group insurance program reserve fund to the general fund in the state treasury on July 1, 1987, or at an

earlier date as sufficient information may become available, the amount that the estimated June 30, 1987, unobligated reserve balance relating to amounts paid by state agencies and institutions exceeds \$1,500,000.

**SECTION 5. AMENDMENT.** Section 54-52.1-04.2 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.1-04.2. Self-insurance plan for hospital and medical benefits coverage. The board may establish a self-insurance plan for providing health insurance benefits coverage only under an administrative services only (ASO) contract or a third party administrator (TPA) contract under the uniform group insurance program, if it is determined by the board that an (ASO) or (TPA) plan is less costly than the lowest bid submitted by a carrier for underwriting the plan with equivalent contract benefits. In addition, individual and aggregate stop-loss coverage insured by a carrier authorized to do business in this state must be made part of any self-insured plan. All bids under this section are due no later than January first, and must be awarded no later than March first, preceding the end of each biennium. All bids under this section must be opened at a public meeting of the board.

**SECTION 6. EMERGENCY.** Section 5 of 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

**STATEMENT OF PURPOSE OF AMENDMENT:**

Public Employees Retirement Board

The salaries and wages line item is reduced by \$62,107 from other funds. The reduction deletes \$27,107 for one FTE account clerk position and \$35,000 for a .5 FTE Programmer I/Analyst III position. This provides \$44,732 for one FTE Administrator Officer II position which the House had deleted.

The operating expenses line item is reduced by \$308,176 from other funds. These reductions were made by the House and include:

Employee travel	\$ 25,000
Utilities	3,000
Lease-buildings	48,000
Telephone	15,000
Intergovernmental services	1,026
Other travel	1,000
Postage	7,000
Miscellaneous fees and services	16,800

Office supplies	1,650
Miscellaneous	9,000
Professional services and operating fees	180,700
Total	<u>\$308,176</u>

The data processing line item is reduced by \$63,637 from other funds rather than by the \$213,637 in the amendments adopted by the House.

The equipment line item is reduced by \$7,161 from other funds rather than by \$8,800 as provided in the House amendments. The conference committee provided \$1,639 from other funds for office equipment for the one FTE position added by the conference committee.

The contingency line item is reduced by \$100,000 from other funds to concur with the House action.

A new section is added which transfers, on March 1, 1987, \$1,000,000 from the medical group insurance reserves to the general fund. This section also transfers to the general fund the amount of the June 30, 1987, reserve fund balance in excess of \$1,500,000.

Two new sections are added which provide, as an emergency measure, a bidding process for underwriting the medical insurance plan. The awarding of bids is to be made each biennium when the Legislative Assembly is in session.

**For the Senate:** Sens. Thane, Lips, Shea

**For the House:** Reps. Kingsbury, Winkelman, Opedahl

Engrossed SB 2029 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 2032 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1902-1905 of the Senate Journal and that Engrossed SB 2032 be amended as follows:

That the House recede from its amendments as found on pages 2432-2435 of the House Journal and on pages 1902-1905 of the Senate Journal and that engrossed Senate Bill No. 2032 be amended as follows:

On page 1 of the engrossed bill, line 17, delete the numerals "3,180,952" and insert in lieu thereof the numerals "3,240,226"

On page 1 of the engrossed bill, line 18, delete the numerals "891,677" and insert in lieu thereof the numerals "947,749"

- On page 1 of the engrossed bill, line 19, delete the numerals "831,487" and insert in lieu thereof the numerals "781,487"
- On page 1 of the engrossed bill, line 20, delete the numerals "42,975" and insert in lieu thereof the numerals "47,548"
- On page 1 of the engrossed bill, line 21, delete the numerals "30,000" and insert in lieu thereof the numerals "75,000"
- On page 1 of the engrossed bill, line 22, delete the numerals "4,977,091" and insert in lieu thereof the numerals "5,092,010"
- On page 1 of the engrossed bill, delete line 26
- On page 1 of the engrossed bill, line 27, insert a dollar sign before the numerals "303,500"
- On page 1 of the engrossed bill, line 28, delete the numerals "333,500" and insert in lieu thereof the numerals "\$303,500"
- On page 2 of the engrossed bill, line 2, delete the numerals "263,500" and insert in lieu thereof the numerals "233,500"
- On page 2 of the engrossed bill, line 3, delete the numerals "263,500" and insert in lieu thereof the numerals "233,500"
- On page 2 of the engrossed bill, line 4, delete the numerals "5,047,091" and insert in lieu thereof the numerals "5,162,010"
- On page 2 of the engrossed bill, line 5, delete the numerals "5,310,591" and insert in lieu thereof the numerals "5,395,510"
- On page 2 of the engrossed bill, after line 17, insert the following new sections:

"SECTION 4. BUDGET SECTION AUTHORIZATION - DATA PROCESSING AND ACCOUNTING SYSTEMS. The workmen's compensation bureau shall make periodic reports during the 1985-86 interim to the budget section of the legislative council regarding the bureau's progress in the modernization of its data processing and accounting systems. Funding in the amount of \$561,487 for this project is provided in the data processing line item in subdivision 1 of section 1 of this Act. The bureau may expend the funds for such project only upon the approval of the budget section.

SECTION 5. OFFICE OF MANAGEMENT AND BUDGET APPROVAL REQUIRED - ACCOUNTANT - MANAGEMENT POSITION - DATA PROCESSING AND ACCOUNTING SYSTEMS. It is the

intent of the legislative assembly that the current unclassified position of executive director at the workmen's compensation bureau be changed to a classified position. Funding in the amount of \$86,849 for salaries and wages and \$561,487 for the data processing and accounting system project provided in the data processing line item in subdivision 1 of section 1 of this Act may be expended by the bureau only after the bureau has certified to the director of the office of management and budget, and subject to the director's approval, that a person has been hired to fill the position who is either a licensed public accountant, a certified public accountant, or has a master's in business administration degree (MBA) and has adequate general management experience and is qualified and capable of implementing data processing, accounting and management information systems that are modern and efficient.

**SECTION 6. OFFICE RELOCATION - APPROVAL.** The workmen's compensation bureau before moving from its present location, must obtain approval from the budget section of the legislative council, director of institutions, and emergency commission. Expenditures may be made pursuant to the contingency line item in subdivision 1 of section 1 of this Act for rent expense only upon approval from the budget section, director of institutions, and emergency commission."

And renumber the lines and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Workmen's Compensation Bureau

The salaries and wages line item reflects a net increase of \$59,274 from other funds. Of the total, \$48,881 is a decrease from other funds for the purpose of reclassifying a current Attorney III position as a Legal Assistant II. Funds are provided to allow a starting salary for the Legal Assistant II of \$18,000 a year with a four percent increase the second year of the biennium. This amendment also includes a \$108,155 increase to reflect the addition of a medical claims only examiner, \$39,344; a lost time claims examiner, \$44,821; and a clerk, \$23,990. These amounts include four percent increases in the second year of the biennium for these positions. These changes were included in the House amendments.

The operating expenses line item is increased by \$56,072 from other funds. Of the total, \$6,072 relates to the three additional positions. The remaining \$50,000 reflects a transfer from the data processing line item to provide funds to continue the consultant services of management services limited in their design of the data processing and accounting system.

The equipment line item is increased by \$4,573 from other funds relating to the three additional positions.

The contingency line item is increased by \$45,000 from other funds. A new section is added that provides that the contingency funds are to be made available only for rent expense in the event that the Workmen's Compensation Bureau moves from its present office building. This move cannot be made until receiving approval from the Budget Section, Director of Institutions, and Emergency Commission.

A new section is added regarding Budget Section authorization for the Workmen's Compensation Bureau to make periodic reports during the 1985-86 interim to the Budget Section regarding the bureau's progress in the modernization of its data processing and accounting systems. Another new section is added which would change the current unclassified position of executive director to a classified position. This position is to be filled by a person qualified to implement the necessary changes to the data processing, accounting, and management information systems.

#### Crime Victims Reparation

The operating expenses line item of \$30,000 from the general fund is deleted. The operating expenses will be assumed by the Workmen's Compensation Bureau.

**For the Senate:** Sens. Tennefos, Wenstrom, Mushik  
**For the House:** Reps. Unhjem, Winkelman, Kelly

Engrossed SB 2032 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 2036 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1730 of the Senate Journal and that Engrossed SB 2036 be amended as follows:

That the House recede from its amendments to engrossed Senate Bill No. 2036 as found on page 1730 of the Senate Journal and pages 2193-2194 of the House Journal and that engrossed Senate Bill No. 2036 be amended as follows:

On page 1 of the engrossed bill, line 9, delete the numerals "797,281" and insert in lieu thereof the numerals "818,481"

And renumber the lines and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

Tax Commissioner

The amount to be transferred from the motor vehicle fuel tax to the general fund is increased by \$21,200. This net increase is to reflect an increase of \$32,000 in the data processing line item in House Bill No. 1001 for computerizing the motor fuels tax information and a decrease of \$10,800 in the gas tax division salaries and wages in House Bill No. 1001.

**For the Senate:** Sens. Tennesfos, Wenstrom, Stromme

**For the House:** Reprs. Gunsch, Smette, Graba

Engrossed SB 2036 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 1002 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1930-1933 of the Senate Journal and that Engrossed HB 1002 be amended as follows:

That the Senate recede from its amendments as found on pages 1930-1933 of the Senate Journal and on pages 2514-2517 of the House Journal and that engrossed House Bill No. 1002 be amended as follows:

On page 1 of the engrossed bill, line 3, delete the word "and"

On page 1 of the engrossed bill, line 4, after the word "funds" insert the words "; and to amend and reenact section 15-40.1-09 of the North Dakota Century Code as amended by House Bill No. 1549 as approved by the forty-ninth legislative assembly, relating to the determination of payments for per-pupil aid to school districts"

On page 1 of the engrossed bill, line 16, delete the numerals "4,310,174" and insert in lieu thereof the numerals "4,673,046"

On page 1 of the engrossed bill, line 17, delete the numerals "2,152,977" and insert in lieu thereof the numerals "2,406,197"

On page 1 of the engrossed bill, line 18, delete the numerals "361,511" and insert in lieu thereof the numerals "405,834"

On page 1 of the engrossed bill, line 19, delete the numerals "85,885" and insert in lieu thereof the numerals "99,643"

On page 1 of the engrossed bill, line 20, delete the numerals "411,360,246" and insert in lieu thereof the numerals "417,982,112"

On page 2 of the engrossed bill, line 1, delete the numerals "492,661,723" and insert in lieu thereof the numerals "499,957,762"

- On page 2 of the engrossed bill, line 2, delete the numerals "103,616,911" and insert in lieu thereof the numerals "103,991,414"
- On page 2 of the engrossed bill, line 3, delete the numerals "389,044,812" and insert in lieu thereof the numerals "395,966,348"
- On page 3 of the engrossed bill, after line 7, insert the following new section:

"SECTION 7. AMENDMENT. Section 15-40.1-09 of the North Dakota Century Code as amended by House Bill No. 1549 as approved by the forty-ninth legislative assembly is hereby amended and reenacted to read as follows:

15-40.1-09. Application for payments - Verification and determination of payments for high school students - Report of county superintendent of schools - Appeal. Immediately upon the completion of the registration of students at the beginning of each school term and in no event later than September tenth of each year, the clerk of each school district within or without this state which is claiming payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a claim on a form prescribed by the superintendent of public instruction stating the number of students registered in high school and elementary grades for which payments are claimed, and such other information as may be reasonably requested by the superintendent of public instruction. Not later than December first, the superintendent of public instruction shall certify to the office of management and budget a list of the school districts and schools not operated by school districts entitled to payments from state funds, together with the amounts to which the several districts and schools are entitled. Per-pupil aid as provided under sections 15-40.1-06, 15-40.1-07, and 15-40.1-08 must be computed on the basis of the previous year's average daily membership or the current year's fall enrollment, whichever is greater. Adjustments must be made if the per-pupil payments for the previous school year were based on the fall enrollment. if the average daily membership for the previous year is less than the fall enrollment for the previous year, the average daily membership for the previous year must be compared with the average daily membership for the second preceding year in the subsequent year according to a comparison between the average daily membership for the year for which the adjusted payment is being made and the year preceding the year for which the adjusted payment is being made, whichever is greater. The greater of the two preceding years' average daily membership must be used in computing any adjustment in a district's foundation aid payments. if the average daily membership for the previous year is greater than the

previous year's fall enrollment, then the average daily membership for the previous year must be used in calculating any adjustment to a district's foundation aid payments. For purposes of this chapter, "average daily membership" shall mean the total days all students in a given school are in attendance, including days set aside for the North Dakota education association convention, plus any three holidays selected from those listed in subsections 2 through 10 of section 15-38-04.1 which have been decided upon after consultation with the teachers, the total days all students are absent, and the two parent-teacher conference days authorized in section 15-47-33, divided by one hundred eighty days. School districts educating children of agricultural migratory workers or offering high school summer school programs during the months of June, July, and August shall not be restricted to payments for a one-hundred-eighty-day school term.

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

And renumber the lines and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Department of Public Instruction

Increases totaling \$667,256 are made to the following line items for the administrative expenses of the Department of Public Instruction:

	General Fund	Other Funds	Total
Salaries and wages	\$ 62,578	\$293,377	\$355,955
Operating expenses	172,094	81,126	253,220
Data processing	44,323	0	44,323
Equipment	13,758	0	13,758
Total	<u>\$292,753</u>	<u>\$374,503</u>	<u>\$667,256</u>

The general fund increase of \$292,753 is to restore some of the funding deleted in the original executive budget and by the House, and to provide adequate state funds to match available federal dollars. The increase to the salaries and wages line item (\$62,578) provides funds for 1.5 FTE positions, of which one FTE is for school evaluation and .5 FTE is for adult education.

The increase in other funds of \$374,503 (federal funds \$341,568, other funds \$32,935) is primarily to give the department the authority to receive and expend additional federal dollars that were recently made available. The increase to the salaries and wages line item (\$293,377) provides funds for 4.4 FTE positions, of which 2.5 FTE's are for special education programs, .65 FTE is to restore a reduction made in the House to the special education program, .75 FTE is for the Indian education unit (to work with sex equity programs), and .5 FTE is for adult education.

The salaries and wages line item is also increased by \$6,917 from the general fund to provide an annual salary of \$47,000 for the Superintendent of Public Instruction.

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 grants - foundation aid line item is increased by \$6,621,866 from the general fund to reflect the following:

1. Per-pupil payments of \$1,425 in 1985-86 and \$1,455 in 1986-87, based on weighted units of 127,584 in 1985-86 and 129,155 in 1986-87.
2. Tuition fund distribution of \$47,895,000 in 1985-87, which reflects estimated payments of \$195 per census

unit in each year of the biennium (same as in engrossed House Bill No. 1002).

3. Total transportation payments of \$40,068,810, which is based on the current transportation rates.
4. A total 20-mill deduct of \$39,709,423, which is \$659,050 less than in engrossed House Bill No. 1002.

A comparison of the grants - foundation aid line item as amended to the original and revised executive budget and engrossed House Bill No. 1002, and Senate version line items is shown as follows:

GRANTS - FOUNDATION AID  
PROPOSED CONFERENCE COMMITTEE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

	HB 1002 Governor Olson Budget	Governor Sinner Budget	Engrossed HB 1002	Senate Amendments to Engrossed HB 1002	Proposed Conference Committee Amendments to Engrossed HB 1002
<u>Per-pupil payments:</u>					
Original executive budget					
1985-86 - \$1,406 - 128,907 weighted units	\$378,745,728				
1986-87 - \$1,502 - 131,493 weighted units					
Revised executive budget					
1985-86 - \$1,354 - 127,584 weighted units		\$360,199,073			
1986-87 - \$1,457 - 128,655 weighted units					
Engrossed HB 1002					
1985-86 - \$1,370 - 127,584 weighted units			\$366,031,205		
1986-87 - \$1,475 - 129,655 weighted units					
Senate version HB 1002					
1985-86 - \$1,408 - 127,584 weighted units				\$366,008,937	
1986-87 - \$1,443 - 129,155 weighted units					
Conference committee					
1985-86 - \$1,425 - 127,584 weighted units					\$369,727,725
1986-87 - \$1,455 - 129,155 weighted units					
<u>Transportation payments:</u>					
Original executive budget					
Provides a slight increase in current rates	\$1,511,728				

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	HB 1002 Governor Olson Budget	Governor Sinner Budget	Engrossed HB 1002	Senate Amendments to Engrossed HB 1002	Proposed Conference Committee Amendments to Engrossed HB 1002
Revised executive budget					
Recommends no change in current rates		\$ 40,047,124			
Engrossed HB 1002					
Recommends no change in current rates; provides a reduction due to limiting the payments to school districts to 100 percent of five-year average actual costs			\$ 37,802,514		
Senate version HB 1002					
Recommends no change in current rates				\$ 40,068,810	
Conference committee					
Recommends no change in current rates					\$ 40,068,810
<u>Tuition distribution:</u>					
Original executive budget					
Estimates payments per census unit of \$195 for each year	47,895,000				
Revised executive budget					
Provides a carryover of \$31 per unit from 1984-85 to 1985-86 resulting in payments of \$226 the first year and \$195 the second year		51,770,600			
Engrossed HB 1002					
Estimates payments per census unit of \$195 for each year			47,895,000		
Senate version HB 1002					
Estimates payments per census unit of \$195 for each year				47,895,000	
Conference committee					
Estimates payments per census unit of \$195 for each year					47,895,000
Total:	\$468,152,452	\$452,016,795	\$451,728,719	\$453,972,747	\$457,691,535
Less: 20-mill district levy	<u>(42,432,000)</u>	<u>(40,873,704)</u>	<u>(40,368,473)</u>	<u>(39,709,423)</u>	<u>(39,709,423)</u>
Total grants - foundation aid line item	\$425,720,452	\$411,143,091	\$411,360,246	\$414,263,324	\$417,982,112
Less: Tuition distribution fund	(47,895,000)	(51,770,600)	(47,895,000)	(47,895,000)	(47,895,000)
Federal revenue sharing	<u>(187,000)</u>	<u>(187,000)</u>	<u>(187,000)</u>	<u>(187,000)</u>	<u>(187,000)</u>
Total general fund - foundation program	<u>\$377,638,452</u>	<u>\$359,185,491</u>	<u>\$363,278,246</u>	<u>\$366,181,324</u>	<u>\$369,900,112</u>

Section 15-40.1-09 is amended to provide that adjustments in per-pupil aid are to be made based upon a comparison between the average daily membership for the year for which the adjusted payment is being made and the preceding year, whichever is greater.

For the Senate: Sens. Lips, Thane, Shea  
For the House: Reps. Wald, Kuchera, Nowatzki

Engrossed HB 1002 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 1006 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1933-1935 of the Senate Journal and that Engrossed HB 1006 be amended as follows:

That the Senate recede from its amendments as found on pages 1933-1935 and on pages 2518-2519 of the House Journal and that engrossed House Bill No. 1006 be amended as follows:

On page 1 of the engrossed bill, line 17, delete the numerals "3,355,193" and insert in lieu thereof the numerals "3,405,193"

On page 1 of the engrossed bill, after line 17, insert the following new line:

"Postage revolving fund 10,000"

On page 1 of the engrossed bill, line 18, delete the numerals "625,000" and insert in lieu thereof the numerals "615,000"

On page 1 of the engrossed bill, line 20, delete the numerals "2,505,778" and insert in lieu thereof the numerals "866,290"

On page 1 of the engrossed bill, line 21, delete the numerals "9,809,712" and insert in lieu thereof the numerals "8,220,224"

On page 1 of the engrossed bill, line 22, delete the numerals "2,505,778" and insert in lieu thereof the numerals "866,290"

On page 1 of the engrossed bill, line 23, delete the numerals "7,303,934" and insert in lieu thereof the numerals "7,353,934"

On page 2 of the engrossed bill, line 3, delete the numerals "10,599,681" and insert in lieu thereof the numerals "10,649,681"

On page 2 of the engrossed bill, line 4, delete the numerals "5,800,084" and insert in lieu thereof the numerals "4,160,596"

On page 2 of the engrossed bill, line 5, delete the numerals "16,399,765" and insert in lieu thereof the numerals "14,810,277"

On page 2 of the engrossed bill, line 14, delete the numerals "2,505,778" and insert in lieu thereof the numerals "866,290"

On page 2 of the engrossed bill, after line 18, insert the following new section:

"SECTION 4. LEGISLATIVE INTENT - DIRECTOR OF INSTITUTIONS - REPORT TO BUDGET SECTION. It is the intent of the legislative assembly that the director of institutions present a detailed proposal, including alternatives and cost estimates, to the budget section during the 1985-86 interim regarding future plans, including alternatives for the old state office building. The alternatives shall include both renovating and demolishing the old state office building and the construction of a new building."

And renumber the lines and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Director of Institutions

The operating expenses line item is increased by \$50,000 from the general fund as in the amendments adopted by the Senate, to provide funds for the provisions of Senate Bill No. 2417, relating to the guardianship of the superintendent of Grafton State School.

A new line item entitled "postage revolving fund" is added as in the amendments adopted by the Senate, in the amount of \$10,000 with a corresponding decrease to the institutional medical fees line item to provide a general fund supplement to the postage revolving fund due to the increase in postage costs.

The capital improvements line item is decreased by \$1,639,488 from the Capitol building fund. This reflects deleting funds for the renovation of the old State Office Building.

A new section is added directing the Director of Institutions to present to the Budget Section, during the 1985-86 interim, a detailed proposal regarding future plans for the old State Office Building.

**For the Senate:** Sens. Nelson, Tweten, Stromme

For the House: Reps. Kingsbury, Gunsch, Graba

Engrossed HB 1006 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 1009 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2042-2047 of the Senate Journal and that Engrossed HB 1009 be amended as follows:

That the Senate recede from its amendments as found on pages 2042-2047 of the Senate Journal and pages 2648-2654 of the House Journal and that engrossed House Bill No. 1009 be amended as follows:

- 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 "19,643,626"
- On page 1 of the engrossed bill, line 21, delete the numerals "8,027,175" and insert in lieu thereof the numerals "8,602,175"
- On page 1 of the engrossed bill, line 22, delete the numerals "572,576" and insert in lieu thereof the numerals "591,081"
- On page 1 of the engrossed bill, line 23, delete the numerals "404,098,965" and insert in lieu thereof the numerals "423,267,602"
- On page 1 of the engrossed bill, line 24, delete the numerals "475,832,512" and insert in lieu thereof the numerals "495,708,345"
- On page 1 of the engrossed bill, line 25, delete the numerals "294,843,725" and insert in lieu thereof the numerals "309,095,162"
- On page 1 of the engrossed bill, line 26, delete the numerals "180,988,787" and insert in lieu thereof the numerals "186,613,183"
- 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 14, delete the numerals "1,049,800" and insert in lieu thereof the numerals "137,800"
- On page 2 of the engrossed bill, line 15, delete the numerals "44,848,956" and insert in lieu thereof the numerals "43,900,845"
- 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 "30,507,738"
- On page 2 of the engrossed bill, line 26, delete the numerals "212,632,028" and insert in lieu thereof the numerals "217,417,413"
- On page 2 of the engrossed bill, line 27, delete the numerals "310,100,253" and insert in lieu thereof the numerals "324,487,590"
- On page 2 of the engrossed bill, line 28, delete the numerals "522,732,281" and insert in lieu thereof the numerals "541,905,003"
- 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.

**SECTION 10. APPROPRIATION - LONG-TERM CARE FACILITY PAYMENTS.** There is hereby appropriated \$155,000 in federal and other funds, and \$90,000 from the general fund in the state treasury, or so much thereof as may be necessary, to the department of human services for the purpose of additional payments to long-term care facilities as required by Senate Bill No. 2053 for the biennium beginning July 1, 1985, and ending June 30, 1987."

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 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 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. In addition, the operating expenses line item is increased by \$42,350 and the equipment line item by \$18,505 from the general fund relating to funding the partial care facility in Minot during the last six months of the 1985-87 biennium.

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. In addition, the data processing line item is increased by \$500,000 from estimated income to reflect increased collections from the use of the ARIS 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 House Bill No. 1009 for the social services block grants	1,600,000		1,600,000
6. Change funding of medical assistance and AFDC grants to reflect possible change in	(3,400,000)	3,400,000	-0-

federal financial participation rate for the federal fiscal year beginning October 1, 1986

7. Add funds for the effect of House Bill No. 1196 which increases state optional supplementation payments from 50% to 65% effective July 1, 1986	259,668		259,668
8. Add funds to allow high risk day care contracts to continue to contract end	238,000	12,000	250,000
<hr/>			
Total adjustments to grants line item	\$ 5,454,700	\$ 13,713,937	\$ 19,168,637
<hr/>			
Grants line item as amended	\$150,543,985	\$272,723,617	\$423,267,602

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.

A new section is added appropriating \$245,000, \$90,000 from the general fund for the effect of Senate Bill No. 2053, relating to reimbursement of long-term care facilities.

#### 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.

The capital improvements line item is reduced by \$912,000 from the general fund for air-conditioning of the adolescent center and the receiving and treatment center to be funded in House Bill No. 1662.

For the Senate: Sens. Lips, Wenstrom, Mushik  
For the House: Reps. Unhjem, Winkelma:, Kelly

Engrossed HB 1009 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 1010 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1756-1757 of the Senate Journal and that Engrossed HB 1010 be amended as follows:

That the Senate recede from its amendments as found on pages 1756-1757 of the Senate Journal and pages 2318-2319 of the House Journal and that engrossed House Bill No. 1010 be amended as follows:

- On page 1 of the engrossed bill, line 2, delete the words "state hospital,"
- On page 1 of the engrossed bill, line 19, delete the numerals "6,504,458" and insert in lieu thereof the numerals "6,469,204"
- On page 1 of the engrossed bill, line 22, delete the numerals "4,145,000" and insert in lieu thereof the numerals "245,000"
- On page 1 of the engrossed bill, line 23, delete the numerals "51,383,937" and insert in lieu thereof the numerals "47,448,683"
- On page 1 of the engrossed bill, line 24, delete the numerals "26,523,074" and insert in lieu thereof the numerals "26,516,869"

On page 1 of the engrossed bill, line 25, delete the numerals "24,860,863" and insert in lieu thereof the numerals "20,931,814"

On page 2 of the engrossed bill, line 21, delete the numerals "30,870,828" and insert in lieu thereof the numerals "26,941,779"

On page 2 of the engrossed bill, line 22, delete the numerals "36,967,772" and insert in lieu thereof the numerals "36,961,567"

On page 2 of the engrossed bill, line 23, delete the numerals "67,838,600" and insert in lieu thereof the numerals "63,903,346"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Grafton State School

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 reduced by \$35,254, \$29,049 from the general fund and \$6,205 from estimated income, for reductions in expected utility costs.

The capital improvements line item is reduced by \$3,900,000 from the general fund for those projects to be funded in House Bill No. 1662 including \$2,915,000 to renovate Sunset Hall, \$480,000 to renovate Collette Auditorium, and the remaining \$505,000 for pedestrian tunnel replacement.

San Haven

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).

Protection and Advocacy Project

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).

For the Senate: Sens. Tennefos, Wenstrom, Tallackson

For the House: Reps. Unhjem, Lipsiea, Kelly

Engrossed HB 1010 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 1031 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2047-2049 of the Senate Journal and that Engrossed HB 1031 be amended as follows:

That the Senate recede from its amendments as found on pages 2047-2049 of the Senate Journal and on pages 2684-2686 of the House Journal and that engrossed House bill No. 1031 be amended as follows:

- On page 1 of the engrossed bill, line 18, delete the numerals "7,238,528" and insert in lieu thereof the numerals "7,736,528"
- On page 1 of the engrossed bill, line 19, delete the numerals "4,380,090" and insert in lieu thereof the numerals "3,932,090"
- 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 \$398,000, with a corresponding decrease to the operating expenses line item to provide funds for eight FTE Correctional Officer I positions to work in female inmate programs and for six FTE Correctional Officer I positions to staff the medium security unit the second year of the 1985-87 biennium.

The salaries and wages line item is further 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 account.

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.

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.

For the Senate: Sens. Thane, Naaden, Tallackson  
 For the House: Reps. Winkelman, Unhjem, Stofferahn

Engrossed HB 1031 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 1048 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1706 of the Senate Journal and that Engrossed HB 1048 be amended as follows:

That the Senate recede from its amendments as found on page 1706 of the Senate Journal and page 2266 of the House Journal and that engrossed House Bill No. 1048 be amended as follows:

On page 1 of the engrossed bill, line 1, delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "15-40.1-06" insert the word and numerals "and 15-40.1-07"

On page 1 of the engrossed bill, line 3, after the word "students" insert the words "and proportionate payments for summer physical education courses"

On page 1 of the engrossed bill, line 27, remove the overstrike over the word "~~four~~", delete the word "three", delete the word "seventy" and insert in lieu thereof the word "eight"

On page 2 of the engrossed bill, line 2, delete the word "seventy-five" and insert in lieu thereof the word "forty-three"

On page 2 of the engrossed bill, immediately following line 17, insert the following:

"4. No school district shall receive foundation payments beyond the October payment unless the following reports have been filed with the superintendent of public instruction:

a. Annual average daily membership report.

- b. Annual school district financial report.
  - c. The September tenth fall enrollment report.
  - d. The personnel report forms for certified and noncertified employees.
5. No school district shall receive the January foundation payment unless the taxable valuation and mill levy certifications are on file with the department of public instruction by December fifteenth."

SECTION 2. AMENDMENT. Section 15-40.1-07 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-07. High school per-pupil payments - Amount - Proportionate payments. There shall be paid each year from state funds to all school districts of the county operating high schools and to school districts contracting to educate high school pupils in a federal school, subject to adjustment as provided in section 15-40.1-09, payments as follows:

1. For high schools having under seventy-five pupils in average daily membership, the amount of money resulting from multiplying the factor 1.70 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
2. For high schools having seventy-five or more, but less than one hundred fifty pupils in average daily membership, the amount of money resulting from multiplying the factor 1.40 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
3. For high schools having one hundred fifty or more, but less than five hundred fifty pupils in average daily membership, the amount of money resulting from multiplying the factor 1.32 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
4. For high schools having a total high school enrollment of five hundred fifty or more pupils in average daily membership, the amount of money resulting from multiplying the factor 1.20 times the educational support per pupil as provided in

section 15-40.1-06 for each high school pupil registered in the schools each year.

Every high school district shall receive at least as much in total payments as it would have received if it had the highest number of pupils in the next lower category. No school district shall receive less in foundation program per-pupil payments than such district would have received in such payments based upon the enrollment in such district for the previous school year. However, no payment shall be made for those pupils for whom federal agencies provide education. Such payments shall not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this chapter have been met. Payments shall be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school district shall be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation or students enrolled in less than four units of standard high school work who are in their fourth year of high school coursework and who are enrolled in approved alternative high school curriculum programs, proportionate payments shall be made to the public school district in which such student is enrolled for specific courses. School districts offering high school summer school programs shall be eligible for proportionate payments provided each course offered in such programs satisfies requirements for graduation and comprises at least as many clock hours as courses offered during the regular school term. However, no proportionate payments may be made to school districts for summer physical education programs.

Districts that did not maintain high schools during the year of 1964-1965 shall not be eligible for payments unless they have a minimum enrollment of twenty-five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school work are offered, a minimum enrollment of fifteen pupils if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school work is offered. Payments pursuant to this chapter to school districts in bordering states shall be made after subtracting the amount realized from a twenty-mill levy in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

And renumber the lines and pages accordingly

**For the Senate:** Sens. Peterson, Freborg, Heinrich  
**For the House:** Reps. Schindler, Shaw, Hoffner

**SEN. PETERSON MOVED** that the conference committee report on HB 1048 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1048:** A BILL for an Act to amend and reenact sections 15-40.1-06 and 15-40.1-07 of the North Dakota Century Code, relating to the educational support for elementary and secondary school students and proportionate payments for summer physical education courses.

Which has been read.

#### ROLL CALL

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

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

**NAYS:** David; Dotzenrod; Heigaard; Meyer, D.; Shea

**ABSENT AND NOT VOTING:** None

HB 1048 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. LIPS MOVED** that the conference committee report on HB 1002 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1002:** A BILL for an Act making an appropriation for defraying the expenses of the superintendent of public instruction of the state of North Dakota; providing for transfers of funds from the federal revenue sharing and displaced homemaker funds; and to amend and reenact section 15-40.1-09 of the North Dakota Century Code as amended by House Bill No. 1549 as approved by the forty-ninth legislative assembly, relating to the determination of payments for per-pupil aid to school districts.

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; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; 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: David; Meyer, D.

ABSENT AND NOT VOTING: None

HB 1002 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. NELSON MOVED that the conference committee report on HB 1006 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act making an appropriation for defraying the expenses of various divisions under the supervision of the director of institutions 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 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; 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: David; Lashkowitz

ABSENT AND NOT VOTING: Freborg; Heigaard

HB 1006 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the conference committee report on HB 1009 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1009: A BILL for an Act making an appropriation for defraying the expenses of the department of human services, state hospital, and the governor's council on human resources; providing for an appropriation and transfer from the land and minerals trust fund to the common schools trust fund; providing legislative intent regarding medical assistance payment determinations and low income home energy assistance payments; and providing the emergency commission with appropriation transfer authority.

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, 3 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Kelly; Moore; Streibel

ABSENT AND NOT VOTING: None

HB 1009 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on HB 1010 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act making an appropriation for defraying the expenses of the Grafton state school, San Haven, protection and advocacy project, and deinstitutionalization court monitor 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 46 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; David; Kelly; Moore; Mutch; Streibel

ABSENT AND NOT VOTING: Thane

HB 1010 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. THANE MOVED that the conference committee report on HB 1031 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1031: A BILL for an Act making an appropriation for defraying the expenses of the state penitentiary and various divisions thereof of the state of North Dakota.

Which has been read.

## ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; 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; Vosper;  
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Tweten

HB 1031 passed and the title was agreed to.

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#### MOTION

SEN. THANE MOVED that SB 2029 be placed below SB 2036 on the Seventh order of business on the calendar, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on SB 2032 be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2032: A BILL for an Act making an appropriation for defraying the expenses of the workmen's compensation bureau and the divisions thereof of the state of North Dakota.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; 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; Shea; Stenehjem; Streibel;  
Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;  
Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Satrom

SB 2032 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on SB 2036 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2036: A BILL for an Act to transfer a portion of motor vehicle fuel tax revenue to the general fund for the purpose of defraying the cost of administering the motor vehicle fuel tax laws.

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 2036 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

SEN. THANE MOVED that the conference committee report on SB 2029 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act making an appropriation for defraying the administrative costs of the public employees retirement system, and the deferred compensation committee of the state of North Dakota; to provide for a transfer; to amend and reenact section 54-52.1-04.2 of the North Dakota Century Code, relating to the self-insurance plan for hospital and medical benefits coverage; 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; 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: Dotzenrod

SB 2029 passed, the title was agreed to, and the emergency clause carried.

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#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a concurrent resolution congratulating the North Dakota State University Bison Club Hockey Team for winning the 1985 National Collegiate Club Hockey Tournament held at Huntsville, Alabama, on March 1, 2, and 3, 1985, and recommends the same be introduced.

SEN. TENNEFOS, Chairman

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

#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sens. Matchie, Tennefos and Reps. Moore, Nalewaja, R. Berg introduced:

(Approved by the Committee on Delayed Bills)

SCR 4084: A concurrent resolution congratulating the North Dakota State University Bison Club Hockey Team for winning the 1985 National Collegiate Club Hockey Tournament held at Huntsville, Alabama, on March 1, 2, and 3, 1985.

Was read the first time.

#### MOTION

SEN. MATCHIE MOVED that the rules be suspended, that SCR 4084 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. Matchie, Tennefos and Reps. Moore, Nalewaja, R. Berg introduced:

#### SENATE CONCURRENT RESOLUTION NO. 4084

A concurrent resolution congratulating the North Dakota State University Bison Club Hockey Team for winning the 1985 National

Collegiate Club Hockey Tournament held at Huntsville, Alabama, on March 1, 2, and 3, 1985.

WHEREAS, the North Dakota State University Bison Club Hockey Team completed its first full season of collegiate competition by compiling an impressive record of 24 wins and only 6 losses, culminating in the National Championship title at the National Collegiate Club Hockey Tournament in Huntsville, Alabama; and

WHEREAS, the North Dakota State University Bison Club Hockey Team, coaches, advisor, financial contributors, students, boosters, and fans have all contributed to making collegiate hockey at North Dakota State University a reality and a huge success in the first full year of competition; and

WHEREAS, the North Dakota State University Bison Club Hockey Team's outstanding season and National Championship are accomplishments of which all North Dakotans can be justifiably proud;

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 takes great pride and pleasure in extending its congratulations to the North Dakota State University Bison Club Hockey Team which consists of team members Jeff Aikens, Todd Akkanen, Wade Amundson, Matt Andrews, Mike Berg, Tom Bruce, Bill Bye, Ryan Christianson, Mike Duffey, Tom Folske, Erick Grafstrom, Jeff Iverson, Greg LaDouceur, Jim Mikkelson, Doug Odegaard, Terry Pavek, John Schacher, Don Smith, Elliott Solheim, Kary Strandell, Bill Strauss, Student Trainer Scott Johnson, Head Coach Dave Morinville, Assistant Coach Jim Shaw, and Faculty Advisor, Dr. Bob Nielsen, for their most successful season and for winning the 1985 National Collegiate Club Hockey Tournament; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration at North Dakota State University, to the North Dakota State University Bison Hockey Club and team members, to Head Coach Dave Morinville, and to Faculty Advisor, Dr. Bob Nielsen.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4084: A concurrent resolution congratulating the North Dakota State University Bison Club Hockey Team for winning the 1985 National Collegiate Club Hockey Tournament held at Huntsville, Alabama, on March 1, 2, and 3, 1985.

Was read the second time.

The question being on the final adoption of the resolution.

SCR 4084 was declared adopted on a voice vote.

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FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3106: A concurrent resolution urging the President of the United States and the Congress of the United States to maintain full funding for the National School Lunch Program.

Was read the first time.

MOTION

SEN. VOSPER MOVED that the rules be suspended, that HCR 3106 not be printed, not be referred to committee, be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3106: A concurrent resolution urging the President of the United States and the Congress of the United States to maintain full funding for the National School Lunch Program.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3106 was declared adopted on a voice vote.

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FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3107: A concurrent resolution directing the Legislative Council to determine current state construction needs, develop a systematic approach for the planning and the establishment of priorities for future state construction projects, and to study alternative means to finance such projects.

Was read the first time.

MOTION

SEN. KILANDER MOVED that the rules be suspended, that HCR 3107 be printed, not be referred to committee, be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3107: A concurrent resolution directing the Legislative Council to determine current state construction needs, develop a systematic approach for the planning and the establishment of priorities for future state construction projects, and to study alternative means to finance such projects.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3107 was declared adopted on a voice vote.

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MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

SB 2029, SB 2032, SB 2036

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1002, HB 1006, HB 1009, HB 1010, HB 1031, HB 1048,  
HB 1404, HB 1446, HB 1494, HB 1526, HB 1636

LEO LEIDHOLM, Secretary

MOTION

SEN. REDLIN MOVED that the Senate reconsider the action by which HB 1663 failed to pass.

REQUESTS

SEN. NETHING REQUESTED a recorded roll call vote on the motion to reconsider HB 1663, which request was granted.

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

MOTION

SEN. NETHING MOVED that the call of the Senate be receded, which motion prevailed.

ROLL CALL

The question being on the motion to reconsider HB 1663, the roll was called and there were 30 YEAS, 23 NAYS, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Adams; Bakewell; Christensen; David; Freborg; Ingstad; Kelly; Kilander; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Streibel; Tennefos; Todd; Vosper; Wright

**ABSENT AND NOT VOTING:** None

The motion to reconsider HB 1663 prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1663:** A BILL for an Act to provide for a contingent sales and use tax increase if general fund revenue receipts fall below a specified level; and to provide an expiration 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 27 YEAS, 26 NAYS, 0 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** None

HB 1663 passed and the title was agreed to.

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#### MESSAGES TO THE HOUSE 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 4084

LEO LEIDHOLM, Secretary

#### SENATE CHAMBER

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

HCR 3106, HCR 3107

LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1663

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2267

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

SCR 4084

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.

SB 2029, SB 2032, SB 2036

ROY GILBREATH, Chief Clerk

THE PRESIDENT ANNOUNCED the following 1985-86 Interim Committee appointments:

## SENATE INTERIM COMMITTEE APPOINTMENTS

## Legislative Council:

Senators Nething  
Lodoen  
Adams  
Olson  
Heigaard  
Satrom  
Matchie

## Capitol Grounds Planning Commission:

Senators Tennefos  
Kilander  
Tallackson

## Multistate Tax Compact Advisory Committee:

Senators Wright  
Waldera

## Education Commission of the States:

Senator Peterson

Indian Affairs Commission:  
Senator D. Meyer

North Dakota Centennial Commission:  
Senators Holmberg  
Mushik

#### POINTS OF PERSONAL PRIVILEGE

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

Madam President, members of the Senate, I rise to honor one of our colleagues today. This Senator is a member of the Education Committee and he is a member of the Political Subdivisions Committee. The Senator that I am talking about is Senator Berube. Senator Berube has been with us here for thirty-four years. He has been on the Education Committee all that time and, tomorrow, he is going to be eighty years old. I am not a very good singer, but I do want Senator Wright to lead, because I know he can lead us, and so I would like at this time to congratulate Senator Berube. We have a small token for you that I know you wanted, nothing much, but that's about what our two committees could afford for you. I would like the Senate to stand and sing "Happy Birthday" to Senator Berube.

SENATOR BERUBE: Madam President, members of the Senate, I have spent a number of sessions in here, and I would like to say that it is probably one of the best sessions that I ever spent here. This is not what I really got up for. I understand those doughnuts are being distributed in honor of my birthday and I want to thank those who were responsible for giving us all refreshments. I don't know them personally, but I want to thank them very much for it, and I think at this time of the day it was well appreciated. Thank you.

#### MOTION

SEN. NOTHING MOVED that the Senate resolve itself into a "Hearts and Flowers" session, which motion prevailed.

#### HEARTS AND FLOWERS SESSION

SEN. NOTHING: Madam President, I request that Senator Naaden be recognized.

SEN. NAADEN: Madam President, ladies and gentlemen of the Senate, it is my honor to give to the desk force their recognition for their work in this session. As you know, they have been here for quite some time and I think everybody will agree that they do a tremendous job. Our Secretary of the Senate gave us a scare last December when

he became ill and we were really concerned about that, but Leo recovered, came back to work and has been there every day since we came into session in January. If I could have a page, this is a gift for Leo, our Secretary of the Senate, and I think we should give him a round of applause.

Next, our Assistant Secretary of the Senate, Vern Asheim, was also going to be a "dropout" in this session. We prevailed upon him to come back and serve us one more time, and I would like to present this gift for his good work in the session.

Our next gift goes to our Bill Clerk, Sandy Boehler. I am not privileged to look at her smiling face like some of the rest of the Senators, she's always behind everybody on this side. Sandy, you've done a great job and we hope that you will be back with us again. Sandy, this is your gift.

Last, but not least, is Doris McMahon, our faithful Desk Reporter. She has not only done a commendable job during the session, but the people that we have working for us in the Senate, she was up here a month and a half before the session started doing interviews contacting people, just a tremendous job, and I don't know how the Employment Committee could have ever functioned without her. Doris, your work is tremendous and we appreciate you very much. Thank you.

We have one more gift here for our Sergeant-at-Arms, Olger Sandven, who has been with us as long as I've been here, I guess. He is a part of the Senate, and a very important part of the Senate. Olger, with this gift, we thank you for your faithful service to the Senate of the State of North Dakota. Thank you, Olger.

LEO LEIDHOLM: Madam President, members of the Senate, on behalf of the desk force, our Sergeant-at-Arms, we would like to say "Thank you" first to Senator Naaden for his kind words and to all the Senators; we enjoyed working with you this 49th Legislative Session. Our desk force has worked as a team for several sessions. Sandy has been here five, Doris has been here six, Vern has been here four sessions as a Bill Clerk, and five as a very capable and dedicated Assistant to the Secretary. Yours truly, of course, has been here ten sessions and it has always been a privilege. Our desk force has had the privilege this session to work with the First Lady in North Dakota to preside over the North Dakota Senate, and, Madam President, we would like to congratulate you on a job well done, and to the rest of you Senators, we wish to say "Thank you" again and hope you have many happy and prosperous years.

SEN. NETHING: Madam President, I now ask that you recognize Senator Wright.

SEN. WRIGHT: Madam President, members of the Senate, it is a privilege for me to make this next award. Madam President, I have had the opportunity and privilege of serving from the 4th District now, for the past twelve years, with you as a fellow legislator, and now our Lieutenant Governor. As my neighbor from the Ross community, I want to congratulate you on a fine job of being our Lieutenant Governor and President of this Senate this session. I feel you have done a firm, but also very courteous job directing all of us. Madam President, members of the Senate, I have always known that our President has always wanted to serve in the North Dakota Senate, and I am pleased she chose to do it this way. Madam President, on behalf of the Senators, we would like to say "Thank you" and to give you this small token of our appreciation. Thank you, Lieutenant Governor Ruth Meiers.

PRESIDENT MEIERS: I have said many times I wish I had a gavel, and this time I do. First, I want to express my sincere appreciation to the desk force who, incidentally, gave me an engraved gavel today, which I very much appreciate. I just want to say that I think Leo Leidholm could make anybody look good up here. You have a superb desk force in the Senate, and I am sure you all know that. It's been a pleasure to work with them and they have been very helpful and supportive. I do want to tell each of you Senators that I feel that you have also been helpful and supportive, in fact, you have been gracious and outright kind, and I have truly appreciated that. You have proved that it really isn't a matter of gender who presides over the Senate and I accept that and I appreciate it, and I thank each of you personally. It truly has been a pleasure to serve in the Senate of North Dakota, and to serve the State of North Dakota, and I thank you very much.

SEN. JERRY MEYER: Madam President, members of the Senate, the next person we are honoring today we elected not only because of his stature, but because of his ability, and I think also because he was in the majority. When he took his chair as "Madam President" I thought he did a fine job and we moved along very swiftly and efficiently. To show you an example of how cool this man is in his wonderful aplomb, I talked to him at the Ramada Inn on election day, and you know he didn't know it was election day. Senator Reiten, you do a wonderful job, your voting record is improving, and we are awfully proud of you. On behalf of the Senate, I would like to present you with this token of our appreciation.

SEN. REITEN: Madam President, there have been many President Pro Tems in the past, and I know most of them were better than I, but I will admit, I don't think there were any who were louder than I, so I thank you for that.

- SEN. PETERSON: Madam President, ladies and gentlemen of the Senate, it is my privilege and honor to present a small gift to the Assistant Minority Leader, Senator Rick Maixner. This gift is a token of appreciation from the members of this Senate, and to an individual whom we want to recognize for many hours of hard work and for willingness to give his time and talent to the citizens of North Dakota. As a member of this Senate, I have appreciated your comments to this assembly from time-to-time, and although I have never had the opportunity to serve with Senator Maixner on a committee, I think he has been fair and I hope he feels the same about the Senate Majority. He has been an excellent leader for his party, and it gives me a great deal of pleasure to present this gift to Senator Maixner.
- SEN. MAIXNER: Thank you, Senator Peterson; thank you, members of the Senate, for this gift. It is a pleasant surprise, I didn't know the assistants got gifts. It has been a wonderful session for me. I have enjoyed the work and I have enjoyed the fairness and decency of all the Senators here. I appreciated very much the opportunity to serve with all of you, and thank you for the gift.
- SEN. MUSHIK: Madam President, members of the Senate, it is my pleasure to make the next presentation. When I was a member of that other body, I found that I serve on many interim committees with Senator Gary Nelson, and in our work I found him to be very competent and very gracious. I will admit that several legislators told me that Senator Nelson was a fiscal conservative and I really had difficulty believing that after serving on those committees. That is, until I became a member of the Senate Appropriations Committee. I have now discovered that when you are dealing with appropriations, that Senator Nelson has at least forty different ways of saying "no", but he does say it graciously and firmly. Seriously, Senator Nelson is a very direct, forceful personality. Gary has been a courteous, a pleasant, and a very efficient Assistant Majority Leader. It has been a pleasure to serve with him in the Senate Appropriations Committee and in this Senate, and I know that all of us appreciate his competence and his friendship. So, from all of us, we would like to present you with a gift. Congratulations and best wishes.
- SEN. NELSON: Madam President, members of the Senate--thank you, Senator Mushik for the kind words, I only had thirty-eight in the repertoire--that must have been a day I was mad. Senator Maixner, I am a little surprised that the assistants get any gifts either, but then they do most of the work, they do deserve. I would like to thank the members of the majority caucus, as well as the members of the minority caucus, for the cooperation that they always extended during the times that I was in charge of running

the Senate. It would have been very easy for somebody to try to embarrass me at those particular times and I appreciate the fact that that was never thought about and never happened. I would also like to thank the Majority Leader for his extended traveling so that I had the opportunity to do that once in awhile. Seriously, Senator Nething, it has been a pleasure and experience working under your leadership. I have appreciated that. Thank you for the gift.

SEN. HOLMBERG: Madam President, ladies and gentlemen of the Senate, it is my responsibility and privilege to present a token of appreciation to the leader of the minority faction in this 49th legislative assembly.

Senator Heigaard, you conducted yourself with style and dignity. You did your job, you did it well. You lost many, but you won a few, too. You were fair, cooperative, and exceedingly capable in leading your forces during this difficult session. Through your hard work you have earned the title "Leader." Who knows, with your talent and ability, and if Walter Mondale had been elected President in 1984, you could very well be being fitted for judicial robes right now, rather than another member of this legislative assembly. It is with deep appreciation, that I present this remembrance to the leader of the permanent Minority in our Senate. We were honored to serve with you, and we thank you.

SEN. HEIGAARD: Thank you, Senator, for the kind remarks. Because we had such a slow morning and nothing going on, I have been able to prepare a lengthy speech. You will be happy to know that. Seriously, I want to take this opportunity to thank and commend people, Lieutenant Governor Meiers, the desk staff, all of the pages, our staff, and everyone who contributed to making this session a workable one, a very workable one. It has been a very interesting experience for me. I do want to talk briefly with Senator Nething and thank him for the session. Although occasionally we have not agreed, and I have been forced to eulogise you on occasion, on the floor here, I want this body to know that Senator Nething has treated me with absolute fairness and kindness. He has kept us abreast of the session as it was going on. We were not ever in for any big surprises, and that's a very important thing when you're in the Minority party, and, Senator Nething, I do deeply appreciate the kindness that you have shown to me as Minority Leader, and I hope in the next session that, and I certainly intend to, if my caucus would elect me as such, show you the same kindness as a Majority Leader.

Also, to the majority caucus, I think we have had a fairly harmonious session here and I certainly thank you for the

cooperation and the kindness that we have gone through. To my caucus, the hard work and everything that has gone into this, and especially to my two cohorts here, Senator Wogsland and Senator Maixner, who, the Senate Assistant Majority Leader says, have done all the work, I acknowledge that. They do do all the work and they do a good job. Thinking back, I was just sitting here thinking, it seems that we just sat down here and now it is three months later. I am ready to go, and I am not ready to go, but this has been a very fast session and a very enjoyable one, and I look forward to seeing about twenty-four of the Majority Party here next session and somewhere around twenty-nine of the Minority Party, and we will have it just a little different here. Thank you.

SEN. REDLIN: Madam President, members of the Senate, it is my privilege to present a gift to the Majority Floor Leader, which carries with it our thanks for a job well done in shepherding the affairs of this Senate. Senator Nething, you have protected the opportunity for each of us to participate in the decision process while you have skillfully guided us to the point of ultimate decision which is our mission here. Your efforts have contributed in a great measure to the respect of our democratic processes of government which we all cherish. Senator Nething, on behalf of all of the members of this Senate, I present to you this gift of appreciation with our best wishes.

SEN. NETHING: Thank you very much, Senator, it is always interesting to hear the remarks of Senator Nelson. I was fortunate to have someone willing to do some of the things that he did for me this session. It was because of my involvement in some other legislative things, I think I traveled about 24,000 miles in the first two-and-a-half months, it was all on legislative business, and it did give Senator Nelson a chance to experience some of the pressures that exist here today, and, hopefully, there will no longer be pressures. He did do a lot of work and he took me off the hook a lot of times. I've told the story to our Majority members, but I don't think I ever told the Minority members about one day when I had a group in the office and they were wanting to have an increased appropriation, and there wasn't any way that I could do it. I didn't tell them that, so I called down to Appropriations and had Senator Nelson come up, and he walked in and I introduced them to the group, and he said, "Well, we don't have any money for you." I thought that was pretty astute of him; they left, and I said, "Would you stay just a minute?", and I said "How did you know that I wanted you to tell them that we didn't have any money for them?" "Well," he said, "that was easy, if we would have had money to give them, you would have said so."

And so it goes. Senator Nelson, Senator Naaden, and Senator Wright, you have been very close to me this session. I really appreciate it. You can't do the things that need to be done in our legislative style of legislature without help. The committee chairmen, the vice chairmen, in order to complete our work in the time we do, you have to shoulder the brunt of it and you did, and I appreciate it very much. To our legislative staff, that's our clerks, some in the balcony, telephone operators, bill book clerks, pages, desk force, our chief payroll clerk, all of you are part of the process and it's a great thing that you are willing to do that, I don't want to omit anyone.

I've been fortunate to have Lois as my secretary; this year Sharon was with us. That meant that Lois could do twice as much with half the time, or half as much with twice the time, however it went some days.

To Jeanne, our intern, and all of the interns, we appreciate your contribution.

Madam President, we appreciate the way that you have presided. It has to be a rather intimidating thing to come into this body, not having served here, and to take the presiding officer's chair and wonder, "What do I do now?" You have done well, Madam President, and very well. I have said so on other public occasions, and I want you to know that. I think all of us have to remember that we are not here as persons for our own benefit. We are here as elected legislators for the benefit of the State of North Dakota, and that representation in this institution is extremely important, and how you conduct yourselves has to be above and beyond any kind of level you ever experienced before. People like myself, for example, have to wear a tie everyday, and I don't really like that, but that is very important to this body, our appearances, the way we conduct ourselves on the floor, the way we do things in debate, and the way we respect one another's viewpoint. I have always tried to, in my time as Majority Leader, be as fair to the Minority as I would want them to be to me if I were in that same role, and what it does, I think, is to help the institution, and it makes me sleep better at night because I don't have to worry about retaliation for something because I've got somebody mad at me. You know that's really kind of the way life is too, and so I guess if we do follow that rule, why, it's probably pretty good for all of us. All of us, I think, can feel good about the session; I hope the public feels good about what we've done, there are always disappointments, some more serious than others. It's going to be an interesting weekend for each of us. It's kind of hard to see your friends leave, but it won't be too long and we'll be back here with the interim committees, and back again working for the good of

the state. I thank the Majority for letting me be your leader. Thank you.

LEO LEIDHOLM: Madam President, ladies and gentlemen of the Senate, time is fast approaching when everything will come to a halt as far as the 49th Legislative Session is concerned and we, the Senate employees, wind down right along with each of you. It has been a real pleasure to work for this body in attempting to make your work a little easier and more cheerful. We hope we have accomplished that very thing. On behalf of all the Senate employees, we have a small token of our appreciation for having been a part of this legislative session and, if the pages would come forward, we would like to present a small gift to Senator Naaden, Senator Nelson, Senator Reiten, Senator Walter Meyer, and Senator Satrom. We can only say "So long, good luck, good health, and may all of you have a safe and prosperous interim and return here again in the future."

SEN. NAADEN: Madam President, this is my first session to serve as the Chairman of the Employment Committee, and it was really a pleasure. It has been a real pleasure to have the work force that we've had in the Senate this session. We always seem to end up with tremendous people and it doesn't seem to matter whether they are appointed by the Majority or the Minority, they all join in and try to make our work here just as enjoyable as possible. I read a little poem that one of our pages from last session put on the wall in the Majority Leader's office, and I think this is the way our desk force, our whole work force, views the Senate, and I would like to repeat it again. "It's not my job to run the train, the whistle I cannot blow, It's not my job to say how far the train's allowed to go, It's not my job to shoot off steam, Nor even clang the bells, But let the darn thing jump the track and see who catches hell."

Thanks so much for the gifts, and I have one more presentation to make, and I see those gentlemen in blue over there, and if you will come around here, we have a little token of appreciation for the janitors of our Senate. They are ones who stay after hours, clean the place up and keep everything nice and tidy--except the top of my desk--but then I'm not like my seatmate here, I don't have a nice bookcase back here to put my things on, I've got to jam everything on top. To Kevin Erhardt, Dick Lang, and Lucas Geisinger, thank you.

SEN. NETHING: I move the "Hearts and Flowers Session" be dissolved, which motion prevailed.

## POINTS OF PERSONAL PRIVILEGE

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

Madam President, this has been a special session for me too, because I have now been admitted to the bar after being several sessions on the Judiciary Committee. My committee, those lawyers, they didn't want to be presided over any longer by a non-attorney. So I have this certificate, it looks very official to me, at least I'm going to go on the strength of it. "The Senate of the State of North Dakota", it has the seal on there, Leo Leidholm has his signature on the bottom, I don't know if he remembers that or not, but it makes me an attorney and counselor of the Senate of the State of North Dakota. So I will go on giving advice especially now. Chester here is always asking how to vote and things like that, I'll continue to do that; however now it's going to cost you because my advice is now my stock in trade.

SEN. HOLMBERG: Madam President, members of the Senate, I would like to alert the Senate to the fact that that is the first "bar" that Senator Christensen has been admitted to.

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

Madam President, ladies and gentlemen of the Senate. Last Friday we had a farm crisis rally on the front steps of the capitol. I have been in contact with the organizers of the committee as a very unfortunate situation occurred out there. I have been assured by the members of that committee that they had nothing to do with the outrageous part of the program that occurred out there in front. I have had assurances from many of the people who were involved in the organization of that rally, that they deeply regret the happening at that rally.

## ELECTION OF PRESIDENT PRO TEM

SEN. OLSON: Madam President, members of the Senate. It is indeed an honor for me to place in nomination somebody who I just came to know a couple of years ago, someone who I really believe has the respect of all of us in this assembly, somebody that I have come to realize gains leadership positions because he doesn't ask for them, but because those around him know of his abilities and have a great deal of confidence in him. That man is Senator Clayton Lodoen from West Fargo. He is serving his fifth term in the Senate. He told me that he is going to start his twentieth year as Mayor of West Fargo, and you will recall several weeks ago, he made a statement that he might even run again, although I don't know if that's true. He serves on the nominating committee for the National

Conference of State Legislatures, he is our chairman of the State and Federal Government Committee. He previously served as chairman of the Political Subdivisions Committee of this body. He is also on the Legislative Council. I know that he will represent us well and lead us well if need be as President Pro Tempore. I know that all of us can have the confidence that what he does will be completely fair and just, and it is indeed an honor for me as well as I hope it is for all of us, to support a person who we can call a friend, and in whom we have a great deal of trust and confidence in, so for those reasons, Madam President, I am pleased to announce my nomination of Senator Clayton Lodoen for President Pro Tem.

SEN. HEIGAARD: Madam President, members of the Senate, I rise in support of the nomination for President Pro Tem, Senator Lodoen. I have known Senator Lodoen for some four years now, and I know he will do an excellent job for us.

SEN. NOTHING: Madam President, I move that nominations cease, and that a unanimous ballot be cast for Senator Lodoen.

The question being on the motion that a unanimous ballot be cast for Senator Lodoen, the motion prevailed on a voice vote.

#### ELECTION OF PRESIDENT PRO TEM FOR THE INTERIM

SEN. CLAYTON LODOEN WAS ELECTED President Pro Tem.

SEN. LODOEN: Madam President, I would certainly like to thank this body for this honor. I thank Senator Olson for the fine speech he gave on my behalf, Senator Heigaard for the remarks. I certainly consider it an honor to have this post. I guess one of the things that bothers me a little bit, I usually think when you get these things, that it's for somebody who is on the way out and it's kind of a gift, so you don't see him again. I hope that isn't the intent, I may do that with the Mayor part, but I would like to be back so that the comments that were made here before, that I might be back in the majority again if I do come back, were appreciated. Thank you very much.

#### 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 2001, SB 2002, SB 2003, SB 2009, SB 2010, SB 2019,  
 SB 2025, SB 2178, SB 2249, SB 2338, SB 2345, SB 2373,  
 SB 2455

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 engrossed:

SB 2029, SB 2032, SB 2036, SB 2138, SB 2313, SCR 4084  
SEN. BAKEWELL, Chairman

SEN. TWETEN 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 2001, SB 2002, SB 2003, SB 2009, SB 2010, SB 2019,  
SB 2025, SB 2178, SB 2249, SB 2338, SB 2345, SB 2373,  
SB 2455, SB 2507, SCR 4010, SCR 4022, SCR 4082, SCR 4083  
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 2029, SB 2032, SB 2036, SB 2138, SB 2313, SCR 4084  
SEN. BAKEWELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2001, SB 2002, SB 2003, SB 2009, SB 2010, SB 2019,  
SB 2025, SB 2178, SB 2249, SB 2338, SB 2345, SB 2373,  
SB 2455, SB 2507, SCR 4010, SCR 4022, SCR 4082, SCR 4083  
LEO LEIDHOLM, Secretary

## SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2029, SB 2032, SB 2036, SB 2138, SB 2313, SCR 4084  
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 2001, SB 2002, SB 2003, SB 2009, SB 2010, SB 2019,  
SB 2025, SB 2029, SB 2032, SB 2036, SB 2138, SB 2178,  
SB 2249, SB 2313, SB 2338, SB 2345, SB 2373, SB 2455,  
SB 2507, SCR 4010, SCR 4022, SCR 4082, SCR 4083, SCR 4084  
LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2001, SB 2002, SB 2003, SB 2009, SB 2010, SB 2019,  
SB 2025, SB 2029, SB 2032, SB 2036, SB 2138, SB 2178,  
SB 2249, SB 2313, SB 2338, SB 2345, SB 2373, SB 2455,  
SB 2507, SCR 4010, SCR 4022, SCR 4082, SCR 4083, SCR 4084  
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 Governor for his approval:

SB 2001, SB 2002, SB 2003, SB 2009, SB 2010, SB 2019,  
SB 2025, SB 2029, SB 2032, SB 2036, SB 2138, SB 2178,  
SB 2249, SB 2313, SB 2338, SB 2345, SB 2373, SB 2455,  
SB 2507

SEN. BAKEWELL, Chairman

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

MESSAGE FROM THE HOUSE  
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 1001, HB 1002, HB 1003, HB 1006, HB 1009, HB 1010,  
HB 1011, HB 1013, HB 1017, HB 1019, HB 1023, HB 1029,  
HB 1031, HB 1035, HB 1048, HB 1049, HB 1067, HB 1069,  
HB 1072, HB 1196, HB 1243, HB 1250, HB 1327, HB 1404,

HB 1446, HB 1494, HB 1522, HB 1523, HB 1526, HB 1528,  
 HB 1574, HB 1588, HB 1636, HB 1638, HB 1653, HB 1660,  
 HB 1662, HB 1663, HCR 3102, HCR 3104, HCR 3105, HCR 3106,  
 HCR 3107

ROY GILBREATH, Chief Clerk

**SIGNING OF BILLS AND RESOLUTIONS**

**THE SECRETARY ANNOUNCED** that the President signed the following:

HB 1001, HB 1002, HB 1003, HB 1006, HB 1009, HB 1010,  
 HB 1011, HB 1013, HB 1017, HB 1019, HB 1023, HB 1029,  
 HB 1031, HB 1035, HB 1048, HB 1049, HB 1067, HB 1069,  
 HB 1072, HB 1196, HB 1243, HB 1250, HB 1327, HB 1404,  
 HB 1446, HB 1494, HB 1522, HB 1523, HB 1526, HB 1528,  
 HB 1574, HB 1588, HB 1636, HB 1638, HB 1653, HB 1660,  
 HB 1662, HB 1663, HCR 3102, HCR 3104, HCR 3105, HCR 3106,  
 HCR 3107

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 1001, HB 1002, HB 1003, HB 1006, HB 1009, HB 1010,  
 HB 1011, HB 1013, HB 1017, HB 1019, HB 1023, HB 1029,  
 HB 1031, HB 1035, HB 1048, HB 1049, HB 1067, HB 1069,  
 HB 1072, HB 1196, HB 1243, HB 1250, HB 1327, HB 1404,  
 HB 1446, HB 1494, HB 1522, HB 1523, HB 1526, HB 1528,  
 HB 1574, HB 1588, HB 1636, HB 1638, HB 1653, HB 1660,  
 HB 1662, HB 1663, HCR 3102, HCR 3104, HCR 3105, HCR 3106,  
 HCR 3107

LEO LEIDHOLM, Secretary

**MESSAGE FROM THE HOUSE  
 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 1007, HB 1008, HB 1012, HB 1015, HB 1016, HB 1020,  
 HB 1021, HB 1022, HB 1024, HB 1025, HB 1027, HB 1028,  
 HB 1033, HB 1034, HB 1036, HB 1037, HB 1043, HB 1545

ROY GILBREATH, Chief Clerk

**SIGNING OF BILLS AND RESOLUTIONS**

**THE SECRETARY ANNOUNCED** that the President signed the following:

HB 1007, HB 1008, HB 1012, HB 1015, HB 1016, HB 1020,  
 HB 1021, HB 1022, HB 1024, HB 1025, HB 1027, HB 1028,  
 HB 1033, HB 1034, HB 1036, HB 1037, HB 1043, HB 1545

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 1007, HB 1008, HB 1012, HB 1015, HB 1016, HB 1020,  
HB 1021, HB 1022, HB 1024, HB 1025, HB 1027, HB 1028,  
HB 1033, HB 1034, HB 1036, HB 1037, HB 1043, HB 1545

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has laid on the table and subsequently failed to pass:

SB 2375

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President was about to sign the certification by which Senate Bill No. 2072 failed to pass the Senate over the Governor's veto, and the President signed the same in the presence of the Senate.

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President was about to sign the certification by which Senate Bill No. 2119 failed to pass the Senate over the Governor's veto, and the President signed the same in the presence of the Senate.

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President was about to sign the certification by which Senate Bill No. 2300 failed to pass the Senate over the Governor's veto, and the President signed the same in the presence of the Senate.

LEO LEIDHOLM, Secretary

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:

SB 2072, SB 2119, and SB 2300, which have failed to pass the Senate over the Governor's vetoes, also copies of the Governor's objections, as well as the certificates of the presiding officers of the Senate as to the final actions of that body with reference to the passage of these bills.

SEN. BAKEWELL, Chairman

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

## 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 4010, SCR 4022, SCR 4082, SCR 4083

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 the following bill was delivered to the Secretary of State for his filing:

SCR 4084

SEN. BAKEWELL, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval:

SB 2005, SB 2007, SB 2011, SB 2012, SB 2013, SB 2014,  
 SB 2016, SB 2017, SB 2021, SB 2023, SB 2027, SB 2028,  
 SB 2030, SB 2031, SB 2033, SB 2035, SB 2159, SB 2307,  
 SB 2371, SB 2400

SEN. BAKEWELL, Chairman

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

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota  
 EXECUTIVE OFFICE  
 Bismarck

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 April 4, 1985, I signed the following:

SB 2049, SB 2160, SB 2197, SB 2253, SB 2274, SB 2468,  
 SB 2495, SB 2041, SB 2068, SB 2107, SB 2116, SB 2223,

SB 2251, SB 2279, SB 2284, SB 2312, SB 2405, SB 2445,  
SB 2470, SB 2477, SB 2508, SB 2510.

On April 5, 1985, I signed the following:

SB 2296.

Sincerely,

GEORGE A. SINNER  
Governor

#### MOTIONS

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

SEN. NETHING MOVED that the President appoint a committee of three to notify the Governor that the Senate has completed its business and is about to adjourn sine die, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Senators Streibel, Thane and Kelsh.

SEN. NETHING MOVED that the President appoint a committee of three to notify the House that the Senate has completed its business and is about to adjourn sine die, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Senators Adams, David and Matchie.

#### ANNOUNCEMENTS

SEN. STREIBEL ANNOUNCED that the committee appointed to inform the Governor that the Senate has completed its business and is about to adjourn sine die, has completed its task and requested that the committee be discharged, which request was granted.

SEN. ADAMS ANNOUNCED that the committee appointed to inform the House that the Senate has completed its business and is about to adjourn sine die, has completed its task and requested that the committee be discharged, which request was granted.

A committee from the House was received and announced that the House has completed its business and was ready to adjourn sine die.

#### MOTION

SEN. NETHING MOVED that the Senate adjourn sine die, which motion prevailed.

LEO LEIDHOLM, Secretary

## POSTSESSION ACTION BY GOVERNOR

Postsession Governor's action on Senate Bills delivered after adjournment:

Senate Bill No.	DATE SIGNED:
2007	April 9, 1985
2029	April 10, 1985
2015	April 11, 1985
2018	April 11, 1985
2024	April 11, 1985
2026	April 11, 1985
2053	April 11, 1985
2130	April 11, 1985
2216	April 11, 1985
2306	April 11, 1985
2062	April 11, 1985
2100	April 11, 1985
2114	April 11, 1985
2115	April 11, 1985
2186	April 11, 1985
2204	April 11, 1985
2260	April 11, 1985
2273	April 11, 1985
2354	April 11, 1985
2355	April 11, 1985
2369	April 11, 1985
2438	April 11, 1985
2464	April 11, 1985
2491	April 11, 1985
2065	April 11, 1985
2153	April 11, 1985
2257	April 11, 1985
2301	April 11, 1985
2352	April 11, 1985
2374	April 11, 1985
2489	April 11, 1985
2511	April 11, 1985
2001	April 15, 1985
2005	April 15, 1985
2016	April 15, 1985
2017	April 15, 1985
2019	April 15, 1985
2021	April 15, 1985
2023	April 15, 1985
2027	April 15, 1985
2031	April 15, 1985
2032	April 15, 1985
2033	April 15, 1985
2035	April 15, 1985
2135	April 15, 1985
2138	April 15, 1985
2178	April 15, 1985
2245	April 15, 1985

2313	April 15, 1985
2338	April 15, 1985
2341	April 15, 1985
2345	April 15, 1985
2373	April 15, 1985
2410	April 15, 1985
2411	April 15, 1985
2432	April 15, 1985
2450	April 15, 1985
2455	April 15, 1985
2507	April 15, 1985
2002	April 16, 1985
2003	April 16, 1985
2009	April 16, 1985
2010	April 16, 1985
2011	April 16, 1985
2012	April 16, 1985
2013	April 16, 1985
2014	April 16, 1985
2025	April 16, 1985
2028	April 16, 1985
2030	April 16, 1985
2036	April 16, 1985
2249	April 16, 1985
2307	April 16, 1985
2371	April 16, 1985
2400	April 16, 1985

## VETO MESSAGES

State of North Dakota  
EXECUTIVE OFFICE  
Bismarck

April 16, 1985

The Honorable Ben Meier  
Secretary of State  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. Meier:

Current law provides that on July 1, 1985, the maximum weekly benefit amount for job insurance payments will be 67 percent of the average weekly wage in North Dakota. Senate Bill 2159 would reduce and freeze the maximum weekly benefit amount permanently, regardless of what happens to the economy, prices or wages.

The 1983 Legislature already took action to cut benefit payments substantially. The cuts in this bill go beyond what is needed and place an unfair burden on the worker.

Very early in the legislative session, I appointed a committee to try to develop a compromise position that everyone could support.

FRIDAY, APRIL 5, 1985

2317

Unfortunately, a final compromise was not accepted by the Legislature.

I am directing Job Service North Dakota to continue a strong program of screening recipients who draw job insurance benefits and to begin an immediate review of the entire job insurance program to determine any long-range improvements that can be made. I recognize the need for a realistic tax level for the job insurance program, but I also recognize the need for an adequate program of job insurance benefits.

Therefore, I veto Senate Bill 2159.

Sincerely,

GEORGE A. SINNER  
Governor

State of North Dakota  
EXECUTIVE OFFICE  
Bismarck

April 16, 1985

The Honorable Ben Meier  
Secretary of State  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. Meier:

Senate Bill 2436 attempts to define and make distinctions between the terms "printing" and "duplicating" which are unclear and confusing. It would place arbitrary limits upon State printing and duplicating without regard to efficient or cost-effective considerations.

The Central Duplicating Service has, in the past, exceeded the limits mandated by this bill and has done so because there has been a cost savings and better service for the State.

While it is neither wise nor beneficial to enlarge printing and duplicating services excessively, neither is it wise to place arbitrary limits upon those services. State government is not in the business of competing with private enterprise, but it is charged with utilizing tax dollars as effectively and efficiently as possible. This bill would prevent that.

Therefore, I veto Senate Bill 2436.

Sincerely,

GEORGE A. SINNER  
Governor