

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, April 14, 1993

The Senate convened at 8:00 a.m., with President Myrdal presiding.

The prayer was offered by Rev. Greg Odell, North Dakota Salvation Army Field Representative, Bismarck.

The roll was called and all members were present except Senators Kelsh, Maxson, Naaden, and Tomac.

A quorum was declared by the President.

APPOINTMENT OF CONFERENCE COMMITTEE

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

THE PRESIDENT APPOINTED as a Conference Committee on HB 1001: Sens. Robinson, Tallackson, Holmberg.

APPOINTMENT OF CONFERENCE COMMITTEE

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

THE PRESIDENT APPOINTED as a Conference Committee on HB 1002: Sens. Mushik, Yockim, Thane.

APPOINTMENT OF CONFERENCE COMMITTEE

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

THE PRESIDENT APPOINTED as a Conference Committee on HB 1003: Sens. Heinrich, Kelsh, Holmberg.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1005, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1005: Sens. Redlin, Kelly, Holmberg.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1413, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1413: Sens. Heinrich, O'Connell, Evanson.

MOTION

SEN. LANGLEY MOVED that the Senate Conference Committee on SB 2384 be dissolved and that a new conference committee be appointed, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on SB 2384: Sens. Langley, Schoenwald, Krebsbach.

MOTION

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

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

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

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

HB 1001: Sens. Robinson; Tallackson; Holmberg

HB 1002: Sens. Mushik; Yockim; Thane

HB 1003: Sens. Heinrich; Kelsh; Holmberg

HB 1005: Sens. Redlin; Kelly; Holmberg

HB 1413: Sens. Heinrich; O'Connell; Evanson

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

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

SB 2384: Sens. Langley; Schoenwald; Krebsbach

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1158, HB 1179, HB 1222.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2394, SB 2440, SB 2490.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report on SB 2155, SB 2524, SCR 4031.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1188, HB 1230, HB 1349.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1518.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has reconsidered SB 2003 pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto. The House failed to pass SB 2003 over the Governor's veto. The vote was 52 YEAS, 44 NAYS, 2 ABSENT AND NOT VOTING. Therefore, the Governor's veto was sustained.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Yockim, Chairman) has carefully reexamined the Journals of the First, Seventh, Sixtieth, and Sixty-fourth Days and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 55, line 8, replace "6-05-02" with "6-05-01"

Page 101, line 35, replace "6-05-02" with "6-05-01"

Page 1397, line 32, remove "and"

Page 1452, line 47, replace "6-05-02" with "6-05-01"

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

REPORT OF STANDING COMMITTEE

SCR 4077: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4077 was placed on the Sixth order on the calendar.

Page 1, line 10, after "services" insert "and the level of access to health care providers"

Page 1, after line 17, insert:

"BE IT FURTHER RESOLVED, that the Legislative Council coordinate its study and share its findings with the North Dakota Health Task Force; and"

Renumber accordingly

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4077: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting and implementing a universal health care program in the state.

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

SCR 4077 was declared adopted and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1158: Your conference committee (Sens. O'Connell, Kelsh, Evanson and Reps. Monson, Boehm, Aarsvold) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 961-962, adopt amendments as follows, and place HB 1158 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1267-1268 of the House Journal and pages 961-962 of the Senate Journal and that House Bill No. 1158 be amended as follows:

Page 1, line 1, remove the second "and"

Page 1, line 2, after "15-40.2-09" insert ", and 15-40.2-10"

Page 1, line 3, after "schools" insert "; and to provide an effective date"

Page 7, line 23, overstrike "for that"

Page 7, line 24, overstrike "elementary school", overstrike "determined" and insert immediately thereafter "provided", overstrike "this", and after "section" insert "15-40.1-06"

Page 8, line 25, overstrike "immediately"

Page 8, line 26, overstrike "preceding" and insert immediately thereafter "1990-91"

Page 9, line 4, overstrike "In the event that the district does not comply with a"

Page 9, overstrike lines 5 and 6

Page 9, line 10, remove "Foundation aid payments for students attending out-of-state schools"

Page 9, remove line 11

Page 9, overstrike line 12

Page 9, line 13, overstrike ". The"

Page 9, overstrike line 14

Page 9, line 15, overstrike "be paid by the district of the pupil's residence" and insert immediately thereafter "Foundation aid payments for students attending out-of-state schools must be made to the district of residence. However, the district of the student's residence is entitled to reduce the tuition payment to an out-of-state school by an amount commensurate with the tuition costs the district would be entitled to as compensation for a student from the out-of-state district enrolled in its school"

Page 9, line 19, overstrike "pupil" and insert immediately thereafter "student"

Page 9, line 20, overstrike "pupils for whom the payment of tuition has been approved" and insert immediately thereafter "students attending out-of-state schools"

Page 9, after line 20, insert:

"SECTION 4. AMENDMENT. Section 15-40.2-10 of the North Dakota Century Code is amended and reenacted as follows:

15-40.2-10. Reciprocal master agreements for pupil student attendance in other states - School district agreements. The superintendent of public instruction shall enter into reciprocal master agreements with the appropriate state educational agencies or officers of bordering states in regard to the cost of educating elementary and high school pupils students in the public schools or institutions in such bordering states. ~~Such reciprocal agreements shall provide for payment on a per pupil basis from the state foundation aid program for pupils from this state attending schools in bordering states in a sum equal to payments received by the district of the pupil's residence from the state foundation aid program. The superintendent of public instruction, by certificate to the office of management and budget shall authorize payments from the appropriation for state payments to school districts pursuant to chapter 15 40.1 for the attendance of pupils in bordering states, and the office of management and budget, within the limits of legislative appropriations, shall make such payments. The balance of the tuition payment by the pupil's district of residence shall not exceed the amount established by reciprocal agreement less the amount paid from the state foundation aid program to the school district or institution in the bordering state. A school district may, upon notification to the superintendent of public instruction, enter into an agreement with a school district in a bordering state for the education of elementary and high school students. The agreement, which replaces the provisions of the master reciprocal agreement, may provide for the payment of tuition at an amount agreed upon by the school district of residence and the school district of the bordering state. However, the tuition may not exceed the amount established under the reciprocal master agreement, nor may it be less than the per student foundation aid plus tuition apportionment in the student's school district of residence. For purposes of foundation aid, a student attending school in a bordering state under such an agreement is deemed to be in attendance in the student's school district of residence. The student's school district~~

of residence is liable to the school district in the bordering state for payments as provided in the agreement.

SECTION 5. EFFECTIVE DATE. Section 4 of this Act becomes effective on July 1, 1994."

Renumber accordingly

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

REPORT OF CONFERENCE COMMITTEE

SEN. O'CONNELL MOVED that the conference committee report on HB 1158 be adopted, which motion prevailed.

HB 1158, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1158: A BILL for an Act to amend and reenact sections 15-40.1-07, 15-40.1-08, 15-40.2-09, and 15-40.2-10 of the North Dakota Century Code, relating to payment of foundation aid for North Dakota students attending out-of-state schools; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1158 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1179, as reengrossed: Your conference committee (Sens. Graba, Mathern, Holmberg and Reps. Henegar, Austin, Brodshaug) recommends that the **SENATE RECEDE** from the Senate amendments on SJ page 1019, adopt amendments as follows, and place HB 1179 on the Seventh order:

That the Senate recede from its amendments as printed on page 1471 of the House Journal and page 1019 of the Senate Journal and that Reengrossed House Bill No. 1179 be amended as follows:

Page 1, line 1, after "enact" insert "a new subsection to section 50-06-05.1,"

Page 1, line 3, after "to" insert "transitional living services and"

Page 1, after line 12, insert:

"**SECTION 1.** A new subsection to section 50-06-05.1 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To administer, allocate, and distribute any funds made available for the payment of transitional living services, to develop standards and conduct needs assessments regarding transitional living services, to develop or approve and to evaluate demonstration projects offering transitional living

programs, to approve transitional living facilities for the purpose of providing foster care, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection. For purposes of this subsection:

- a. "Transitional living facility" means a specific site, identified by a licensed child-placing agency and approved by the department, for the provision of transitional living services.
- b. "Transitional living program" means a program that provides transitional living services, and may include an identified program operations location approved by the department.
- c. "Transitional living services" may include housing, supervision, and supportive services intended and designed to assist persons who have received foster care services and who have reached age seventeen, but who have not reached age twenty-one, to achieve independence and self-sufficiency."

Renumber accordingly

Reengrossed HB 1179 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on Reengrossed HB 1179 be adopted, which motion prevailed.

Reengrossed HB 1179, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1179: A BILL for an Act to create and enact a new subsection to section 50-06-05.1, sections 50-11-01.4, 50-11-02.2, 50-11-03.2, 50-11-04.1, 50-11-04.2, 50-11-04.3, 50-11-04.4, 50-11-04.5, 50-11-04.6, and 50-11-04.7 of the North Dakota Century Code, relating to transitional living services and licensure of foster care facilities for children and adults; to amend and reenact sections 50-11-00.1, 50-11-01, 50-11-02, 50-11-02.1, 50-11-03, 50-11-04, 50-11-05, 50-11-06, 50-11-06.6, 50-11-06.7, 50-11-07, 50-11-08, and 50-11-09 of the North Dakota Century Code, relating to licensure of foster care facilities for children and adults; and to repeal sections 50-11-01.3, 50-11-06.1, 50-11-06.2, 50-11-06.3, 50-11-06.4, and 50-11-06.5 of the North Dakota Century Code, relating to the licensure of foster care facilities for children.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urbacher; Wogsland; Yockim

HB 1179 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1222, as engrossed: Your conference committee (Sens. Schoenwald, Krauter, Krebsbach and Reps. Bernstein, Kempenich, Stenson) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 882-883, adopt amendments as follows, and place HB 1222 on the Seventh order:

That the Senate recede from its amendments as printed on page 1121 of the House Journal and pages 882-883 of the Senate Journal and that Engrossed House Bill No. 1222 be amended as follows:

Page 1, line 13, replace "the workers compensation bureau" with "title 65"

Page 1, line 16, replace "set up by" with "of"

Page 1, line 17, replace "a brief time" with "fewer than thirty days"

Page 2, line 1, remove "recognized as being"

Page 2, line 12, replace "shall" with "may"

Page 2, line 15, replace the underscored comma with "or"

Page 2, line 16, remove ", and employer's liability insurance" and after the underscored period insert "The casualty insurance organization may be established only upon the director's determination that the organization is needed to provide sufficient workers' compensation coverage for the employees and employers of this state and upon the approval of the budget section of the legislative council."

Page 3, line 10, replace "must" with "shall" and replace the underscored comma with "or"

Page 3, line 11, remove ", or employer's liability insurance"

Page 3, line 12, remove "Upon an employer's"

Page 3, line 13, remove "request, the company shall provide coverage in any state."

Page 3, line 17, after "sufficient" insert "or for a state whose workers' compensation coverage is provided through an exclusive state fund"

Renumber accordingly

Engrossed HB 1222 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on Engrossed HB 1222 be adopted, which motion prevailed.

Engrossed HB 1222, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1222: A BILL for an Act to create a North Dakota workers' compensation insurance company; to amend and reenact section 54-17-07 of the North Dakota Century Code, relating to the duties of the industrial commission; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Holmberg; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Robinson; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: Andrist; DeMers; Graba; Heinrich; Jerome; Keller; Lindaas; Mathern; Mushik; O'Connell; Redlin; Sand; Scherber; Schoenwald; Wogsland

HB 1222 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1158, HB 1179, HB 1222.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4077.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: HB 1104, HB 1120, HB 1126, HB 1178, HB 1188, HB 1230, HB 1274, HB 1349, HB 1383, HB 1393, HB 1463, HB 1514.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HB 1104, HB 1120, HB 1126, HB 1178, HB 1188, HB 1230, HB 1274, HB 1349, HB 1383, HB 1393, HB 1463, HB 1514.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2028, SB 2083, SB 2088, SB 2096, SB 2101, SB 2227, SB 2277, SB 2295, SB 2367.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2028, SB 2083, SB 2088, SB 2096, SB 2101, SB 2227, SB 2277, SB 2295, SB 2367.

REPORT OF CONFERENCE COMMITTEE

SB 2004, as engrossed: Your conference committee (Sens. Lindaas, Redlin, Naaden and Reps. Bateman, Gorman, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1026-1027, adopt amendments as follows, and place SB 2004 on the Seventh order:

That the House recede from its amendments as printed on pages 1026-1027 of the Senate Journal and page 1078 of the House Journal and Engrossed Senate Bill No. 2004 be amended as follows:

Page 1, line 11, replace "2,164,431" with "2,140,436"

Page 1, line 16, replace "5,447,381" with "5,423,386"

Page 1, line 17, replace "5,039,771" with "5,022,015"

Page 1, line 18, replace "407,610" with "401,371"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 627 - TRANSPORTATION INSTITUTE

CONFERENCE COMMITTEE - The salaries and wages line item is decreased by \$23,995, \$6,239 of which is from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018.

Engrossed SB 2004 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. LINDAAS MOVED that the conference committee report on Engrossed SB 2004 be adopted, which motion prevailed.

Engrossed SB 2004, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act making an appropriation for defraying the expenses of the upper great plains transportation institute.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

SB 2004 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2007: Your conference committee (Sens. Tallackson, DeMers, Thane and Reps. Byerly, Wentz, Pyle) recommends that the HOUSE RECEDE from the House amendments on SJ page 987, adopt amendments as follows, and place SB 2007 on the Seventh order:

That the House recede from its amendments as printed on page 987 of the Senate Journal and pages 1059-1060 of the House Journal and that Senate Bill No. 2007 be amended as follows:

Page 1, line 10, replace "166,653" with "184,754"

Page 1, line 11, replace "5,440" with "5,350"

Page 1, line 14, replace "385,000" with "385,000"

Page 1, remove line 15

Page 1, line 16, replace "597,857" with "614,386"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 316 - INDIAN AFFAIRS COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

- The salaries and wages line item is increased by \$21,439 from the general fund for a salary increase for the executive director, decreased by \$1,152 from the general fund for reduced employee health insurance costs, and decreased by \$2,186 from the general fund to reflect the \$60 per month salary increase as provided in House Bill No. 1018 as compared to the funding contained in the bill, which provided for a three percent increase during each year of the biennium. The net general fund increase to the salaries and wages line item is \$18,101.
- The information services line item is decreased by \$90 from the general fund in accordance with the provisions of House Bill No. 1018.
- The interagency legal fees line item of \$1,482 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

In total, this amendment increases the appropriation to the Indian Affairs Commission by \$16,529 from the general fund.

SB 2007 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on SB 2007 be adopted, which motion prevailed.

SB 2007, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogslund; Yockim

SB 2007 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2008, as engrossed: Your conference committee (Sens. DeMers, Redlin, Thane and Reps. Howard, Carlisle, Kroeber) recommends that the HOUSE RECEDE from the House amendments on SJ page 1163, adopt amendments as follows, and place SB 2008 on the Seventh order:

That the House recede from its amendments as printed on page 1163 of the Senate Journal and page 1293 of the House Journal and that Senate Bill 2008 be amended as follows:

Page 1, line 10, replace "479,194" with "468,731"

Page 1, line 11, replace "11,854" with "11,579"

Page 1, line 16, replace "3,311,515" with "3,300,777"

Page 1, line 17, replace "3,053,680" with "3,043,988"

Page 1, line 18, replace "257,835" with "256,789"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 412 - AERONAUTICS COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

- The salaries and wages line item is decreased by \$2,304, of which \$230 is from the general fund, for reduced employee health insurance costs and decreased by \$8,159, of which \$816 is from the general fund, to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018. In total, the salaries and wages line item is decreased by \$10,463, of which \$1,046 is from the general fund and \$9,417 is from other funds.
- The information services line item is decreased by \$275 from other funds in accordance with the provisions of House Bill No. 1018.

In total, this amendment decreases the appropriation to the Aeronautics Commission by \$10,738, of which \$1,046 is from the general fund and \$9,692 is from other funds.

Engrossed SB 2008 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. DEMERS MOVED that the conference committee report on Engrossed SB 2008 be adopted, which motion prevailed.

Engrossed SB 2008, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act making an appropriation for defraying the expenses of the aeronautics commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinmoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Malewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod

SB 2008 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2013, as engrossed: Your conference committee (Sens. Lindaas, DeMers, Goetz and Reps. Carlisle, Howard, Kroeber) recommends that the HOUSE

RECEDE from the House amendments on SJ pages 1243-1244, adopt amendments as follows, and place SB 2013 on the Seventh order:

That the House recede from its amendments as printed on pages 1243-1244 of the Senate Journal and page 1379 of the House Journal and that Engrossed Senate Bill No. 2013 be amended as follows:

Page 1, line 10, replace "15,214,978" with "15,287,051"

Page 1, line 11, replace "203,294" with "193,228"

Page 1, line 16, replace "19,126,746" with "19,188,753"

Page 1, line 18, replace "\$17,971,485" with "\$18,046,139"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

CONFERENCE COMMITTEE - This amendment makes the following changes to the salaries and wages line item:

	HIGHWAY FUND	FEDERAL FUNDS	TOTAL
Decrease reflecting state employee salary increase provisions of House Bill No. 1018 (the engrossed bill included funding at the 3/3 salary increase recommendation funding level)	\$(240,280)	\$(12,647)	\$(252,927)
Increase relating to projecting fewer position vacancies during the 1993-95 biennium (the Senate reduced salaries and wages by \$725,000 from the highway fund for 1993-95 projected position vacancies and the House restored \$325,000 of the reduction)	<u>325,000</u>	<u> </u>	<u>325,000</u>
Total	\$ 84,720	\$(12,647)	\$ 72,073

The information services line item is reduced by \$10,066 from the highway fund in accordance with provisions of House Bill No. 1018.

In total, this amendment increases funding for the Highway Patrol by \$62,007 of special funds.

Engrossed SB 2013 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. LINDAAS MOVED that the conference committee report on Engrossed SB 2013 be adopted, which motion prevailed.

Engrossed SB 2013, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol.

ROLL CALL

The question being on the final passage of the amended bill, which has been

read, the roll was called and there were 46 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Solberg; Stenehjem, B.; Tennefos

SB 2013 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2448: Your conference committee (Sens. Yockim, Kinnoin, Thane and Reps. Byerly, Clayburgh, Kroeber) recommends that the SENATE ACCEDE to the House amendments on SJ pages 1094-1095 and place SB 2448 on the Seventh order.

SB 2448 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. YOCKIM MOVED that the conference committee report on SB 2448 be adopted, which motion prevailed.

SB 2448, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2448: A BILL for an Act to create and enact a new subsection to section 57-01-02 of the North Dakota Century Code, relating to authorizing the tax commissioner to require payments of one hundred thousand dollars or more due on a return, report, or other document to be paid by a method in which the funds are immediately available to the state, requiring a taxpayer to provide the tax commissioner with evidence of the payment, providing for penalties and interest on late payments, authorizing the tax commissioner to adopt rules necessary for the administration of this payment method; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

SB 2448 passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2004, SB 2007, SB 2008, SB 2013, SB 2448.

REPORT OF STANDING COMMITTEE

SB 2541: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE

PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2541 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "57-39.2-03.6,"

Page 1, line 4, remove the second "and"

Page 1, line 5, after "date" insert "; to provide an expiration date; and to declare an emergency"

Page 3, remove lines 21 through 29

Page 4, line 4, remove the overstrike over "~~1. Except as otherwise provided in subsection 2, retailers~~" and remove "A retailer"

Page 4, line 11, remove the overstrike over "~~following~~" and remove the overstrike over "~~for the~~"

Page 4, line 11, remove the overstrike over "~~application of the tax:~~"

Page 4, after line 20, insert:

<u>\$.01 through \$.15</u>	<u>..... no tax</u>
<u>\$.16 through \$.19</u>	<u>..... 1¢ tax</u>
<u>\$.20 through \$.37</u>	<u>..... 2¢ tax</u>
<u>\$.38 through \$.55</u>	<u>..... 3¢ tax</u>
<u>\$.56 through \$.73</u>	<u>..... 4¢ tax</u>
<u>\$.74 through \$.91</u>	<u>..... 5¢ tax</u>
<u>\$.92 through \$1.10</u>	<u>..... 6¢ tax</u>
<u>\$1.11 through \$1.28</u>	<u>..... 7¢ tax</u>
<u>\$1.29 through \$1.46</u>	<u>..... 8¢ tax</u>
<u>\$1.47 through \$1.64</u>	<u>..... 9¢ tax</u>
<u>\$1.65 through \$1.82</u>	<u>..... 10¢ tax</u>
<u>\$1.83 through \$2.00</u>	<u>..... 11¢ tax</u>
<u>\$2.01 through \$2.19</u>	<u>..... 12¢ tax</u>

Page 4, remove the overstrike over lines 21 through 29

Page 5, remove the overstrike over line 1

Page 5, line 2, remove the overstrike over "~~add to it three~~" and insert immediately thereafter "and one-half", remove the overstrike over "~~percent of such price or charge~~", and remove "adopted by the"

Page 5, line 3, remove "commissioner by rule"

Page 7, line 24, after "DATE" insert "- EXPIRATION DATE"

Page 7, line 25, replace "June 30" with "May 31" and after "1993" insert ", and before July 1, 1995, and is thereafter ineffective"

Page 7, after line 25, insert:

"SECTION 9. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2541: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order WITHOUT RECOMMENDATION, which motion prevailed.

MOTION

SEN. TENNEFOS MOVED that SB 2541 be amended as follows:

Page 1, line 1, after "Act" insert "to freeze property tax levy authority of political subdivisions;"

Page 1, line 5, after "date" insert "; and to provide an expiration date"

Page 1, after line 6, insert:

"SECTION 1. Limitation on property tax levies and increases - Exceptions. Notwithstanding any other provision of law, no taxing district may levy more property taxes in dollars than the amount allowed by this section. Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body or the amount in dollars as allowed in this section, subject to the following:

1. For purposes of this section, "base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year and "budget year" means the taxing district's year for which the levy is being determined under this section.
2. A taxing district may levy no more in the budget year than the amount levied in dollars in the base year. In determining the amount that can be levied in the budget year, the dollar amount levied in the base year must be:
 - a. Reduced by an amount equal to the sum determined by the application of the base year's mill rate for that taxing district to the final base year taxable valuation of any property that is not included in the assessment for the budget year but was included in the assessment for the base year.
 - b. Increased by an amount equal to the sum determined by the application of the base year's mill rate for that taxing district to the final budget year taxable valuation of any property that was not included in the assessment for the base year but which is included in the assessment for the budget year.
 - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.
 - d. Increased to reflect levy authority increases authorized by the electors of the taxing district that was not included in the assessment for the base year.
3. In addition to the amount that may be levied under this section, a taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the electors of the taxing district. A majority vote of electors may approve levy authority exceeding the limitations of this section contained in a ballot measure clearly stating the percentage increase to be authorized and placed before the electors by the governing body of the taxing district in a regular or special election.
4. This section does not apply to any irrevocable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.

5. This section does not apply to school district levies authorized by section 57-15-14.
6. This section applies to any city or county that has adopted a home rule charter unless the provisions of the charter specifically supersede this section."

Page 7, line 24, after "DATE" insert "- EXPIRATION DATE", replace "This" with "Sections 2 through 9 of this", and replace "is" with "are"

Page 7, line 25, after the period insert "Section 1 of this Act is effective for the first two taxable years beginning after December 31, 1992, and is thereafter ineffective."

Renumber accordingly

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2541, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2541, the roll was called and there were 16 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Grindberg; Kinnoin; Lindgren; Mutch; Nalewaja; Nelson; O'Connell; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Naaden; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

The proposed amendments to SB 2541 failed.

SECOND READING OF SENATE BILL

SB 2541: A BILL for an Act to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.3-02, and 57-40.5-02 of the North Dakota Century Code, relating to sales, use, motor vehicle excise, and aircraft excise tax rates; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Thane; Traynor; Wogsland; Yockim

NAYS: Andrist; Bowman; Freborg; Goetz; Holmberg; Keller; Kinnoin; Krauter; Mutch; Naaden; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Tomac; Urlacher

SB 2541 passed, the title was agreed to, but the emergency clause lost.

MOTION

SEN. MATHERN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, April 15, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2542: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2542 was placed on the Sixth order on the calendar.

Page 1, line 21, replace "state" with "public"

Renumber accordingly

FIRST READING OF HOUSE BILL

HB 1518: A BILL for an Act to assist community economic development by providing incentive to businesses to locate and expand within the state through government-assisted new jobs training; and to provide a continuing appropriation.

Was read the first time and referred to the **Industry, Business and Labor Committee.**

The Senate stood adjourned pursuant to Senator Mathern's motion.

CAROL SIEGERT, Secretary