

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, April 13, 1989

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

The prayer was offered by Rev. Ross Rhinehiller, Good Shepherd United Methodist Church, Mandan.

The roll was called and all Representatives were present, except Representatives G. Berg, Flaagan, Gerl, Gorman, Murphy, Smette, V. Thompson.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)
MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Sixty-eighth Day and finds it to be correct.

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

HOUSE ENROLLING REPORT

The following bill was enrolled: HB 1071.

HOUSE ENROSSING AND ENROLLING REPORTS

The following bill was engrossed and enrolled: HB 1401.

The following resolution was engrossed and enrolled: HCR 3087.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 10:30 a.m., which motion prevailed.

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

HOUSE ENROSSING REPORT

The following bill was engrossed: HB 1674.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 8:35 a.m., April 13, 1989: HCR 3088.

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 8:35 a.m., April 13, 1989: HB 1063, HB 1098, HB 1191, HB 1245, HB 1365, HB 1422, HB 1504, HB 1614, HB 1634.

VETO CERTIFICATION

The following bills were delivered to the Legislative Council for veto certification: HB 1076, HB 1254, HB 1320, HB 1520.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred SB 2539 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 2, after "license" insert "; and to declare an emergency"

Page 1, line 8, after "license" insert "if accompanied by an adult possessing a valid fishing license"

Page 1, after line 10, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2539 was placed on the Sixth order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1128 has had the same under consideration and recommends that your conference committee, having been unable to agree, recommends that the conference committee be discharged and a new conference committee be appointed.

For the Senate: Sens. Keller, Schoenwald, Nething
For the House: Reps. Dorso, Tokach, Frey

Engrossed HB 1128 was placed on the Seventh order of business on the calendar.

SIXTH ORDER OF BUSINESS

REP. A. OLSON MOVED that the amendments to SB 2539 as recommended by the Committee on Natural Resources be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SB 2539, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2539: A BILL for an Act to amend and reenact section 20.1-03-08 of the North Dakota Century Code, relating to nonresident fishing licenses; and to declare an emergency.

MOTION

REP. SCHMIDT MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 55 YEAS, 45 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Frey; Gerhardt; Gerntholz; Gilmore; Graba; Hanson, L.; Haugland; Hoffner; Hokana; Jensen; Kaldor; Kelly; Kolbo; Larson, R.; Laughlin; Lindgren; Marks; Martin; Mertens; Myrdal; Nelson;

Ness; Nowatzki; Oban; Peterson; Ring; Rydell; Scherber; Schindler; Schneider; Shockman; Skjerven; Smette; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gates; Goetz; Gunsch; Halmrast; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Huether; Kingsbury; Kloubec; Kneill; Kouba; Lang; Larson, D.; Martinson; Melby; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Schatz; Schmidt; Shaft; Shide; Solberg; Soukup; Thompson, K.; Timm; Tokach; Tollefson; Wald; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Gorman; Murphy; Nicholas; Wentz; Whalen

SB 2539 passed, the title was agreed to, and the emergency clause lost.

MOTION

REP. KLOUBEC MOVED that SB 2004 be placed at the foot of the Fourteenth order of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2010: A BILL for an Act making an appropriation for defraying the expenses of the department of banking and financial institutions of the state of North Dakota.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kneill; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerl; Gorman; Hausauer, A.; Murphy; Nicholas; Wentz; Whalen

SB 2010 passed and the title was agreed to.

SB 2015: A BILL for an Act making an appropriation for defraying the expenses of the highway patrol of the state of North Dakota and providing for a transfer of funds from the state highway fund.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 95 YEAS, 7 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Dorso; Flaagan; Knell; Soukup; Timm; Vander Vorst

ABSENT AND NOT VOTING: Gerl; Gorman; Murphy; Wentz

SB 2015 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1025.

Page 1, line 1, replace "making" with "to make"

Page 1, line 2, replace "providing" with "to provide"

Page 1, line 3, replace "and providing" with "to provide"

Page 1, line 4, replace "and small business development centers" with "; and to amend and reenact sections 54-34-01, 54-34-03, and subsection 2 of section 54-34-06 of the North Dakota Century Code, relating to the purpose and membership of the economic development commission"

Page 1, line 13, replace "1,713,429" with "2,575,890"

Page 1, line 15, replace "2,647,344" with "4,295,606"

Page 1, line 16, replace "27,668" with "51,668"

Page 1, remove lines 17 through 19

Page 1, line 20, replace "287,896" with "2,685,529"

Page 1, line 21, replace "6,498,574" with "9,611,193"

Page 2, line 1, replace "2,578,487" with "2,631,628"

Page 2, line 2, replace "3,920,087" with "6,979,565"

Page 2, replace lines 8 through 29 with:

"SECTION 3. AMENDMENT. Section 54-34-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34-01. Purpose of chapter. The economic development commission and director of the economic development commission appointed under this chapter are intended to carry out a program of promotion and economic development to enhance the general welfare of the state through the establishment of new business and industry, the expansion of existing business and industry, the development of new markets for agricultural, and other products, the encouragement of international trade, the development of tourism, and the attraction of new residents, business, and industry. The primary mission and focus of the program is the establishment and expansion of primary sector business and industry.

SECTION 4. AMENDMENT. Section 54-34-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34-03. Economic development commission - Membership - Appointment and removal - Expenses. The economic development commission consists of the governor as chairman and ~~five~~ ten members appointed by the governor, with one member appointed from each of the eight planning districts ~~and~~, one member ~~to be~~ appointed at large to represent minorities, and one member appointed to represent the state's system of higher education. The members must be appointed for a term of five years staggered so that the term of at least one member expires each year. The governor shall fill vacancies in the same manner as the original appointment, except that vacancies occurring for other than the expiration of a term must be filled by appointment for only the remainder of the term of the member causing the vacancy. The governor shall appoint members to the commission on the basis of the special knowledge, experience, and interest of each member in the economic development of the state. The governor may receive nominations of candidates for appointment to the commission from the private sector and from public and private economic development agencies and organizations in the state in such form as may be required by the governor, including nominations from the state board of higher education for appointment of the member to represent the state's system of higher education. Any member of the commission may be removed by the governor for neglect of duty or malfeasance in office. Members of the commission may not receive a salary for their services, but are entitled to reimbursement for expenses incurred in attending meetings and otherwise performing official duties at the same rate as allowed other state officers.

SECTION 5. AMENDMENT. Subsection 2 of section 54-34-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Plan, execute, and direct a program of publicity, research, and agricultural and industrial promotion, the primary mission and focus of which is the establishment and expansion of primary sector business and industry, which will:

- a. Attract investors, investment capital, and new residents.
- b. Foster and promote tourism and international trade.
- c. Assist in improving the business and agricultural climate of North Dakota to encourage the growth and development of business and industry.

SECTION 6. LEGISLATIVE INTENT - COLLOCATION OF ECONOMIC DEVELOPMENT FUNCTIONS. It is the intent of the legislative assembly that if the North Dakota state university extension division develops area resource centers, the economic development commission, where practical and feasible, collocate the small business development centers and regional economic development council offices, or their equivalent, with the extension division's area resource centers.

SECTION 7. LEGISLATIVE INTENT - GRANTS, BENEFITS, AND CLAIMS. It is the intent of the legislative assembly that \$2,169,737 of the grants, benefits, and claims line item be made available to the North Dakota equity development corporation established by Senate Bill No. 2234 to be allocated as follows:

| GRANT RECIPIENT | AMOUNT |
|--|----------------------------|
| 1. University of North Dakota aerospace center | \$ 500,000 |
| 2. Center for innovation and business development at the university of North Dakota | 169,737 |
| 3. University of North Dakota energy and mineral research center for energy research including mild gasification and other research in Bismarck, Mandan, and western North Dakota, conducted with the approval of the lignite research council, established by the governor's executive order dated February 9, 1989 | 500,000 |
| 4. Economic development management committee for university functions necessary to bring technological innovations and product discoveries to commercialization | 300,000 |
| 5. North Dakota State University Extension Service - Rural economic development projects | 200,000 |
| 6. Equity development corporation in accordance with the provisions of Senate Bill No. 2234 | <u>500,000</u> |
| Total | \$ 2,169,737 ¹¹ |

Page 3, remove lines 1 through 13

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT COMMISSION

| Description | Salaries and Wages | Date Processing | Operating Expenses | Equipment | Grants, Benefits, and Claims | Other Line Item | Total All Funds | General Fund | Other Funds |
|--|-----------------------|--------------------|-----------------------|-----------|------------------------------------|--------------------|--------------------|-----------------|----------------|
| Engrossed House Bill No. 1025 | \$1,713,429 | \$2,500 | \$2,647,344 | \$27,468 | \$287,096 | \$1,819,727 | \$6,498,874 | \$3,920,087 | \$2,578,467 |
| Changes: | | | | | | | | | |
| 1. Restore 4 FTE deleted by House | \$ 451,841 | | | | | | \$ 451,841 | \$ 398,700 | \$ 53,141 |
| 2. Add funds to grants and benefits line to be allocated by the Equity Development Corporation as follows: | | | | | | | | | |
| Equity Development Corporation | | | | | \$50,000 | | \$50,000 | \$50,000 | |
| Aerospace Center | | | | | \$50,000 | | \$50,000 | \$50,000 | |
| Center for Innovation | | | | | 169,737 | | 169,737 | 169,737 | |
| Management Committee | | | | | \$50,000 | | \$50,000 | \$50,000 | |
| Energy Research Center | | | | | \$50,000 | | \$50,000 | \$50,000 | |
| Extension Service - Rural economic development projects | | | | | \$50,000 | | \$50,000 | \$50,000 | |
| 3. Add funds for Canadian Free Trade Initiative and 1 FTE | 70,871 | | 129,429 | 3,000 | | | 203,000 | 103,000 | |
| 4. Add 2 FTE: tourism operating and advertising | 122,107 | | 837,893 | 6,000 | | | 966,000 | 966,000 | |
| 5. Add 2 FTE for industrial recruitment | 162,579 | | 432,997 | 6,000 | | | 601,576 | 601,576 | |
| 6. Add 2 FTE: 1 in community training and 1 secretary | 119,769 | | 144,462 | 6,000 | | | 270,231 | 270,231 | |

| Description | Salaries and Wages | Data Processing | Operating Expenses | Equipment | Grants, Benefits, and Claims | Other Line Item | Total All Funds | General Fund | Other Funds |
|---|-----------------------|--------------------|-----------------------|-----------|------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|----------------|
| 7. Add 1 FTE for new center in Milliston; and add support for small business development centers program and home-based business program | \$ 73,437 | | \$ 113,050 | \$ 3,000 | | | \$ 189,487 | \$ 189,487 | |
| 8. Add salary and operating support - government procurement program | 10,000 | | 98,223 | | | | 108,223 | 108,223 | |
| 9. Increase regional councils funding to provide a total of \$448,000, \$28,000/region/ year with \$107,792 transferred from operating expenses | | | (107,792) | | \$ 227,896 | | 120,104 | 120,104 | |
| 10. Reduce salaries and wages for new positions added to reflect DRG guidelines at minimum of salary range and to remove salary and health insurance increases for 3 new positions not funded | (147,843) | | | | | | (147,843) | (147,843) | |
| 11. Delete funds for industrial and small business develop- ment programs; Pacific rim; and Washington, D.C., office added by House | | | | | | \$1,369,737 (250,000) (200,000) | (1,369,737) (250,000) (200,000) | (1,369,737) (250,000) (200,000) | |
| Total Senate changes | \$ 862,461 | | \$1,648,262 | \$24,000 | \$2,397,633 | \$1,819,737 | \$3,112,619 | \$3,059,478 | \$ 53,141 |
| House Bill No. 1025 as amended | \$2,575,890 | \$2,800 | \$4,295,606 | \$51,668 | \$2,688,329 | | \$9,613,193 | \$6,979,845 | \$2,633,348 |

| Description | Salaries and Wages | Data Processing | Operating Expenses | Equipment | Grants, Benefits, and Claims | Other Line Item | Total All Funds | General Fund | Other Funds |
|-------------|-----------------------|--------------------|-----------------------|-----------|------------------------------------|--------------------|--------------------|-----------------|----------------|
|-------------|-----------------------|--------------------|-----------------------|-----------|------------------------------------|--------------------|--------------------|-----------------|----------------|

In addition, these amendments replace the legislative intent in Sections 3, 4, and 5 with Sections 6 and 7 which provide legislative intent regarding the collocation of economic development functions and the allocation of grant funds added.

In addition, Sections S4-34-01, S4-34-02, and S4-34-06, relating to the Economic Development Commission, are amended to include a member representing the Board of Higher Education on the commission and to clarify that the primary mission of the commission is the establishment and expansion of primary sector business and industry.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2501 and subsequently passed the same.

The Senate does not concur in the House amendments to SB 2005 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2005: Sens. Wogsland, Ewen, Thane

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1205 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1155 and HB 1185 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1558.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1021.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has failed to pass: HB 1659.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HB 1012.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands of the state of North Dakota; to provide for a transfer of funds from the resources trust fund; to provide for a contingency loan from the coal trust fund; and to repeal the ANG plant closure contingency line item of section 1 and section 4 of chapter 34 of the 1987 Session Laws of North Dakota, relating to the ANG plant closure contingency loan.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher;

Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.;
Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerl; Gorman; Murphy; Wentz

SB 2018 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the House request the return of Enrolled HCR 3005 from the Secretary of State's Office, which motion prevailed.

MESSAGE to the SECRETARY OF STATE'S OFFICE (Roy Gilbreath, Chief Clerk)
MR. SECRETARY OF STATE: The House respectfully requests the return of: Enrolled HCR 3005.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that SB 2539 be messaged to the Senate immediately, which motion prevailed.

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

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

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed SB 2022 has had the same under consideration and recommends by a vote of 21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, remove the first "and" and replace "section" with "sections 12.1-32-12 and"

Page 1, line 5, after the first "to" insert "penalties and sentencing and"

Page 1, line 7, after "agencies" insert "; and to repeal section 12.1-32-10 of the North Dakota Century Code, relating to mandatory parole components"

Page 1, line 20, replace "11,228,745" with "11,193,885"

Page 1, line 22, replace "2,795,123" with "701,497"

Page 2, line 1, replace "33,858,406" with "31,729,920"

Page 2, line 2, replace "9,574,897" with "9,674,897"

Page 2, line 3, replace "24,283,509" with "22,055,023"

Page 2, line 8, replace "24,285,128" with "22,056,642"

Page 2, line 9, replace "9,574,897" with "9,674,897"

Page 2, line 10, replace "33,860,025" with "31,731,539"

Page 2, after line 17, insert:

"SECTION 3. AMENDMENT. Section 12.1-32-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12.1-32-12. Penalties, sentences, and parole for offenses unclassified and in other titles. Where an offense is defined by a statute or by the constitution without specification of its classification pursuant to section 12.1-32-01, the offense shall be punishable as provided in the statute or constitutional provision defining it, or:

1. If the offense is declared to be a felony, without further specification of punishment, it shall be punishable as if it were a class C felony.
2. If the offense is declared to be a misdemeanor, without further specification of punishment, it shall be punishable as if it were a class A misdemeanor.

The sentencing alternatives available under section 12.1-32-02 shall be available to a court sentencing an offender for commission of an offense defined by a statute outside this title. ~~The mandatory parole component provided by section 12.1-32-10 shall apply to sentences imposed for offenses defined by statutes outside this title."~~

Page 2, after line 29, insert:

"SECTION 5. REPEAL. Section 12.1-32-10 of the North Dakota Century Code is hereby repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

Operating expenses are decreased by \$34,860 from the general fund to provide funding for mileage expenses for court-ordered medical treatment for children at a rate of 20 cents per mile rather than 30 cents per mile. The Senate had provided \$104,580 from the general fund as a result of passage of Senate Bill No. 2298 which would have required this mileage cost to be paid by the state rather than the county. The House amended Senate Bill No. 2298 to limit the mileage rate to 20 cents per mile rather than the 30 cents allowed in the Senate version of the bill.

The capital improvements line item is reduced by \$2,093,626 from the general fund because an appropriation for the bond payments for State Penitentiary and State Industrial School projects is included in House Bill No. 1037. Of the \$2,093,626, \$349,454 is for the State Industrial School project and \$1,744,172 is for State Penitentiary projects.

The general fund is decreased by \$100,000 and income is increased by \$100,000 for funding of the development of adult community programs. The total funding of the program remains at \$200,000, \$100,000 from the general fund and \$100,000 from other funds that may become available.

The salaries and wages line item provides for increases equivalent to those provided for in House Bill No. 1005.

The amendment also repeals Section 12.1-32-10, which provides for mandatory parole components that if followed by the State Parole and Probation Department would increase the department's workload and require additional appropriation funds. The Parole and Probation Department has never implemented the components contained in Section 12.1-32-10. Because the proposed amendments repeal Section 12.1-32-10, Section 12.1-32-12 is amended to remove the reference to Section 12.1-32-10.

SB 2022 was placed on the Sixth order of business on the calendar.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred HB 1134 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1438-1439 of the House Journal and that HB 1134 be amended as follows:

Page 1, line 2, after "records" insert "; to amend and reenact section 23-07-21 of the North Dakota Century Code, relating to penalties for releasing confidential records or information concerning reportable diseases; and to provide a penalty"

Page 1, underscore lines 6 through 12

Page 1, after line 12, insert:

"SECTION 2. AMENDMENT. Section 23-07-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-07-21. Penalties. Any person:

1. Who violates or fails to obey any of the provisions of this chapter, any lawful rule or regulation made by the state department of health and consolidated laboratories, or any order issued by any state, district, county, or municipal health officer;
2. Who violates any quarantine law or regulation, or who leaves a quarantined area without being discharged; or
3. Who, knowing that ~~he~~ that person is infected with a ~~veneral~~ sexually transmitted disease, willfully exposes another person to infection,

is guilty of an infraction."

Reumber accordingly

For the Senate: Sens. J. Meyer, Mathern, Nalewaja

For the House: Reps. Gates, Trautman, J. DeMers

HB 1134 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred HB 1158 has had the same under consideration and recommends that the SENATE RECEDE from the

Senate amendments as found on page 1925 of the House Journal and that HB 1158 be amended as follows:

Page 1, line 10, replace "consulting actuarial firm" with "consultant"

Page 1, after line 14, insert:

"SECTION 2. LEGISLATIVE INTENT. It is the intent of the fifty-first legislative assembly that the public employees retirement system may spend \$100,000, or so much thereof as may be necessary, from the health insurance fund for conducting nondiscrimination testing to comply with section 89 of the Internal Revenue Code. If sufficient funds are not available to fully defray the costs of section 89 testing and pay the necessary health insurance premiums for the biennium beginning July 1, 1989, and ending June 30, 1991, the public employees retirement system shall present a deficiency appropriation request to the fifty-second legislative assembly."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment provides a section of legislative intent stating that up to \$100,000 from the health insurance fund may be spent for conducting nondiscrimination testing required by the Internal Revenue Code. An appropriation is not necessary since the Public Employees Retirement System (PERS) can meet these expenses from the health insurance fund pursuant to Section 54-52-04.

The amendment also provides that PERS may use a consultant rather than a consulting actuarial firm to conduct the testing.

For the Senate: Sens. Tallackson, Ewen, Lips

For the House: Reps. Sorensen, Dalrymple, Watne

HB 1158 was placed on the Seventh order of business on the calendar.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HB 1077.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2022 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2022, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act making an appropriation for defraying the expenses of the department of corrections and rehabilitation and the pardon board of the state of North Dakota; providing for a transfer from the North Dakota state penitentiary land fund; and to amend and reenact sections 12.1-32-12 and 54-16-11.1 of the North Dakota Century Code, relating to penalties and sentencing and emergency commission authority to increase revenues and appropriation authority for intergovernmental service fund agencies; and to repeal section

12.1-32-10 of the North Dakota Century Code, relating to mandatory parole components.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerl; Hanson, O.; Murphy

SB 2022 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2022 be messaged to the Senate immediately, which motion prevailed.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1006 and HB 1007. The committee was unable to agree and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1006: Reps. Sorensen, Dalrymple, Watne

HB 1007: Reps. Gunsch, Kingsbury, Graba

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1011 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1011: Reps. Gerntholz, Smette, Graba

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

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

SB 2222: Reps. D. Larson, Stenehjem, Kolbo

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has not adopted the conference committee report and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2417: Reps. Martin, Gorman, Scherber

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1235 and HB 1446 and subsequently failed to pass the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1369 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on SB 2042, SB 2093, and SB 2475 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2243, SB 2332, SB 2412, SB 2455.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1674.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and subsequently passed with the emergency clause failing to pass: SB 2539.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolution: HB 1071, HB 1401, HCR 3087.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1071, HB 1401, HCR 3087.

MOTION

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

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

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act making an appropriation for defraying the expenses of the children's services coordinating committee of the state of North Dakota.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 78 YEAS, 25 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz;

Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schneider; Shaft; Shockman; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Dorso; Gunsch; Hanson, O.; Haugen; Howard; Kingsbury; Knell; Kouba; Lang; Larson, D.; Martin; Melby; Olsen, D.; Schatz; Schindler; Schmidt; Shide; Skjerven; Thompson, K.; Urlacher; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Gerl; Hausauer, A.; Murphy

SB 2019 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1200 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1609-1610 of the House Journal and that Engrossed HB 1200 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-43.1 of the North Dakota Century Code, relating to motor vehicle fuel tax refunds to farm operators; to amend and reenact sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 4-14.1-04, 4-14.1-05, 57-43.1-03, and 57-43.1-06 of the North Dakota Century Code, relating to the North Dakota agricultural products utilization commission, agricultural fuel tax fund, refunds of motor vehicle fuels taxes, and allocation of a portion of motor fuel tax refunds to the agricultural fuel tax fund; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-14.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-01. Legislative policy and purpose. It is hereby declared to be the public policy of the state of North Dakota to protect and foster the prosperity and general welfare of its people by providing a new domestic source of energy and chemicals and other value-added products, and by stimulating improving the agricultural economy of the state. In furtherance of this policy, it is the purpose of this chapter to provide necessary assistance in the construction, operation, and maintenance of agricultural processing plants in North Dakota for the manufacture and marketing of agriculturally derived fuel, chemicals, and other agricultural products to the research and marketing needs of the state by developing new uses for agricultural products, byproducts, and by seeking more efficient systems for processing and marketing agricultural products and byproducts, and to promote efforts to increase productivity and provide added value to agricultural products.

SECTION 2. AMENDMENT. Section 4-14.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-02. Agriculturally derived Agricultural fuel tax fund - Purposes - Other funds. There is hereby created in the state treasury, a fund, to be known as the agriculturally derived agricultural fuel tax fund, which must be used to provide a program fund programs for the implementation enhancement of a state agricultural research, development, processing industry, and marketing. The fund must be used for the following purposes:

1. Establishment, with cooperation from private industry, of procedures and processes necessary to the manufacture and marketing of agriculturally derived fuels, chemicals, and other agricultural products. Appropriation to the North Dakota agricultural products utilization commission for its necessary administrative expenses including expenses of members of the commission, employment of needed personnel, hiring of consultants, contracting with public or private entities for services, and other expenditures necessary to implement the purposes of this chapter.
2. Establishment of a procedure for entering the agriculturally derived fuel, chemicals, and other agricultural products into the marketplace by private enterprise. Seventy-five percent of agricultural fuel tax funds available to the North Dakota agricultural products utilization commission after amounts necessary under subsection 1 must be made available for basic and applied research efforts regarding uses and processing for agricultural products and byproducts in consultation with the president of North Dakota state university and with the prior approval of the commission on each research proposal.
3. Analysis of the marketing process and testing of marketing procedures to assure acceptance of agriculturally derived fuels, chemicals, and other agricultural products resulting from their manufacture, in the private marketplace. Twenty-five percent of agricultural fuel tax funds available to the North Dakota agricultural products utilization commission after amounts necessary under subsection 1 must be made available for utilization and marketing efforts in consultation with the commissioner of agriculture and with the prior approval of the commission on each marketing proposal.
4. Cooperation with private industry to establish privately owned agricultural processing plants in this state to supply demand for agriculturally derived fuel, chemicals, and other agricultural products. The North Dakota agricultural products utilization commission may apply for, accept, and expend any grants, gifts, or services made available from public or private sources consistent with the purposes of this chapter.
5. Employment of needed personnel, hiring of consultants, and contracting with public entities or private parties for services as may be necessary to implement the policy and purposes of this chapter. The allocation of funds in subdivisions 2 and 3 may be changed by the agricultural

products utilization commission, subject to emergency commission approval.

SECTION 3. AMENDMENT. Section 4-14.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-03. Agricultural products utilization commission - Composition - Appointment. The ~~agriculturally derived agricultural~~ fuel tax fund must be administered by the agricultural products utilization commission which is hereby established. The commission consists of ~~seven nine~~ members ~~to, six of whom shall~~ be appointed by the governor for terms of two years each, arranged so that at least three terms expire every year. ~~Four members appointed by the governor must be actively engaged in farming in this state; one member must be actively engaged in the petroleum industry;~~ and two members appointed by the governor must be actively engaged in business in this state. Commission members may be reappointed to the commission. Terms of commissioners shall run from the first day of July of odd-numbered years. ~~The director of the economic development commission, the president of North Dakota state university, and the commissioner of agriculture, or their designees, are members of the commission. The commission shall elect one of its members as chairman.~~

SECTION 4. AMENDMENT. Section 4-14.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-04. Agricultural products utilization commission - Meetings - Personnel - ~~Advisory committee Reports.~~ The agricultural products utilization commission shall meet ~~at least once annually;~~ as necessary and shall report to each session of the legislative assembly. The commission may secure office space and employ needed personnel for the performance of its duties, may hire consultants, and may contract with public entities or private parties for services. ~~The agricultural products utilization commission shall have an advisory committee composed of three persons; one each designated by the director of the economic development commission; the president of the North Dakota state university; and the state commissioner of agriculture.~~

SECTION 5. AMENDMENT. Section 4-14.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-05. Agricultural products utilization commission - ~~Expense reimbursement only Reimbursement - Compensation.~~ All members of the agricultural products utilization commission must be reimbursed for their actual and necessary expenses incurred in the performance of their duties, in the same manner as other state officials are reimbursed, according to sections 44-08-04 and 54-06-09, and ~~shall receive no other compensation if not otherwise employed by the state of North Dakota,~~ may receive up to fifty dollars for each regular meeting attended. The commission chairman, if not otherwise employed by the state of North Dakota, may receive an additional one hundred dollars for each regular meeting attended as payment for reviewing and evaluating grant proposals.

SECTION 6. AMENDMENT. Section 57-43.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-03. Refund of tax provided for fuel used for industrial purposes - Reduction for agriculturally derived agricultural fuel tax fund. Any person who buys or uses any motor vehicle fuel as defined in subsection 4 of section 57-43.1-01 for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time provided in this section chapter, the amount of the tax paid by him upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section shall be reduced by one-half cent per gallon [3.79 liters] retroactive to January 1, 1983, except for those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, and the one-half cent per gallon [3.79 liters] withheld from the refund shall must be deposited in the agriculturally derived agricultural fuel tax fund. Those persons who have a valid tax assignment permit issued by the commissioner under section 57-43.1-11 shall be charged one-half cent per gallon [3.79 liters] by the dealer and the one-half cent charge shall be remitted to the commissioner by the dealer when the dealer submits the tax assigned invoices for credit.

SECTION 7. A new section to chapter 57-43.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refund of tax for fuel used for agricultural purposes - Reduction for agricultural fuel tax fund. Any person who buys or uses any motor vehicle fuel for agricultural purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time provided in this chapter, the amount of the tax paid upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section shall be reduced by two cents per gallon [3.79 liters] except for those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, and the two cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural fuel tax fund. Those persons who have a valid tax assignment permit issued by the commissioner under section 57-43.1-11 shall be charged two cents per gallon [3.79 liters] by the dealer and the two cents charged shall be remitted to the commissioner by the dealer when the dealer submits the tax assigned invoices for credit.

SECTION 8. AMENDMENT. Section 57-43.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-06. Refund to prevent double taxation - Reduction for agriculturally derived agricultural fuel tax fund. Any person to whom special fuel or motor vehicle fuel is sold on which the tax imposed by this chapter or chapter 57-43.2 has been paid who thereafter removes the fuel from this state to a state which requires payment of a tax upon the use of the fuel in that state shall be granted a refund of the tax that was paid pursuant to this chapter or chapter 57-43.2. The refund of tax paid pursuant to this chapter shall be reduced by the amount amounts provided in section sections 57-43.1-03 and section 7 of this Act, and the reduction shall be deposited in the agriculturally derived agricultural fuel tax fund. The refund shall be granted only

upon application to the commissioner on forms prescribed by the commissioner, including proof of payment of the tax imposed by the other state, and is subject to the limitations provided in section 57-43.1-05. The tax provided for in section 57-43.2-03 shall not be levied on sales of any such fuel for which a refund of tax is made pursuant to this section.

SECTION 9. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the agricultural fuel tax fund, in the state treasury, not otherwise appropriated, to the North Dakota agricultural products utilization commission for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

| | |
|-----------------------------------|------------------|
| Operating expenses | \$ 47,950 |
| Contract personnel | 72,000 |
| Ethanol incentive program audit | 2,000 |
| Basic and applied research grants | 751,920 |
| Utilization and marketing grants | 250,640 |
| Ethanol incentive program | <u>3,750,000</u> |

Total appropriation from the agricultural fuel tax fund \$ 4,874,510

SECTION 10. APPROPRIATION. All income received in excess of the amounts appropriated in section 9 of this Act is hereby appropriated to the North Dakota agricultural products utilization commission for research, marketing, and utilization grants for the biennium beginning July 1, 1989, and ending June 30, 1991. Any funds received require the approval of the budget section of the legislative council before they can be spent.

SECTION 11. APPROPRIATION - TRANSFER. In addition to other transfers from the highway tax distribution fund approved by the fifty-first legislative assembly for the purpose of providing production subsidies to North Dakota ethanol plants, there is hereby appropriated \$250,000, or so much thereof as may be necessary, from the highway tax distribution fund, which shall be transferred by the office of management and budget at the request of the agricultural products utilization commission to the agricultural fuel tax fund for the purpose of providing production subsidies to North Dakota ethanol plants for the biennium beginning July 1, 1989, and ending June 30, 1991. The funds transferred shall be used in the same manner as the transfer provided for in section 5 of House Bill No. 1415 approved by the fifty-first legislative assembly."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 612 - NORTH DAKOTA AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

This amendment revises Chapter 4-14.1 by providing that the purpose of the Agricultural Products Utilization Commission is to provide assistance in research, marketing, and utilization of agricultural products in order to develop new uses for agricultural products and byproducts.

In addition, this amendment increases the agricultural motor vehicle fuel tax refund reduction by 1.5 cents per gallon, from .5 cent to 2 cents and provides funding for the Agricultural Products Utilization Commission from the agricultural fuel tax fund as follows:

| | |
|---|---------------------|
| <u>Operating expenses</u> | |
| Commission member reimbursement | \$ 7,950 |
| Other operating costs | 40,000 |
| Total operating expenses | <u>\$ 47,950</u> |
| <u>Contract personnel</u> | <u>\$ 72,000</u> |
| <u>Ethanol incentive program audit</u> | <u>\$ 2,000</u> |
| <u>Grants</u> | |
| Basic and applied research | \$ 751,920 |
| Utilization and marketing | 250,640 |
| Total grants | <u>\$ 1,002,560</u> |
| <u>Ethanol incentive program*</u> | <u>\$ 3,750,000</u> |
| Total appropriation from the agricultural fuel tax fund | \$ 4,874,510 |

A section is added providing that any additional income received by the commission may be spent only upon approval of the Budget Section.

*In addition to a \$3.5 million transfer from the highway tax distribution fund to the agricultural fuel tax fund provided in House Bill No. 1415 to be used for payments to North Dakota ethanol producers for ethanol sold in North Dakota, this amendment provides a \$250,000 transfer from the highway tax distribution fund to also be used for payments to North Dakota ethanol producers in accordance with House Bill No. 1415.

For the Senate: Sens. W. Meyer, Axtman, Vosper
For the House: Reps. Nicholas, Schmidt, Marks

Engrossed HB 1200 was placed on the Seventh order of business on the calendar.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1449, HB 1564 and HB 1581 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1001.

Page 1, line 3, replace "and" with "to amend and reenact sections 4-01-21, 26.1-01-09, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, commissioner of insurance, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner;" and after "transfers" insert "; and to declare an emergency"

Page 1, line 16, replace "2,772,826" with "1,278,374"

Page 1, delete line 17

Page 1, line 18, replace "858,754" with "440,828"

Page 1, line 19, replace "27,171" with "4,250"

Page 1, after line 22, insert:

"Protection and advocacy project 1,945,270"

Page 2, line 3, replace "4,484,996" with "4,494,467"

Page 2, line 4, replace "1,744,310" with "1,704,310"

Page 2, line 5, replace "2,740,686" with "2,790,157"

Page 2, line 8, replace "223,769" with "231,428"

Page 2, line 11, replace "238,662" with "246,321"

Page 2, line 14, replace "980,673" with "1,109,366"

Page 2, line 16, replace "162,237" with "200,243"

Page 2, line 19, replace "1,440,866" with "1,607,565"

Page 2, line 26, replace "8,203,485" with "8,853,770"

Page 2, line 27, replace "264,130" with "446,141"

Page 2, line 28, replace "1,585,396" with "1,882,683"

Page 3, line 1, replace "162,611" with "221,759"

Page 3, line 4, replace "8,000" with "253,000"

Page 3, line 8, replace "12,182,563" with "13,616,294"

Page 3, line 9, replace "5,060,579" with "5,199,754"

Page 3, line 10, replace "7,121,984" with "8,416,540"

Page 3, line 13, replace "3,363,365" with "3,426,705"

Page 3, line 14, replace "27,650" with "30,250"

Page 3, line 15, replace "451,961" with "456,261"

Page 3, line 17, replace "3,864,616" with "3,934,856"

Page 3, line 19, replace "3,403,505" with "3,473,745"

Page 3, line 22, replace "442,628" with "549,508"

Page 3, line 23, replace "18,681" with "95,929"

Page 3, line 24, replace "65,214" with "70,061"

Page 3, line 26, replace "528,386" with "717,361"
Page 3, line 28, replace "523,386" with "712,361"
Page 4, line 2, replace "8,936,142" with "9,322,200"
Page 4, line 3, replace "1,218,446" with "1,295,714"
Page 4, line 4, replace "1,697,462" with "2,003,962"
Page 4, line 7, replace "12,273,800" with "13,043,626"
Page 4, line 8, replace "400,000" with "421,500"
Page 4, line 9, replace "11,873,800" with "12,622,126"
Page 4, line 12, replace "514,075" with "521,631"
Page 4, line 14, replace "863" with "3,863"
Page 4, line 15, replace "598,802" with "609,358"
Page 4, line 17, replace "492,815" with "503,371"
Page 4, line 20, replace "4,231,055" with "4,218,465"
Page 4, line 21, replace "248,779" with "214,421"
Page 4, line 22, replace "4,011,866" with "4,037,866"
Page 4, line 23, replace "55,125" with "63,125"
Page 4, line 24, replace "8,546,825" with "8,533,877"
Page 4, line 25, replace "4,873,801" with "4,858,179"
Page 4, line 26, replace "3,673,024" with "3,675,698"
Page 4, line 29, replace "1,987,403" with "2,052,767"
Page 5, line 2, replace "1,351,299" with "1,438,299"
Page 5, after line 7, insert:
 "Agriculture mediation services 800,000"
Page 5, line 9, replace "4,706,018" with "5,658,382"
Page 5, line 10, replace "1,132,479" with "1,932,479"
Page 5, line 11, replace "3,573,539" with "3,725,903"
Page 5, line 14, replace "1,988,048" with "2,264,965"
Page 5, line 16, replace "528,102" with "542,570"
Page 5, line 17, replace "10,009" with "13,609"

Page 5, line 18, replace "2,527,127" with "2,822,112"

Page 5, line 22, replace "291,347" with "353,235"

Page 5, line 23, replace "183,901" with "167,858"

Page 5, line 25, replace "476,148" with "521,993"

Page 5, line 26, replace "35,842,927" with "38,645,530"

Page 5, line 27, replace "16,310,394" with "17,766,782"

Page 5, line 28, replace "52,153,321" with "56,412,312"

Page 6, line 24, replace "835,000" with "959,268"

Page 9, line 1, delete "performing"

Page 9, delete line 2

Page 9, line 3, replace "are not currently provided to," with "oil and gas meter monitoring responsibilities"

Page 9, after line 11, insert:

"SECTION 16. AMENDMENT. Section 4-01-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-01-21. Salary of commissioner of agriculture. The annual salary of the commissioner of agriculture is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 17. AMENDMENT. Section 26.1-01-09 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-01-09. Salary of commissioner. The annual salary of the commissioner is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 18. AMENDMENT. Section 34-05-01.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-05-01.2. Department of labor to be administered by commissioner of labor. The department of labor must be administered by a commissioner of labor who must be elected for a four-year term on a no-party ballot in the year 1966 and every four years thereafter in the same manner as provided for no-party candidates pursuant to title 16.1. Following his election, the term of the commissioner of labor commences on the same day as the terms for other elected state officials. The commissioner of labor shall possess the same qualifications for office as the commissioner of agriculture. The annual salary of the commissioner of labor is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 19. AMENDMENT. Section 49-01-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-01-05. Salary of commissioners. The annual salary of a commissioner is ~~forty-six~~ forty-nine thousand three hundred dollars. All fees received or charged by any such commissioner for any act or service rendered in any official capacity, shall be accounted for and paid over by him monthly to the state treasurer and shall be credited to the general fund of the state.

SECTION 20. AMENDMENT. Section 54-07-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-07-04. Salary of governor. The annual salary of the governor is ~~sixty~~ sixty-five thousand ~~eight two~~ hundred ~~sixty-two~~ dollars.

SECTION 21. AMENDMENT. Section 54-08-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-08-03. Salary of lieutenant governor. The annual salary of the lieutenant governor is ~~fifty~~ up to fifty-three thousand five hundred dollars.

SECTION 22. AMENDMENT. Section 54-09-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-09-05. Salary of secretary of state. The annual salary of the secretary of state is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 23. AMENDMENT. Section 54-10-10 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-10. Salary of state auditor. The annual salary of the state auditor is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 24. AMENDMENT. Section 54-11-13 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-11-13. Salary of state treasurer. The annual salary of the state treasurer is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 25. AMENDMENT. Section 54-12-11 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-12-11. Salary of attorney general. The annual salary of the attorney general is ~~fifty-two~~ fifty-five thousand seven hundred dollars.

SECTION 26. AMENDMENT. Section 57-01-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-01-04. Salary. The annual salary of the state tax commissioner is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 27. APPROPRIATION - TRANSFER - TAX DEPARTMENT. There is hereby authorized, as included in the appropriation for the state tax commissioner in subdivision 8 of section 1 of this Act, a transfer of \$21,500, or so much as may be necessary, from the centennial tree program trust fund to defray the expense of administering the centennial tree program trust fund income tax deduction.

SECTION 28. CONTINGENT APPROPRIATION - AGRICULTURE COMMISSIONER. There is hereby appropriated the sum of \$45,238, or so much thereof as may be necessary, from the general fund in the state treasury, and \$256,350 in federal funds, or so much thereof as may be necessary, to the agriculture commissioner for the biennium beginning July 1, 1989, and ending June 30, 1991. The \$45,238 general fund appropriation is contingent upon the ability to match additional federal environmental protection agency funds.

SECTION 29. APPROPRIATION - BLUE BOOK. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary, to the secretary of state for the preparation, printing, and distribution of a centennial supplement of the North Dakota centennial edition of the blue book, for the period beginning January 1, 1989, and ending June 30, 1991.

SECTION 30. INCOME AUTHORIZATION - STATE TREASURER. The state treasurer is authorized, as included in the appropriation for the state treasurer in subdivision 7 of section 1 of this Act, to administer the sale of alcohol beverage decals for liquor and beer destined for delivery to a federal enclave in North Dakota for domestic consumption and not transported through a licensed North Dakota wholesaler.

SECTION 31. EMERGENCY. Fifty-three thousand dollars of the \$253,000 provided for the court monitor line item in subdivision 5 of section 1 of this Act and section 29 of this Act are declared to be emergency measures."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 101 - GOVERNOR'S OFFICE

The salaries and wages line item is increased by \$9,471 from the general fund to provide for a \$65,200 annual salary for the Governor. In addition, Section 54-07-04 is amended to provide for the \$65,200 salary.

The following changes are made to provide for a Protection and Advocacy Project special line item of \$1,945,270:

| | |
|---------------------------------|---------------------|
| Salaries and wages | \$(1,503,923) |
| Data processing | (500) |
| Operating expenses | (417,926) |
| Equipment | (22,921) |
| Protection and Advocacy Project | <u>\$ 1,945,270</u> |
| Total | <u>\$ 0</u> |

The funding source for employment incentives (\$40,000) is changed from other funds to the general fund because the \$1 fee for a handicapped parking insignia is deposited in the general fund.

DEPARTMENT 106 - LIEUTENANT GOVERNOR

The salaries and wages line item is increased by \$7,659 from the general fund to provide for a \$53,500 annual salary for the Lieutenant Governor. In addition, Section 54-08-03 is amended to provide for the \$53,500 salary.

DEPARTMENT 108 - SECRETARY OF STATE

The salaries and wages line item is increased by \$7,556 from the general fund to provide for a \$49,300 annual salary for the Secretary of State. In addition, Section 54-09-05 is amended to provide for the \$49,300 salary.

The salaries and wages line item is also increased by \$94,147 from the general fund to restore three data input positions, deleted by the Governor, to allow computer automation of corporation, contractors, notary public, and other office divisions, and by \$26,990 from the general fund to maintain the current salary levels of the Deputy Secretary of State (\$14,249), the executive secretary (\$11,663), and a clerk position (\$1,078).

The operating expenses line item is also increased by \$38,006 from the general fund.

Section 29 is added, with an emergency clause, providing a \$20,000 general fund appropriation for additional Blue Book costs as follows:

| | |
|---|------------------|
| Complete payment on 1989 edition | \$ 3,500 |
| Errata correction to 1989 edition | 3,500 |
| Supplement to identify 1989 legislators and Centennial events | 13,000 |
| Total | <u>\$ 20,000</u> |

DEPARTMENT 125 - ATTORNEY GENERAL

The salaries and wages line item is increased by \$8,078 from the general fund to provide for a \$55,700 annual salary for the Attorney General. In addition, Section 54-12-11 is amended to provide for the \$55,700 salary.

The salaries and wages line item is increased by \$125,175 from other funds to provide for an attorney (\$79,068) and a legal assistant (\$46,107) to handle foreclosure activities for the Bank of North Dakota currently paid on a contractual basis.

This amendment also adds the following changes for gaming activities:

| DESCRIPTION | SALARIES AND WAGES | OPERATING EXPENSES | DATA PROCESSING | EQUIPMENT | TOTAL GENERAL FUND |
|---|--------------------------|-----------------------|--------------------|-----------|--------------------------|
| Adds funds for 2 auditor IIs (\$117,578) and related expenses for | \$ 117,578 | \$ 62,350 | \$ 43,800 | \$ 17,750 | \$ 241,478 |

the effect
of HB 1184
(off track
parimutuel
wagering)

| | | | | | |
|--|------------|-----------|------------|-----------|------------|
| Adds funds for 3 audit technicians (\$150,087), 2 auditor IIs (\$117,578), 1 data processing coordinator II (\$58,789), and related expenses for the effect of enforcement of HB 1249 (\$5 twenty-one), HB 1292 (calcuttas), and HB 1641 (electronic video gaming) | \$ 326,454 | \$ 24,437 | \$ 138,211 | \$ 10,898 | \$ 500,000 |
|--|------------|-----------|------------|-----------|------------|

| | | | | | |
|--|-----------|------------|--|-----------|------------|
| Adds funds for 2 clerk IIIs (\$73,000) and additional costs related to renting office space to accommodate additional staff | \$ 73,000 | \$ 150,500 | | \$ 26,500 | \$ 250,000 |
|--|-----------|------------|--|-----------|------------|

| | | | | | |
|-------|------------|------------|------------|-----------|------------|
| Total | \$ 517,032 | \$ 237,287 | \$ 182,011 | \$ 55,148 | \$ 991,478 |
|-------|------------|------------|------------|-----------|------------|

The operating expenses line item is increased by \$50,000 from the general fund for the transfer of prosecution witness fees from the Supreme Court. In addition, operating expenses are increased by \$10,000 from other funds related to the two additional employees.

The equipment line item is increased by \$4,000 from other funds related to the two additional employees.

The court monitor line item is increased by \$245,000 from the general fund, of which \$53,000 is for deficiency amounts for the 1985-87 (\$21,270) and 1987-89 (\$31,730) bienniums, and \$192,000 is for the 1989-91 biennium. An emergency clause is added for this line item for the deficiency amounts.

DEPARTMENT 117 - STATE AUDITOR

The salaries and wages line item is increased by \$7,556 from the general fund to provide for a \$49,300 annual salary for the State Auditor. In addition, Section 54-10-10 is amended to provide for the \$49,300 salary.

The salaries and wages line item is increased by \$55,784 from the general fund to fund an existing political subdivision auditor position. This position is anticipated to increase general fund revenues by approximately \$42,000.

The data processing line item is increased by \$2,600 from the general fund.

The operating expenses line item is increased by \$4,300 to provide adequate funding for the Fargo office rental expense.

DEPARTMENT 120 - STATE TREASURER

The salaries and wages line item is increased by \$7,556 from the general fund to provide for a \$49,300 annual salary for the State Treasurer. In addition, Section 54-11-13 is amended to provide for the \$49,300 salary.

The salaries and wages line item is also increased by \$95,181 from the general fund to restore 2.5 FTE clerical positions deleted in the Governor's budget and by \$4,143 from the general fund for temporary salaries.

The data processing line item is increased by \$77,248 from the general fund to provide for updating computer programs.

The operating expenses line item is increased by \$4,847 from the general fund related to the 2.5 FTE positions.

Section 30 is added authorizing the State Treasurer to administer the sale of alcohol beverage decals for alcohol delivered to a federal enclave in North Dakota.

DEPARTMENT 127 - TAX DEPARTMENT

The salaries and wages line item is increased by \$7,565 from the general fund to provide for a \$49,300 annual salary for the Tax Commissioner. In addition, Section 57-01-04 is amended to provide for the \$49,300 salary.

The transfer amount to the general fund from motor vehicle fuel taxes revenue in Section 5 is amended from \$835,000 to \$959,268 to reflect the anticipated Tax Department administrative costs for the collection of motor vehicle and special fuel tax revenues.

A transfer from the Centennial tree program trust fund of \$21,500 is provided in Section 27 for the costs of administering the income tax deduction for the Centennial tree program trust fund (House Bill No. 1456).

The salaries and wages line item is increased by \$76,020 to restore the audit technician and account technician city sales tax positions deleted by the House. The employee turnover/vacancy salary adjustment is reduced to zero, a \$215,000 general fund increase. Salaries and wages are also increased by \$30,492 from the general fund to provide adequate funding for minimum wages increases. In addition, salaries and wages are increased by \$56,981 from the general fund to provide adequate funding for taxpayer assistance and withholding clerk positions.

The operating expenses line item is increased by \$285,000 from the general fund to partially restore reductions made in the executive recommendation.

The data processing line item is increased by \$77,268 from the general fund to upgrade the "Importer-Automation" and "Motor Fuels-Accounts Receivable" programs. Although appropriated from the general fund, this expenditure also increases the motor vehicle fuel taxes revenue transfer in Section 5 as stated above.

DEPARTMENT 406 - LABOR COMMISSIONER

The salaries and wages line item is increased \$7,556 from the general fund to provide for a \$49,300 annual salary for the Labor Commissioner. In addition, Section 34-05-01.2 is amended to provide for the \$49,300 salary.

The equipment line item is increased by \$3,000 from the general fund.

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

The salaries and wages line item is increased by \$22,667 from the general fund to provide for \$49,300 annual salaries for the Public Service Commissioners. In addition, Section 49-01-05 is amended to provide for the \$49,300 salaries.

The salaries and wages line item is reduced by \$35,257, of which \$11,635 is from the general fund and \$23,622 is from federal funds to delete an administrative secretary position relating to the "bingo" stamp transfer from the Public Service Commission to the Motor Vehicle Department (House Bill No. 1259). This change provides the Public Service Commission with 55 FTE, two FTE less than the 1987-89 biennium. In addition, operating expenses are reduced by \$5,000, and data processing is reduced by \$34,358, all from the general fund relative to this transfer.

The operating expenses line item is increased by \$31,000 from the general fund for motor pool expenses.

Section 14 is amended because oil and gas metering responsibilities were not transferred to the Industrial Commission as anticipated in the executive budget.

DEPARTMENT 602 - DEPARTMENT OF AGRICULTURE

The salaries and wages line item is increased by \$7,564 from the general fund to provide for a \$49,300 annual salary for the Agriculture Commissioner. In addition, Section 4-01-21 is amended to provide for the \$49,300 salary.

The salaries and wages line item is also increased by \$57,800 from the general fund to restore one marketing specialist I position deleted in the Governor's budget.

The operating expenses line item is increased by \$12,000 from the general fund for dairy laboratory fees, by \$45,000 from the general fund for the state motor pool, and by \$30,000 from the general fund related to the expenses of the marketing specialist.

An agriculture mediation services special line item of \$800,000 from other funds is added. It is anticipated the \$300,000 will be collected from mediation fees and be used to match federal funds.

Section 28 is added to provide \$45,238 from the general fund to match \$256,350 in federal Environmental Protection Agency funds. The general fund appropriation is contingent upon receiving the federal funds.

DEPARTMENT 401 - INSURANCE COMMISSIONER

The salaries and wages line item is increased by \$7,555 from the insurance regulatory trust fund to provide for a \$49,300 annual salary for the Insurance Commissioner. In addition, Section 26.1-01-09 is amended to provide for the \$49,300 salary.

The salaries and wages line item is increased by \$44,362 from other funds to restore the accountant position deleted in the House. Salaries and wages are also increased by \$225,000 from other funds for an actuary position.

The operating expenses line item is increased by \$14,468 from other funds; \$968 for the accountant position, \$1,800 for the actuary position, and \$12,500 for membership and travel for the National Conference of Insurance Legislators (COIL).

The equipment line item is increased by \$3,600 from other funds, \$1,800 for the accountant position and \$1,800 for the actuary position.

DEPARTMENT 617 - LIVESTOCK SANITARY BOARD

The salaries and wages line item is increased by \$61,888 from the general fund to restore two .6 FTE livestock inspectors.

The operating expenses line item is reduced by \$16,043 from the general fund as follows:

| | |
|-----------------------|-------------------|
| Professional services | \$(25,252) |
| Postage and telephone | 3,981 |
| Printing | 2,596 |
| Travel | 2,632 |
| Total | <u>\$(16,043)</u> |

TOTAL BILL

A comparison of House Bill No. 1001 is as follows:

| | Executive Recommendation | House Version | Current Senate Version | Comparison of Senate Version to Executive Recommendation | Comparison of Senate Version to House Version |
|---------------|-----------------------------|--------------------|------------------------------|---|--|
| General fund | 935,491,256 | 935,642,927 | 936,446,530 | 92,256,274 | 92,802,403 |
| Special funds | 16,915,157 | 16,310,594 | 17,784,782 | 861,425 | 1,456,288 |
| Total | <u>952,406,413</u> | <u>951,953,521</u> | <u>954,231,312</u> | <u>93,805,899</u> | <u>94,258,691</u> |
| 1001.2 | | | | | |

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1002.

SENATE AMENDMENTS TO ENGROSSED HB 1002

- Page 1, line 5, after "15-21" insert "and two new sections to chapter 15-65"
- Page 1, line 7, replace the first "and" with a comma, after "education" insert ", and school district telecommunications grants", after "reenact" insert "the new section to chapter 15-34.1 of the North Dakota Century Code as created by section 6 of House Bill No. 1421, as approved by the fifty-first legislative assembly, and", and replace "section" with "sections 15-21-02,"
- Page 1, line 8, after "15-40.1-08" insert ", subdivision j of subsection 1 of section 57-15-14.2, and subsection 1 of section 57-15-17.1" and after "to" insert "foundation aid payments to school districts for supervising home-based instruction, the salary of the superintendent of public instruction,"
- Page 1, line 9, after "programs" insert ", and asbestos abatement" and after the semicolon insert "to provide for appropriation reductions;"
- Page 2, line 1, replace "7,061,378" with "7,317,892"
- Page 2, line 3, replace "3,844,069" with "3,879,869"
- Page 2, line 5, replace "376,898,570" with "376,441,457"
- Page 2, line 9, replace "546,684,052" with "546,519,253"
- Page 2, line 11, replace "413,425,177" with "413,260,378"
- Page 2, line 14, replace "1,902,287" with "2,137,391"
- Page 2, line 15, replace "2,000" with "10,000"
- Page 2, line 19, replace "15,805,538" with "15,683,434"
- Page 2, line 21, replace "22,828,852" with "22,949,852"
- Page 2, line 22, replace "9,226,532" with "9,226,532"
- Page 2, line 23, replace "13,602,320" with "13,723,320"
- Page 2, line 24, replace "427,027,497" with "426,983,698"
- Page 2, line 26, replace "569,512,904" with "569,469,105"
- Page 3, line 20, remove "for the purpose of administering and providing grants for"
- Page 3, line 21, remove "electronic media instruction"
- Page 3, line 22, after "transferred" insert ", \$10,492 must be used to administer the state school construction fund, \$750,000 must be used for administering and providing grants"
- Page 3, line 23, remove "\$250,000 shall be used to contract for public"
- Page 3, line 24, remove "and educational broadcasting services"

Page 5, after line 19, insert:

"SECTION 8. Two new sections to chapter 15-65 of the North Dakota Century Code are hereby created and enacted to read as follows:

Telecommunications grants - Matching by school districts. The educational telecommunications council may require a school district to provide up to twenty-five percent in matching funds to receive any funds appropriated or that may otherwise become available for telecommunications.

Plan for statewide system of interactive telecommunications - Solicitation of grants. In developing and implementing a plan for a statewide system of interactive telecommunications, the educational telecommunications council shall solicit grants to be used in conjunction with moneys appropriated by the legislative assembly for telecommunications. Any moneys appropriated by the legislative assembly for telecommunications, unless specifically provided otherwise, and any grants received in accordance with this section must be used to implement the plan developed by the educational telecommunications council pursuant to this chapter.

SECTION 9. AMENDMENT. The new section to chapter 15-34.1 of the North Dakota Century Code as created by section 6 of House Bill No. 1421, as approved by the fifty-first legislative assembly, is hereby amended and reenacted to read as follows:

State aid. For purposes of allocating foundation aid and other state assistance to local school districts, ~~students~~ a student receiving home-based instruction ~~shall be~~ is deemed enrolled in the school district in which ~~they reside~~ the student resides if the student is supervised by a certificated teacher employed by the public school district in which the parent resides. A school district is entitled to one-half of the per-pupil payment provided in section 15-40.1-06 times the appropriate factor in section 15-40.1-07 or 15-40.1-08 for each such student.

SECTION 10. AMENDMENT. Section 15-21-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-02. Salary and traveling expenses. The annual salary of the superintendent of public instruction is ~~forty seven~~ fifty thousand three hundred dollars. ~~He shall be allowed in addition thereto his~~ The superintendent is also entitled to reimbursement for expenses incurred in the discharge of ~~his~~ official duties, such expenses to be paid monthly on a warrant prepared by the office of management and budget and signed by the state auditor, upon the filing of an itemized and verified statement of expenses."

Page 8, after line 27, insert:

"SECTION 12. AMENDMENT. Subdivision j of subsection 1 of section 57-15-14.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- j. The removal of asbestos substances from school buildings or the abatement of asbestos substances in school

buildings under any method approved by the United States environmental protection agency and any repair, replacement, or remodeling that results from such removal or abatement.

SECTION 13. AMENDMENT. Subsection 1 of section 57-15-17.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The governing body of any public school district may by resolution adopted by a two-thirds vote of the school board dedicate a tax levy for purposes of this section of not exceeding fifteen mills on the dollar of taxable valuation of property within the district for a period not longer than fifteen years. The school board may authorize and issue general obligation bonds to be paid from the proceeds of this dedicated levy for the purpose of providing funds for the removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any other method approved by the United States environmental protection agency and for any repair, replacement, or remodeling that results from removal or abatement of asbestos substances."

Page 9, after line 14, insert:

"SECTION 17. APPROPRIATION REDUCTIONS. If, as a result of action taken pursuant to article III of the Constitution of North Dakota, the amount of moneys available in the general fund is less than the estimate on adjournment of the legislative assembly, the director of the budget, notwithstanding North Dakota Century Code Section 54-44.1-13.1, shall first proportionally reduce the general fund appropriations contained in this and other Acts approved by the 1989 legislative assembly authorizing and identifying areas for reductions in appropriations to the extent of the reduced revenues to the state general fund before reducing budgets as provided by section 54-44.1-13.1. A reduction of the general fund appropriation contained in this Act must be proportionately made to the grants - foundation aid line item and is limited to the following amounts:

| | |
|--|---------------|
| Foundation aid - per-pupil payments | \$20,000,000 |
| Foundation aid - transportation payments | 3,000,000 |
| Total | \$23,000,000" |

Page 9, line 28, replace "8" with "11"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

The amendment reduces the total appropriation for Public Instruction by \$164,799 from the general fund, a \$256,514 increase in salaries, a \$35,800 increase in operating expenses, and a \$457,113 decrease in the foundation aid grants line item.

The salaries and wages line item is increased as follows:

GENERAL FUND

| | | |
|--|----|---------|
| Provide increase for superintendent | \$ | 7,478 |
| Restore .5 secretary | | 16,405 |
| Add 2 FTE for approval of teacher education programs | | 125,903 |
| Add 1 FTE curriculum specialist | | 85,823 |
| Add .5 FTE secretary for assessment and testing director | | 20,905 |
| Total | \$ | 256,514 |

The operating expenses line item is increased by \$35,800 from the general fund--\$20,800 for costs associated with revising accreditation standards per passage of House Bill No. 1472 and \$15,000 for increased reimbursement for county reorganization members per passage of Senate Bill No. 2208.

The following schedule compares the House version's foundation aid line item to the Senate version:

| | HOUSE | SENATE | DIFFERENCE |
|--|----------------------|----------------------|-----------------------|
| <u>Foundation Program</u> | | | |
| Per-pupil payments | \$388,571,034* | \$377,181,800* | \$(11,389,234) |
| Less: School district mill levy deduction ** | (47,920,893) | (38,720,082) | 9,200,811 |
| Total per-pupil payments | <u>\$340,650,141</u> | <u>\$338,461,718</u> | <u>\$ (2,188,423)</u> |
| Transportation payments | <u>36,248,429</u> | <u>37,979,739</u> | <u>1,731,310</u> |
| Total general fund - foundation program | \$376,898,570 | \$376,441,457 | \$ (457,113) |
| <u>Tuition Apportionment</u> | | | |
| | <u>\$ 48,200,000</u> | <u>\$ 48,200,000</u> | <u>_____</u> |
| Total foundation aid and tuition apportionment | \$425,098,570 | \$424,641,457 | \$ (457,113) |

* The House version's per-pupil payments amount included \$440,000 for bonus payments provided to high schools for cooperative education programs compared to the Senate version that includes \$200,000 for cooperative program transportation programs. The per-pupil payments amount also includes \$500,000 for both the Senate and House versions for elementary summer school programs during 1991 contained in House Bill No. 1002.

** The different versions of the school district mill levy deduction are as follows:

Current law - 20 mills
 Executive budget - 40 mills
 House - 25 mills
 Senate - 20 mills

The following is a schedule of the per-pupil and tuition fund payments and weighted units used in the House version and Senate version:

1989-91 HOUSE
 VERSION IF
 COMPUTED UNDER
 CURRENT BASIS

| | HOUSE VERSION | SENATE VERSION | (20-MILL DEDUCT AND CURRENT WEIGHTED UNITS FACTORS) |
|-----------------------------|------------------|-------------------|--|
| <u>First-year payments</u> | | | |
| Per-pupil base | \$ 1,550 | \$ 1,500* | \$ 1,499 |
| Tuition fund | 200 | 200 | 200 |
| Total first-year payments | \$ 1,750 | \$ 1,700 | \$ 1,699 |
| <u>Second-year payments</u> | | | |
| Per-pupil base | \$ 1,604 | \$ 1,550* | \$ 1,552 |
| Tuition fund | 200 | 200 | 200 |
| Total second-year payments | \$ 1,804 | \$ 1,750 | \$ 1,752 |
| <u>Weighted units</u> | | | |
| First year | \$ 122,907 | \$ 123,557 | \$ 124,208 |
| Second year | \$ 122,896 | \$ 123,546 | \$ 124,196 |

The per-pupil payments during the 1987-89 biennium were \$1,400 for the first year and an estimated \$1,364 for the second year after the allotment and \$1,412 prior to the allotment.

The weighted units under the different versions were based on the following:

Executive budget - Most recent five-year average of actual costs.

House - One-half the difference between the present weighted unit factors and the most recent five-year average.

Senate - One-fourth the difference between the present weighted unit factors and the most recent five-year average.

* The Senate version if computed under the current weighted unit factors would be approximately \$8 less per year, or \$1,492 for the first year and \$1,542 for the second year.

Transportation payments

| | HOUSE | SENATE |
|---------------|-------|-------------|
| Small bus | .345 | .355 |
| Large bus | .70 | .72 |
| Pupil per day | .19 | .19 to .665 |

The salaries and wages line item is increased by \$7,478 from the general fund to provide for a \$50,300 annual salary for the Superintendent of Public Instruction. In addition, Section 15-21-02 is amended to provide for the \$50,300 salary.

The section which provides for a transfer from the state school construction fund to the Superintendent of Public Instruction is amended to reflect that of the \$1,160,492 transferred, \$10,492 is transferred to cover the costs to administer the state school construction fund; \$400,000 is to be used at matching funds to purchase a public television transmitter to serve South Central North Dakota; and the remaining \$750,000 is for administering and providing grants for electronic media instruction. The amendment removes

language that provided that \$250,000 must be used to contract for public and educational broadcasting services.

This amendment provides that the educational telecommunications council may require school districts to match up to 25 percent of the telecommunication grants they receive and that the Educational Telecommunications Council shall solicit grants for telecommunications to be used with appropriated funds.

The amendment provides that payments for home school students are at one-half the per-pupil payment.

This amendment authorizes school districts to levy taxes to pay for the abatement of asbestos for methods approved by the Environmental Protection Agency.

This amendment provides for appropriation reductions on a proportional basis of up to \$23 million in the event any general fund revenue measures passed by the 1989 Legislative Assembly do not go into effect. Of the \$23 million reductions, \$20 million is for per-pupil payments and \$3 million is for transportation payments.

DEPARTMENT 270 - BOARD FOR VOCATIONAL EDUCATION

The following is a schedule of changes made to the Vocational Education appropriation:

| | GENERAL FUND | OTHER FUNDS | TOTAL |
|---|-----------------|----------------|------------|
| Add funds to restore 4 FTE deleted in Governor's budget (the House restored 4 of the 8 cut by the Governor) | \$ 121,000 | \$ 114,104 | \$ 235,104 |
| Add funds to data processing for the new accounting system | | 8,000 | 8,000 |
| Reduce other grants line item for federal funds transferred to fund the above two changes | | (122,104) | (122,104) |
| Total | \$ 121,000 | \$ 0 | \$ 121,000 |

After these amendments, funding is provided to fund the following eight positions deleted in the Governor's budget (one-half was added by the Senate, \$121,000 general fund, \$114,104 other funds, \$235,104 total, and the other one-half was added by the House):

| | TOTAL | GENERAL FUND | OTHER FUNDS |
|-----------------------------|-----------|-----------------|----------------|
| Administrative secretary II | \$ 34,400 | \$ 34,400 | \$ |
| Administrative secretary II | 36,865 | 36,865 | |
| Administrative secretary II | 41,572 | 41,572 | |
| Accountant I | 44,672 | 44,672 | |
| Assistant state director | 95,760 | 47,880 | 47,880 |
| Assistant program director | 76,242 | 10,674 | 65,568 |

| | | | |
|----------------------------|-------------------|-------------------|-------------------|
| Assistant program director | 74,516 | 11,177 | 63,339 |
| Assistant program director | 67,077 | 14,757 | 52,320 |
| Total | <u>\$ 471,104</u> | <u>\$ 241,997</u> | <u>\$ 229,107</u> |

SENATE AMENDMENTS TO ENGROSSED HB 1002

Page 1, line 7, replace "section" with "sections"

Page 1, line 8, after "15-40.1-08" insert ", 15-60-03, 15-60-06, and 15-60-07"

Page 1, line 9, after "programs" insert "and the transformation of the state school construction fund into an interest buydown fund"

Page 1, line 11, after the semicolon insert "to repeal sections 15-60-04, 15-60-05, and 15-60-09 of the North Dakota Century Code, relating to construction contracts with the board of public school education and the power of the board to acquire land;"

Page 8, after line 27, insert:

"SECTION 9. AMENDMENT. Section 15-60-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-03. Purposes and general powers.

1. ~~The state school construction fund is created for the purpose of constructing and improving public school buildings; and furnishing and equipping the same for use as public schools; as a part of the public school system of the state of North Dakota under the jurisdiction of the department of public instruction. The board is hereby granted and shall have and may exercise all the powers necessary or convenient for the carrying out of the aforesaid purposes including; but without limiting the generality of the foregoing; the following rights and powers:~~
 - a. ~~To sue and be sued in all courts;~~
 - b. ~~To acquire; purchase; hold; lease; sell; transfer; dispose of; or use any property; real; personal or mixed; tangible or intangible; or any interest therein; necessary or desirable for carrying out the purposes of the state school construction fund;~~
 - c. ~~To acquire by purchase; lease; or otherwise and to construct; improve; and repair projects;~~
 - d. ~~To make bylaws for the management and regulation of its affairs;~~
 - e. ~~To appoint officers; agents; employees; and servants; to prescribe their duties; and to fix their compensation;~~
 - f. ~~To fix; alter; charge; and collect rentals and other charges for the use of the facilities or; for the services rendered by; the board or projects thereof; at reasonable rates to be determined by it for the purpose~~

of providing for the payment of the expenses of the board; the construction, improvement, and repair of its facilities and properties; and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

- g. To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.
- h. To have the power of eminent domain.
- i. To pledge, hypothecate, and otherwise encumber, all or any of the revenues or receipts of the fund as security for all, or any of, the obligations of the board.
- j. To do all acts and things necessary or convenient to carry out the powers granted to it by this chapter or any other acts.

There is established a state school construction fund to be maintained by the board at the Bank of North Dakota. The board may use the fund to buydown or reduce the interest paid by a school district on the Bank's portion of the construction loan. The interest buydown program under this section must be implemented under rules adopted by the board.

2. The board shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any other school districts. No obligations or debts of the board shall be deemed to be obligations of the state or any other school districts; and the state or any other school districts shall not be liable for the payment of principal or interest on such obligations. The board Bank of North Dakota shall at no time enter into any contract with a school district under the provisions of this chapter, unless such school district is at that time annually levying a sufficient mill levy which the board has determined will provide for repayment of the contracted loan within twenty years after the initial payment from the state school construction fund Bank of North Dakota to the school district, but a school district shall not borrow more than thirty percent of the taxable valuation of the district or five million dollars from the fund Bank and shall not be permitted to levy less than ten mills for the maintenance of a building fund. The loan contracted for by the school district from the Bank must be repaid by the school district together with two and one-half percent interest per annum. The interest buydown fund must be used by the board to cover the difference between the Bank's current loan rate and the rate of two and one-half percent interest per annum. The levy required by this section for repayment must be maintained over the life of the contract with the board Bank, and the school district must have at the time of the loan an existing indebtedness to the maximum limit permitted by law. In determining whether a school district has an existing indebtedness to the maximum limit permitted by law for purposes of this section, the value of

taxable property means twice the taxable value of all taxable property in the school district.

3. All contracts between the board Bank and school districts shall be conditioned upon the preparation of general plans for the orderly development of improved attendance areas and administrative units and for the improved housing of the public schools of the state. These plans shall be prepared cooperatively by local, county, and state school authorities, in accordance with standards and regulations prescribed by the department. The department shall have authority and its duty shall be to review all construction projects to determine:
 - a. The extent to which they conform to state plans.
 - b. The amount of improvement to be brought about in attendance areas and administrative units.
 - c. The usefulness and adequacy of the proposed building for classroom purposes with respect to design, location, safety, comfort, and convenience.
 - d. The ability of the local school district or districts to amortize the cost of construction and to defray the cost of operation and maintenance.
4. No contract shall be executed between the board Bank and school district without the specific written approval of the department.

SECTION 10. AMENDMENT. Section 15-60-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-06. Governing body. The board shall meet for the purpose of ~~making plans for the administration of the school construction fund and the~~ receiving and reviewing of applications for construction or improvements. Five members of the board shall constitute a quorum for the purpose of conducting the business thereof and for all other purposes, and all other actions shall be taken by a unanimous vote of the quorum. The board shall have full authority to manage the properties and business of the board. The board, acting through the office of the superintendent of public instruction, shall fix and determine the number of officers, agents, and employees it shall employ and their respective compensation and duties, and may delegate to one or more of their number, or to one or more of said officers, agents, or employees, such powers and duties as it may deem proper.

SECTION 11. AMENDMENT. Section 15-60-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-07. Moneys of the fund. The custodian of the building fund of any school district for which a building or an addition to an existing building has been constructed shall pay annually to the state treasurer Bank of North Dakota all moneys due as rental or rentals loan payments together with two and one-half percent interest as herein provided, which money shall be credited to the state school construction fund. For those contracts in force before July 1, 1989,

the school district will continue to pay the rental payments, plus two and one-half percent interest to the state treasurer to be deposited into the state school construction fund. The moneys in said account the fund shall be paid out on the warrant or other order by the chairman and secretary of the board. The state auditor or his legally authorized representatives are hereby authorized and directed to audit the accounts and books of the board, including its receipts, disbursements, contracts, leases, sinking funds, investments, and any other matters relating to its finances, operation, and affairs annually."

Page 9, after line 27, insert:

"SECTION 17. REPEAL. Sections 15-60-04, 15-60-05, and 15-60-09 of the North Dakota Century Code are hereby repealed."

Re-number accordingly

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

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

HB 1267: Sens. Richard, Maixner, Ingstad

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1089 has had the same under consideration and recommends that the HOUSE ACCEDE to from the Senate amendments as found on pages 1637-1638 of the House Journal.

For the Senate: Sens. Schoenwald, Krauter, Todd

For the House: Reps. R. Larson, Soukup, J. DeMers

Engrossed HB 1089 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1267 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1798-1799 of the House Journal and that Engrossed HB 1267 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a refund of sales tax for purchases made by residents of Canada; and to amend and reenact subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for purchases made by residents of certain adjoining states.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 12 of section 57-39.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12. Gross receipts from ~~all sales a sale~~ otherwise taxable under this chapter ~~when~~ made to ~~persons a person~~ who ~~are~~ residents is a resident of an adjoining states state which ~~do~~ does not

impose or levy a retail sales tax or are residents of Canada; provided that such persons are under the following conditions:

- a. The nonresident is in the state of North Dakota for the express purpose of making such purchases a purchase, and not as tourists; and provided, further, that any such person furnish a tourist.
- b. The nonresident furnishes to the North Dakota retailer a certificate signed by him the nonresident in such a form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale. Unless such the certificate is furnished it shall be presumed, until the contrary is shown, that such person the nonresident was not in the state of North Dakota for the express purpose of making such purchases; provided, further, that this exemption shall not apply to any a purchase.
- c. The sale to any person who is a resident of another state if the sales price is twenty five dollars or less or to any person who is a resident of Canada if the sales price is twenty-five dollars or less is fifty dollars or more.

SECTION 2. A new section to chapter 57-39.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refunds for Canadian residents. The tax imposed under this chapter on gross receipts from sales made to a person who is a resident of Canada may be refunded under the following conditions:

1. The Canadian resident was in North Dakota for the express purpose of making a purchase, and not as a tourist.
2. The goods will be removed from North Dakota within thirty days of purchase and will be used permanently outside North Dakota.
3. The Canadian resident applies in writing to the commissioner on a form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale.
4. The qualifying sale is one in which the total gross receipts from each individual transaction, which may involve one or more items, equals twenty-five dollars or more.
5. The refund is fifteen dollars or more. Qualifying sales may be accumulated for periods not in excess of one calendar year in order to reach the fifteen dollar limit.
6. Notwithstanding the provisions of section 57-39.2-23, the commissioner may provide names and addresses of Canadian residents claiming a North Dakota sales tax refund to the director of tourism."

Renumber accordingly

For the Senate: Sens. Richard, Maixner, Ingstad
For the House: Reps. Haugen, A. Olson, Tomac

Engrossed HB 1267 was placed on the Seventh order of business on the calendar.

SIGNING of VETO CERTIFICATION (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker was about to sign the certification by which HB 1076, HB 1254, and HB 1520 failed to pass the House over the Governor's veto, and the Speaker signed the same in the presence of the House of Representatives.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2003 and SB 2270 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2003: Sens. Waldera, Shea, Lips
SB 2270: Sens. Richard, Satrom, Nething

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2006 and SB 2114 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2006: Sens. Wogsland, Mushik, Nelson
SB 2114: Sens. Tallackson, Wogsland, Naaden

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2542.

FIRST READING OF SENATE BILL

SB 2542: A BILL for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to issuance of bonds by political subdivisions when emergency conditions exist; and to declare an emergency.

Was read the first time and referred to the Committee on Political Subdivisions.

REPORT OF CONFERENCE COMMITTEE

REP. A. HAUSAUER MOVED that the conference committee report on Engrossed HB 1479 as printed on page 2172 of the House Journal be adopted.

MOTION

REP. A. HAUSAUER MOVED that the conference committee report on Engrossed HB 1479 be laid on the table.

REQUEST

REP. W. WILLIAMS REQUESTED a recorded roll call vote on the motion that the conference committee report on Engrossed HB 1479 be laid on the table, which request was granted.

ROLL CALL

The question being on the motion that the conference committee report on Engrossed HB 1479 be laid on the table, the roll was called and there were 46 YEAS, 55 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Bernstein; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Hanson, O.; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schindler; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Trautman; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hoffner; Hokana; Huether; Kaldor; Kelly; Knell; Kouba; Laughlin; Marks; Martin; Melby; Mertens; Nelson; Ness; Nowatzki; Oban; O'Shea; Peterson; Ring; Scherber; Schmidt; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tollefson; Tomac; Urlacher; Watne; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Berg, R.; Christman; Kolbo; Murphy; Ulmer

The motion that the conference committee report on Engrossed HB 1479 be laid on the table failed.

The question then was on the motion of Rep. A. Hausauer that the conference committee report on Engrossed HB 1479, as printed on page 2172 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1479, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1479: A BILL for an Act to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an exemption from the oil extraction tax for a well requiring a work-over project.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 61 YEAS, 43 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Enget; Frey; Gerhardt; Gerntholz; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hoffner; Jensen; Kaldor; Kelly; Kolbo; Kouba; Lang; Marks; Martin; Melby; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Peterson; Rydell; Schatz; Schindler; Schmidt; Schneider; Shide; Smette; Solberg; Sorensen; Starke; Stofferahn; Thompson, V.; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Williams, W.

NAYS: Aas; Bernstein; Brokaw; Christman; Dalrymple; Dorso; Flaagan; Gates; Gerl; Gorman; Gunsch; Hausauer, A.; Hausauer, R.; Hokana; Howard; Huether; Kingsbury; Kloubec; Knell; Larson, D.; Larson, R.; Laughlin; Lindgren; Martinson; Olson, A.; Payne; Ring; Scherber; Shaft; Shockman; Skjerven; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wilkie; Williams, A.; Speaker Kretschmar

ABSENT AND NOT VOTING: Murphy; Nicholas

HB 1479 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act making an appropriation for defraying the expenses of job service North Dakota of the state of North Dakota.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Haugland; Lang; Murphy; Oban; Scherber

SB 2023 passed and the title was agreed to.

MOTION

REP. MARTIN MOVED that the House reconsider its action whereby HCR 3005 was signed, enrolled, and passed, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

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

HB 1011: Sens. Redlin, Yockim, Naaden

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

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

HB 1006: Sens. Stromme, Shea, Thane

HB 1007: Sens. Mushik, Waldera, Lips

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate respectfully requests the return of: HCR 3005.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2016 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2016: Sens. Tallackson, Redlin, Naaden

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2022.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1001 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1001: Reps. Gunsch, Gerntholz, Laughlin.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1002 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1002: Reps. K. Thompson, Gates, Hoffner.

REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on Engrossed HB 1128 be adopted and that the conference committee be discharged and that a new conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a new Conference Committee on HB 1128: Reps. Dorso, Tollefson, Enget.

THE SPEAKER APPOINTED as a Conference Committee on SB 2005: Reps. K. Thompson, O. Hanson, Nowatzki.

THE SPEAKER APPOINTED as a Conference Committee on SB 2006: Reps. Sorensen, Wald, Stofferahn.

THE SPEAKER APPOINTED as a Conference Committee on SB 2114: Reps. Payne, O. Hanson, Nowatzki.

MOTION

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

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

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1006 has had the same under consideration and recommends that the HOUSE

ACCEDE to the Senate amendments as found on pages 1923-1924 of the House Journal.

For the Senate: Sens. Stromme, Shea, Thane

For the House: Reps. Sorensen, Dalrymple, Watne (refused to sign)

Engrossed HB 1006 was placed on the Seventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2090: A BILL for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to the Family Support Act of 1988; to amend and reenact sections 50-09-20, 50-09-20.1, and 50-09-21 of the North Dakota Century Code, relating to the appropriation of county funds for certain programs, state reimbursement of certain county expenditures, and the amount for which the county is liable.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 99 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Gunsch; Kingsbury; Shide; Vander Vorst

ABSENT AND NOT VOTING: Murphy; Wald; Williams, W.

SB 2090 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that the House accede to the Senate's request for the return of HCR 3005, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has laid on the table the conference committee report on: HB 1294.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1025 as printed on pages 1723-1724 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate.

REQUEST

REP. STOFFERAHN REQUESTED a recorded roll call vote on the motion that the House not concur in the Senate amendments to HB 1025 and that a conference committee be appointed to meet with a like committee from the Senate on HB 1025, which request was granted.

ROLL CALL

The question being on the motion that the House not concur in the Senate amendments to HB 1025 and that a conference committee be appointed to meet with a like committee from the Senate on HB 1025, the roll was called and there were 61 YEAS, 43 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerl; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhard; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Nelson; Ness; Nowatzki; Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Murphy; Williams, W.

The motion to not concur in the Senate amendments to HB 1025 and that a conference committee be appointed to meet with a like committee from the Senate on HB 1025 passed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1025: Reps. R. Hausauer, Dalrymple, Stofferahn.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2003: Reps. R. Hausauer, Payne, Mertens.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

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

SB 2417: Sens. Satrom, Richard, Ingstad

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that all Senate bills on which final action has been taken be messaged to the Senate immediately, which motion prevailed.

REP. KLOUBEC MOVED that the House stand in recess until 6:00 p.m., which motion prevailed.

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

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 13, 1989

The Honorable William Kretschmar
Speaker of the House
House Chamber
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on April 13, 1989, I signed the following: HB 1016, HB 1022, HB 1029, HB 1038, HB 1039, HB 1041, HB 1101, HB 1123, HB 1124, HB 1152, HB 1186, HB 1196, HB 1210, HB 1351, HB 1455, HB 1480, HB 1510, HB 1664.

Sincerely,

GEORGE A. SINNER
Governor

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has not adopted the conference committee report on HB 1499. The President has appointed as a new conference committee to act with a like committee from the House on:

HB 1499: Sens. Satrom, Dotzenrod, Moore

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed: HB 1071, HB 1401, HCR 3087.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1660 and subsequently passed the same, but the emergency clause failed to pass.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2025, SB 2030, SB 2072, SB 2192, SB 2193, SB 2226, SB 2376, SB 2389, SB 2422, SB 2459, SB 2537, SCR 4026, SCR 4065, SCR 4070, SCR 4071, SCR 4073.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a concurrent resolution authorizing the retention of certain employees of the House and Senate to allow for the completion of legislative work after the close of the session.

It shall be numbered HCR 3090.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to make an appropriation for defraying North Dakota's cost share of the Belfield/Bowman radiation remediation project costs under authority of the Uranium Mill Tailings Radiation Control Act; and to provide authorization to the state department of health and consolidated laboratories to negotiate with the department of energy on behalf of the state of North Dakota concerning the Belfield/Bowman radiation remediation project.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 102 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Brokaw

ABSENT AND NOT VOTING: Lang; Murphy; Williams, W.

SB 2094 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1128. The committee was unable to agree and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1128: Reps. Dorso, Tollefson, Enget

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House accedes to the Senate's request for the return of HCR 3005.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SB 2010, SB 2015, SB 2018, SB 2019, SB 2023, SB 2090.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate respectfully requests the return of: HCR 3040.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

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

HB 1297: Sens. D. Meyer, O'Connell, Todd

SECOND READING OF SENATE BILL

SB 2210: A BILL for an Act to create and enact two new sections to chapter 27-21 of the North Dakota Century Code, relating to definitions and custodial powers for purposes of the division of juvenile services; to amend and reenact sections 12-52-01, 27-21-01, 27-21-02, 27-21-03, 27-21-05, 27-21-06, 27-21-07, 27-21-08, and 27-21-09 of the North Dakota Century Code, relating to aftercare and other programs and the creation of a division of juvenile services in the department of corrections and rehabilitation; and to repeal sections 27-21-04 and 27-21-10 of the North Dakota Century Code, relating to an advisory board and cooperation with federal agencies and departments.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 86 YEAS, 17 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Belter; Dorso; Gerntholz; Gunsch; Hanson, O.; Huether; Kingsbury; Knell; Kouba; Melby; Olsen, D.; Schatz; Shide; Shockman; Thompson, K.; Tokach; Vander Vorst

ABSENT AND NOT VOTING: Lang; Murphy; Williams, W.

SB 2210 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4074: A concurrent resolution urging the Postmaster General of the United States Postal Service to issue a stamp commemorating the late John L. Lewis.

The question being on the adoption of the resolution, which has been read.

SCR 4074 was declared adopted on a voice vote.

MOTION

REP. KLOUBEC MOVED that the House request the return of HCR 3040 from the Secretary of State's office, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Committee on Employment introduced:

(Approved by the Committee on Delayed Bills)

HCR 3090: A concurrent resolution authorizing the retention of certain employees of the House and Senate to allow for the completion of legislative work after the close of the session.

Was read the first time.

MOTION

REP. KLOUBEC MOVED that the rules be suspended, that HCR 3090 not be printed, not be referred to committee, be read in title only, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Committee on Employment introduced:

(Approved by the Committee on Delayed Bills)

HOUSE CONCURRENT RESOLUTION NO. 3090

A concurrent resolution authorizing the retention of certain employees of the House and Senate to allow for the completion of legislative work after the close of the session.

WHEREAS, it is necessary to complete and close work of the regular session of the Fifty-first Legislative Assembly; and

WHEREAS, certain legislative employees should be retained to complete and close this work;

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

That the following named positions may be retained by the House of Representatives and the Senate after the adjournment of the regular session:

HOUSE POSITIONS

Chief Clerk
Assistant Chief Clerk
Desk Reporter
Bill Clerk
Sergeant-at-Arms
Assistant Sergeant-at-Arms
Chief Page and Bill Book Clerk
Chief Stenographer and Payroll Clerk
Bill Room Clerk
Appropriations Committee Clerk
Assistant Appropriations Committee Clerk
Secretary to Speaker
Secretary to Majority Leader
Secretary to Minority Leader
Chief Telephone Clerk

SENATE POSITIONS

Secretary of the Senate
Assistant Secretary of the Senate
Desk Reporter

Bill Clerk
 Desk Page
 Sergeant-at-Arms
 Assistant Sergeant-at-Arms
 Assistant Sergeant-at-Arms
 Chief Page and Bill Book Clerk
 Chief Stenographer and Payroll Clerk
 Stenographer
 Chief Committee Clerk
 Appropriations Committee Clerk
 Secretary to Majority Leader
 Assistant Secretary to Majority Leader
 Secretary to Minority Leader
 Assistant Secretary to Minority Leader
 Chief Bill and Journal Room Clerk
 Bill Room Clerk

BE IT FURTHER RESOLVED, that the above-listed House and Senate employees shall serve at the request of, and under the supervision of, the Chief Clerk of the House and the Secretary of the Senate, and that all of the listed employees, including the Chief Clerk of the House and the Secretary of the Senate, may not be employed for more than 200 man-days in the aggregate. The Chief Clerk of the House and the Secretary of the Senate shall assign work among the available House and Senate employees, respectively, in the appropriate manner. The Chief Clerk of the House and the Secretary of the Senate shall coordinate the work assignments in their respective houses in such a manner that the total number of man-days utilized does not exceed the aggregate limit on man-days in this resolution. The Chief Clerk of the House and the Secretary of the Senate shall minimize the days spent in completion of legislative business to the extent consistent with that completion; and

BE IT FURTHER RESOLVED, that the employees in the above-named positions be paid their regular rates of pay as specified in Senate Concurrent Resolution No. 4027 for work pursuant to this resolution, and all of these sums are to be paid out of the appropriation to the Fifty-first and Fifty-second Legislative Assemblies, and after completion of the work, providing that each above-listed employee must be paid on a pro rata basis if the total number of man-days exceeds the aggregate limit.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3090: A concurrent resolution authorizing the retention of certain employees of the House and Senate to allow for the completion of legislative work after the close of the session.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne;

Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Flaagan; Lang; Murphy; Williams, W.

HCR 3090 was declared adopted on a roll call vote.

REPORT OF CONFERENCE COMMITTEE

REP. R. LARSON MOVED that the conference committee report on Engrossed HB 1089 be adopted, which motion prevailed.

Engrossed HB 1089, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the board of directors for nonprofit health service corporations.

MOTION

REP. FLAAGAN MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 57 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Nelson; Ness; Nowatzki; Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wentz; Wilkie; Williams, A.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Howard; Huether; Jensen; Kingsbury; Kloubec; Knell; Kouba; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Hausauer, A.; Lang; Murphy; Peterson; Williams, W.

HB 1089 lost.

REPORT OF CONFERENCE COMMITTEE

REP. GATES MOVED that the conference committee report on HB 1134 be adopted, which motion prevailed.

HB 1134, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to disclosure of disease control records; to amend and reenact section 23-07-21 of the North Dakota Century Code, relating to penalties for releasing confidential records or information concerning reportable diseases; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 5 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Gunsch; Hanson, O.; Thompson, K.; Timm; Whalen

ABSENT AND NOT VOTING: Hausauer, A.; Hausauer, R.; Kloubec; Lang; Murphy; Peterson; Wald; Williams, W.

HB 1134 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. SORENSEN MOVED that the conference committee report on HB 1158 be adopted, which motion prevailed.

HB 1158, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1158: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to conducting nondiscrimination tests under the state health and life insurance programs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Haugen; Hausauer, A.; Hausauer, R.; Kloubec; Lang; Murphy; Peterson; Williams, W.

HB 1158 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. NICHOLAS MOVED that the conference committee report on Engrossed HB 1200 be adopted.

MOTION

REP. R. ANDERSON MOVED the previous question, which motion prevailed.

The conference committee report on HB 1200 was adopted.

HB 1200, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to create and enact a new section to chapter 57-43.1 of the North Dakota Century Code, relating to motor vehicle fuel tax refunds to farm operators; to amend and reenact sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 4-14.1-04, 4-14.1-05, 57-43.1-03, and 57-43.1-06 of the North Dakota Century Code, relating to the North Dakota agricultural products utilization commission, agricultural fuel tax fund, refunds of motor vehicle fuels taxes, and allocation of a portion of motor fuel tax refunds to the agricultural fuel tax fund; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 14 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Anderson, R.; Berg, R.; Dorso; Enget; Gunsch; Hausauer, A.; Kloubec; Knell; Larson, D.; Payne; Schindler; Solberg; Timm; Tokach

ABSENT AND NOT VOTING: Hausauer, R.; Lang; Murphy; Williams, W.

HB 1200 passed and the title was agreed to.

SIGNING OF BILLS AND RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolutions: SB 2025, SB 2030, SB 2072, SB 2192, SB 2193, SB 2226, SB 2376, SB 2389, SB 2422, SB 2459, SB 2537, SCR 4026, SCR 4065, SCR 4070, SCR 4071, SCR 4073.

MESSAGE TO THE SENATE FROM THE HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed: SB 2025, SB 2030, SB 2072, SB 2192, SB 2193, SB 2226, SB 2376, SB 2389, SB 2422, SB 2459, SB 2537, SCR 4026, SCR 4065, SCR 4070, SCR 4071, SCR 4073.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED that the Senate had not adopted the conference committee report on HB 1499 and appointed the following to a new Conference Committee on HB 1499: Reps. Goetz, A. Hausauer, Tomac.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2016: Reps. Kingsbury, Gunsch, Solberg.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that all Senate bills on which final action has been taken be messaged to the Senate immediately, which motion prevailed.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred Engrossed SB 2536 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to the taxation of the federal land bank.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-51 of the North Dakota Century Code is hereby created and enacted to read as follows:

Type of tax. For purposes of interpreting chapter 785 of the 1987 Session Laws, relating to federal land bank taxation and to the taxation of other governmental entities if their immunity from taxation has been waived, the gross production tax is a real property tax on oil and gas producing mineral estates and interests."

Renumber accordingly

Engrossed SB 2536 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTIONS

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

REP. KLOUBEC MOVED that the House stand adjourned until 8:00 a.m., Friday, April 14, 1989, which motion prevailed.

The House stood adjourned pursuant to Representative Kloubec's motion.

ROY GILBREATH, Chief Clerk