

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, April 20, 1989

The House convened at 10:00 a.m., with Speaker Kretschmar presiding.

The prayer was offered by Representative Melby.

The roll was called and all Representatives were present, except Representatives Christman, P. DeMers, Dorso, Frey, R. Hausauer, Kneil, Kolbo, Mertens, Rydell, and Schatz.

A quorum was declared by the Speaker.

REQUESTS

REP. KLOUBEC REQUESTED that the record show that Rep. Belter was absent as he was attending a National Guard meeting, which request was granted.

REP. KLOUBEC REQUESTED that the record show that Rep. Kolbo was absent today as he was attending a funeral, which request was granted.

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 Seventy-fourth Day and finds it to be correct.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Olson, Heigaard and Reps. Kloubec, Schneider introduced:

SCR 4075: A concurrent resolution thanking President Bush for participating in the celebration of North Dakota's Centennial.
Was read the first time.

MOTION

REP. KLOUBEC MOVED that the rules be suspended, that SCR 4075 not be referred to committee, be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 4075

A concurrent resolution thanking President Bush for participating in the celebration of North Dakota's Centennial.

WHEREAS, North Dakota is celebrating 100 years of statehood in 1989; and

WHEREAS, citizens of North Dakota are celebrating the state's Centennial by participating in the North Dakota Centennial One Hundred Million Tree Program; and

WHEREAS, President Bush has expressed his support for measures protecting and enhancing the environment; and

WHEREAS, President Bush will be visiting North Dakota to recognize North Dakota's Centennial and to participate in the North Dakota Centennial One Hundred Million Tree Program by planting a tree on the State Capitol grounds; and

WHEREAS, President Bush will be the eleventh president to visit North Dakota;

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

That the Fifty-first Legislative Assembly thanks President George Bush for participating in the celebration of North Dakota's Centennial; and

BE IT FURTHER RESOLVED, that the Secretary of State provide an enrolled copy of this resolution to the North Dakota Centennial Commission for presentation to President George Bush upon his arrival in North Dakota.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4075: A concurrent resolution thanking President Bush for participating in the celebration of North Dakota's Centennial.

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

SCR 4075 was declared adopted on a voice vote.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4075.

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.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2008, SB 2011, SB 2012, SB 2013.

ANNOUNCEMENT BY THE SPEAKER

REP. KRETSCHMAR ANNOUNCED that the House would stand in recess until 11:00 a.m.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill and veto certification was delivered to the Secretary of State for his filing at the hour of 10:15 a.m., April 20, 1989: HB 1320.

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 10:11 a.m., April 20, 1989: HB 1005, HB 1011, HB 1024, HB 1128, HB 1134.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: SB 2008, SB 2011, SB 2012, SB 2013.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: SB 2008, SB 2011, SB 2012, SB 2013.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1037 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 Engrossed HB 1037: Reps. A. Hausauer, R. Anderson, Kelly.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to Engrossed HB 1259 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 1259: Reps. A. Hausauer, R. Anderson, Kelly.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 12:00 noon, which motion prevailed.

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

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1001, HB 1023, HB 1040.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1037 and HB 1259 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1037: Reps. A. Hausauer, R. Anderson, Kelly

HB 1259: Reps. A. Hausauer, R. Anderson, Kelly

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 1037: Sens. Satrom, Maixner, Thane

HB 1259: Sens. Satrom, Maixner, Thane

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 2:00 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 Reengrossed HB 1637 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 2146-2154 of the House Journal and that Reengrossed HB 1637 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15-34.2-03, subsections 2 and 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, 15-40.1-16, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to the foundation aid weighting factors, the per-pupil payment, the equalization factor, and transportation aid to schools; to provide for transition; and to provide for contingent additional per-pupil foundation aid payments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-34.2-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.2-03. Transportation - Payment optional with school board - Schedule. The school board of any school district in the state may pay, ~~in its discretion,~~ to each family living more than two miles [3.22 kilometers] from a school in the district which is taught the required length of time, a sum per day for each day's attendance of a student or students of such family, when transported by a member of the family or by a conveyance furnished or paid for by the family, or when the family has paid for lodging for the child, according to the distance between the home of the family and the school, at the rate of ~~ten~~ twenty cents per day for each one-half mile [.80 kilometer] over two miles [3.22 kilometers]. Such distance shall be measured by the route from the front door of the nearest operating school to the front door of the family's residence according to the most convenient public course of travel. Payments for transportation shall not be limited to the amount set forth in this section where the student or students are required to be transported to another school because the school which they had been attending is closed.

SECTION 2. AMENDMENT. Subsections 2 and 3 of section 15-40.1-06 of the 1987 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. a. The educational support per pupil during the first year of the ~~1987-89~~ 1989-91 biennium shall be one thousand ~~four~~ five hundred ~~twenty-five~~ twenty-five dollars and for the second year of the biennium the educational support per pupil shall be one thousand ~~four~~ five hundred ~~twelve~~ forty-five dollars and shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in sections 15-40.1-07 and 15-40.1-08.
- b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 shall be supported in the amount of two hundred twenty dollars, which shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in section 15-40.1-07.
3. In determining the amount of payment due school districts for per-pupil aid under this section, the product of ~~twenty~~ twenty-one mills for the 1989-90 school year and ~~twenty-two~~ twenty-one mills for each year thereafter times the latest available net assessed and equalized valuation of property of the school

district ~~shall~~ must be subtracted from the amount of such aid.

SECTION 3. AMENDMENT. Section 15-40.1-07 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

1. For each high schools school district having under seventy-five pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.70~~ 1.635 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.625 times the number of high school pupils in grades nine through twelve registered in that school district, times the educational support per pupil as provided in section 15-40.1-06 ~~for each high school pupil registered in the schools each year.~~
2. For each high schools school district having seventy-five or more, but less than one hundred fifty pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.40~~ 1.35 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.335 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 ~~for each high school pupil registered in the schools each year.~~
3. For each high schools school district having one hundred fifty or more, but less than five hundred fifty pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.32~~ 1.28 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.24 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 ~~for each high school pupil registered in the schools each year.~~
4. For each high schools school district having a total high school enrollment of five hundred fifty or more pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.20~~ 1.17 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.14 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 ~~for each high school pupil registered in the schools each year.~~

5. For high schools having an approved alternative education program, the amount of money resulting from multiplying the factor in:
 - a. Subsection 1 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has less than seventy-five pupils in average daily membership.
 - b. Subsection 2 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has seventy-five or more, but less than one hundred fifty pupils in average daily membership.
 - c. Subsection 3 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has one hundred fifty or more, but less than five hundred fifty pupils in average daily membership.
 - d. Subsection 4 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has five hundred fifty or more pupils in average daily membership.

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

Districts that did not maintain high schools during the year of 1964-1965 ~~shall~~ are not be eligible for payments unless they have a minimum enrollment of twenty-five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school work are offered, a minimum enrollment of fifteen pupils if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school work is offered. Payments pursuant to this chapter to school districts in bordering states ~~shall~~ must be made after subtracting the amount realized from ~~a twenty-mill~~ the mill levy in subsection 3 of section 15-40.1-06 in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

SECTION 4. AMENDMENT. Section 15-40.1-08 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-08. Elementary per-pupil payments - Amount. ~~There~~ Payments must be paid made from state funds to each school districts of the county district operating an elementary schools school and to each school districts district contracting to educate elementary pupils in a federal school, employing teachers holding valid certificates or permits in accordance with section 15-47-46 and chapter 15-36, payments based on the number of registered students at the beginning of each school year, adjusted as provided in section 15-40.1-09, as follows:

1. For each one-room rural schools there must be paid that school, the amount of money resulting from multiplying the factor ~~1.30~~ 1.29 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.28 times the number of pupils in that school in grades one through eight in average daily membership, up to a maximum of sixteen pupils, times the educational support per pupil as provided in section 15-40.1-06 for each of the first sixteen pupils in grades one through eight in average daily membership; and for. There must be paid .9 times each additional pupil in its school in grades one through eight in average daily membership ~~there shall be paid .9~~ times the educational support per pupil as provided in section 15-40.1-06, except that no payment may be made for more than twenty pupils in average daily membership. If the one-room rural school is located in a school district with another elementary school, the weighting factor for the pupils in grades one through six must be based on the average daily membership in the district in grades one through six as provided in subsections 2 through 4. If the one-room rural school is located in a school district with another school that has pupils in grade seven or eight, the weighting factor for the pupils in grades seven and eight must be the same as that provided for in subsection 5.
2. For each elementary schools school in school districts having under one hundred pupils in average daily membership ~~there must be paid that~~ in grades one through six, the amount of money resulting from multiplying the factor ~~1.0~~ 1.045 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.09 times the number of pupils in that school in grades one through six in average daily membership in each classroom or

for each teacher, up to a maximum of twenty pupils per classroom or per teacher, times the educational support per pupil as provided in section 15-40.1-06 for each of the first twenty pupils in grades one through six in average daily membership in each classroom or for each teacher and for. There must be paid .9 times each additional pupil in that school in grades one through six in average daily membership in each classroom or for each teacher there shall be paid .9 times the educational support per pupil as provided in section 15-40.1-06, except that no payment may be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher.

3. For each elementary schools school in school districts having one hundred or more pupils in average daily membership in grades one through six, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary pupils, there must be paid that in grades one through six, the amount of money resulting from multiplying the factor .9 .9025 for the 1989-90 school year and, beginning July 1, 1990, the factor .905 times the number of pupils in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
4. For each elementary schools school in school districts having an average daily membership of one thousand or more elementary pupils, there must be paid that in grades one through six, the amount of money resulting from multiplying the factor .95 times the number of pupils in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
5. For each of the above classes of elementary schools, except for one-room rural schools that are not located in a district with another school that has pupils in grade seven or eight, there must be paid that to each school the amount of money resulting from multiplying the factor +.0 1.005 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.01 times the number of pupils in that school in grades seven and eight in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades seven and eight in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.

6. For each elementary schools school having pupils under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, there must be paid that the amount of money resulting from multiplying the factor ~~49~~ .75 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.01 times the educational support per pupil as provided in section 15-40.1-06 for each number of special education pupil pupils in that school under the compulsory age for school attendance in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06.

7. For each elementary schools school providing kindergartens which are a kindergarten that is established according to provisions of section 15-45-01, and for each out-of-state kindergarten programs program, approved by the state superintendent and utilized by North Dakota school districts bordering other states, there must be paid that the amount of money resulting from multiplying the factor .50 times the number of pupils in that school in average daily membership in each classroom or for each teacher times the educational support per-pupil payment for that elementary school as determined under this section for each of the first twenty-five pupils in average daily membership in each classroom or for each teacher, except that no payment may be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher. The full per-pupil payment shall be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period shall receive a proportionately smaller per-pupil payment.

Every school district shall must receive at least as much in total payments for elementary pupils as it would have received if it had the highest number of pupils in the next lower category. Payments pursuant to this chapter to school districts in bordering states shall must be made after subtracting the amount realized from a twenty mill the mill levy in subsection 3 of section 15-40.1-06 in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

SECTION 5. AMENDMENT. Section 15-40.1-16 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16. Aid for transportation. There shall be paid from state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city, the following amounts:

1. For schoolbuses and school vehicles transporting pupils who live outside the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to

~~thirty-five and one-half~~ twenty-five cents during each year of the ~~1987-89~~ 1989-91 biennium for vehicles having a capacity of nine or fewer pupils and ~~seventy-two~~ sixty-eight cents per mile [1.61 kilometers] for each year of the ~~1987-89~~ 1989-91 biennium for schoolbuses having a capacity of ten or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of ten or more pupils ~~shall be~~ are entitled to an amount equal to ~~nineteen~~ twenty-five cents per day for each public school pupil living outside the city limits who is transported in such buses.

2. For pupils who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to ~~nine~~ twelve and one-half cents per pupil per one-way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1.

The mileage payments provided for in this section shall be made to each school district for transporting pupils to and from school. Such payments shall be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to the compliance with the laws of this state in regard to schoolbuses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section. The superintendent of public instruction shall do an onsite audit of the books and records, regarding transportation cost, pupils transported and miles traveled, of at least ten school districts each fiscal year to verify compliance with section 15-40.1-16.

SECTION 6. AMENDMENT. Subsection 1 of section 15-40.2-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Such payments as are received for ~~him~~ that pupil from state payments received by the admitting district, less the average amount per North Dakota resident pupil enrolled in the school district realized from ~~a~~ twenty mill the school district levy in subsection 3 of section 15-40.1-06; and

SECTION 7. TRANSITION. Notwithstanding the factors in section 15-40.1-07 and 15-40.1-08, the per-pupil payment in subsection 2 of section 15-40.1-06, and the mill levy in subsection 3 of section 15-40.1-06, every school district must receive at least as much in total payments for each year of the 1989-91 biennium as it would have received had it received the amount of money resulting from multiplying the average daily membership for the previous year or the current year's fall enrollment, whichever is greater, times the appropriate factor in sections 15-40.1-07 and 15-40.1-08 in effect during the 1988-89 school year, times the educational support per pupil in the amount of one thousand three hundred sixty dollars, less the product of twenty mills times the latest available net assessed and equalized valuation of property of the school district. The enrollments must be adjusted as provided in section 15-40.1-09.

SECTION 8. CONTINGENT SEPARATE AND ADDITIONAL PER-PUPIL PAYMENT.

The superintendent of public instruction shall distribute a separate and additional per-pupil payment from any unspent amount appropriated to the grants - foundation aid program for the biennium beginning July 1, 1989, and ending June 30, 1991, in the May 1, 1991, foundation aid payment to schools. Any payment made under this section must be on a weighted basis to be determined according to chapter 15-40.1."

Renumber accordingly

For the Senate: Sens. O'Connell, Kelsh, Peterson

For the House: Reps. K. Thompson, Gates, L. Hanson

Reengrossed HB 1637 was placed on the Seventh order of business on the calendar.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2002, SB 2243, SB 2332, SB 2412.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1259 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 2436 of the House Journal and that Engrossed HB 1259 be amended as follows:

Page 1, line 3, after "fees" insert "and providing for allocation of the fees" and after the semicolon insert "and to provide an appropriation and a statement of legislative intent."

Page 1, remove line 4

Page 1, line 15, replace "The fees collected under this section must be paid" with "Until July 1, 1991, the fee assessed per vehicle under this section and collected before July 1, 1991, must be paid into the state treasury monthly and credited to the general fund. After July 1, 1991, three dollars of the fee assessed and collected per vehicle must be credited to the highway fund for the use of the highway patrol."

Page 1, remove lines 16 and 17

Page 2, replace lines 3 through 7 with:

SECTION 3. AMENDMENT. Section 1 of House Bill No. 1012, as approved by the fifty-first legislative assembly, is hereby amended and reenacted to read as follows:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of human services and its various divisions for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Salaries and wages	\$134,431,003
Data processing	11,330,151
Operating expenses	42,502,943

Equipment		1,082,113
Capital improvements		1,969,657
Grants, benefits, and claims		560,402,363
Community chemical dependency treatment enhancement		534,000
Developmentally disabled facility loan fund		1,837,956
Total all funds		\$754,090,186
Less estimated income	517,062,486	518,392,486
Total general fund appropriation	€ 237,027,700	\$235,697,700

SECTION 4. APPROPRIATION. There is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, the sum of \$1,165,000 or so much thereof as may be necessary, to the state board of higher education for the purpose of providing student financial assistance for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the legislative assembly that, for purposes of section 11 of Senate Bill No. 2538, passed by the fifty-first legislative assembly, the revised estimated medicaid matching rate for the nine months ending June 30, 1991, is sixty-nine and eighty-two one hundredths percent. Other funds available from changes in the medicaid funding formula, as referred to in Senate Bill No. 2538, are those funds in excess of the revised estimated medicaid matching rate in this section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment amends 1989 House Bill No. 1012 to reflect \$1,330,000 of additional federal matching funds with a corresponding reduction in general fund appropriations. In addition, this amendment appropriates \$1,165,000 from the general fund to the board of higher education for student financial assistance. Also the amendment adds a section of legislative intent regarding the revised estimated federal medicaid matching rate for the nine months ending June 30, 1991, as referred to in Senate Bill No. 2538.

For the Senate: Sens. Satrom, Maixner, Thane
For the House: Reps. A. Hausauer, R. Anderson, Kelly

Engrossed HB 1259 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

REP. K. THOMPSON MOVED that the conference committee report on Reengrossed HB 1637 be adopted, which motion prevailed.

Reengrossed HB 1637, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1637: A BILL for an Act to amend and reenact section 15-34.2-03, subsections 2 and 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, 15-40.1-16, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to the foundation aid weighting factors, the per-pupil payment, the equalization factor, and transportation aid to schools; to provide for transition; and to provide for contingent additional per-pupil foundation aid payments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 0 NAYS, 6 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.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; 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: Belter; Hausauer, R.; Knell; Kolbo; Laughlin; Mertens

HB 1637 passed and the title was agreed to.

REQUEST

REP. LAUGHLIN REQUESTED that the record show that he intended to vote "yea" on HB 1637, which request was granted.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1637 be messaged to the Senate immediately, which motion prevailed.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: HB 1001, HB 1023, HB 1040.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1001, HB 1023, HB 1040.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1637 and subsequently passed the same.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: SB 2002, SB 2243, SB 2332, SB 2412.

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

MR. PRESIDENT: The Speaker has signed: SB 2002, SB 2243, SB 2332, SB 2412.

REPORT OF CONFERENCE COMMITTEE

REP. A. HAUSAUER MOVED that the conference committee report on Engrossed HB 1259 be adopted, which motion prevailed.

Engrossed HB 1259, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1259: A BILL for an Act to amend and reenact sections 49-18-41.1 and 49-18-42 of the North Dakota Century Code, relating to the collection of fees for registration of interstate motor carriers and dedicating the use of the fees and providing for allocations of the fees; and to provide an appropriation and a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 26 NAYS, 5 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; Gerntholz; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kloubec; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Solberg; Soukup; Stenehjem; Stofferahn; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Dorso; Gorman; Gunsch; Hanson, O.; Haugen; Howard; Kelly; Kingsbury; Kouba; Larson, D.; Melby; Murphy; Myrdal; Olsen, D.; Olson, A.; Schatz; Schmidt; Skjerven; Smette; Sorensen; Starke; Thompson, K.; Thompson, V.; Tokach; Tomac; Whalen

ABSENT AND NOT VOTING: Belter; Hausauer, R.; Knell; Kolbo; Mertens

HB 1259 passed and the title was agreed to.

REQUEST

REP. KELLY REQUESTED that the record show that she intended to vote "yea" on Engrossed HB 1259, which request was granted.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that Engrossed HB 1259 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 1259 and subsequently passed the same.

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

MR. SPEAKER: The President has signed: HB 1001, HB 1023, HB 1040.

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

MR. SPEAKER: The Senate has receded before conference on HB 1037. The Senate respectfully requests the return of: HB 1037.

MOTIONS

REP. KLOUBEC MOVED that the House reconsider its action whereby it did not concur in the Senate amendments to Engrossed HB 1037, and that the conference committee be dissolved, which motion prevailed.

REP. KLOUBEC MOVED that the House accede to the Senate's request for the return of HB 1037, which motion prevailed.

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 HB 1037.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2540.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Albert Rivinius

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HB 1037.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has adopted the conference committee report on HB 1259 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 1637 and subsequently passed the same.

MOTION

REP. KLOUBEC MOVED that a committee of three be appointed to notify the Senate that the House had completed its business and was about to adjourn, which motion prevailed.

SPEAKER KRETSCHMAR APPOINTED to such committee: Reps. Tollefson, Vander Vorst, Laughlin

MOTION

REP. KLOUBEC MOVED that a committee of three be appointed to notify the Governor that the House had completed its business and was about to adjourn, which motion prevailed.

SPEAKER KRETSCHMAR APPOINTED to such committee: Reps. Shaft, V. Olson, Flaagan

A committee from the Senate was received who announced that the Senate had completed its business and was about to adjourn.

Rep. A. Olson played the piano and led the Assembly in singing "Auld Lang Syne".

ANNOUNCEMENTS

REP. TOLLEFSON ANNOUNCED that the committee to notify the Senate that the House had completed its business and was about to adjourn, had completed its business and asked to be discharged, which request was granted.

REP. FLAAGAN ANNOUNCED that the committee to notify the Governor that the House had completed its business and was about to adjourn, had completed its business and asked to be discharged, which request was granted.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Twelfth, Fifteenth, and Sixteenth orders of business and at the conclusion of those orders, the House adjourn sine die, which motion prevailed at 2:43 p.m., Thursday, April 20, 1989.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1002, HB 1004, HB 1007, HB 1025, HB 1049, HB 1259, HB 1507, HB 1626, HB 1637.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: HB 1002, HB 1004, HB 1007, HB 1025, HB 1037, HB 1049, HB 1259, HB 1507, HB 1626, HB 1637.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1002, HB 1004, HB 1007, HB 1025, HB 1037, HB 1049, HB 1259, HB 1507, HB 1626, HB 1637.

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

MR. SPEAKER: The President has signed: HB 1002, HB 1004, HB 1007, HB 1025, HB 1037, HB 1049, HB 1259, HB 1507, HB 1626, HB 1637.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 9:53 a.m., April 21, 1989: HB 1001, HB 1023, HB 1040.

VETO CERTIFICATION

The following bill was delivered to the Legislative Council for veto certification: HB 1071.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill and veto certification was delivered to the Secretary of State for his filing at the hour of 12:08 p.m., April 21, 1989: HB 1071.

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

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

HOUSE ENROLLING REPORT

The following bill was enrolled: HB 1037.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 10:35 a.m., April 25, 1989: HB 1002, HB 1004, HB 1007, HB 1025, HB 1037, HB 1049, HB 1259, HB 1507, HB 1626, HB 1637.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2016, SB 2021, SB 2114, SB 2324, SCR 4075.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)
THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolution: SB 2016, SB 2021, SB 2114, SB 2324, SCR 4075.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: SB 2016, SB 2021, SB 2114, SB 2324, SCR 4075.

Pursuant to Representative Kloubec's motion, the House adjourned sine die.

ROY GILBREATH, Chief Clerk

POSTSESSION ACTION BY GOVERNOR

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

	DATE SIGNED:
House Bill No. 1001	April 28, 1989
1002	April 28, 1989
1004	April 28, 1989
1005	April 28, 1989
1006	April 28, 1989
1007	April 28, 1989
1011	April 28, 1989
1017	April 28, 1989
1020	April 28, 1989
1023	April 28, 1989
1024	April 28, 1989
1025	April 28, 1989
1037	April 28, 1989
1040	April 28, 1989
1049	April 28, 1989
1058	April 28, 1989
1128	April 28, 1989
1134	April 28, 1989
1158	April 28, 1989
1164	April 28, 1989
1200	April 28, 1989
1259	April 28, 1989
1267	April 28, 1989
1297	April 28, 1989
1369	April 28, 1989
1479	April 28, 1989
1499	April 28, 1989
1507	April 28, 1989
1604	April 28, 1989
1626	April 28, 1989
1637	April 28, 1989
1669	April 28, 1989
1674	April 28, 1989