

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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FIFTY-EIGHTH DAY

Bismarck, April 1, 1985

The House convened at 9:00 a.m., with Speaker R. Hausauer presiding.

The prayer was offered by Reverend Lloyd Herroff, American Lutheran Church, West Fargo, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson, Kent, Lipsiea.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MR. SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-seventh Day and finds the same to be correct.

REP. KENT, Chairman

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

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1067 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 2164 of the House Journal and that Engrossed HB 1067 as engrossed by the House be further amended as follows:

That the House accede to the Senate amendments as found on page 1551 of the Senate Journal and page 2164 of the House Journal, and engrossed House Bill No. 1067 be further amended as follows:

On page 6 of the engrossed bill, line 17, delete the words "Before January 1, 1985" and insert in lieu thereof the following: "Unless it is permitted to own farmland or ranchland under section 10-06-04.1", and after the word "must" insert the words ", before January 1, 1985,"

On page 7 of the engrossed bill, line 24, delete the words "A corporation that" and insert in lieu thereof the following: "In addition to the divestiture requirements of section 7 of this Act and section 10-06-13, a nonprofit corporation that acquires land by gift or devise after December 31, 1984, the ownership of which is not permitted under this"

chapter, shall divest itself of the land acquired after December 31, 1984, within ten years after the acquisition"

On page 7 of the engrossed bill, delete lines 25 and 26

On page 7 of the engrossed bill, line 27, delete the words "within ten years of the initial violation"

And renumber the lines and pages accordingly

**For the Senate:** Sens. Olson, Holmberg, Redlin

**For the House:** Reps. Conmy, Riley, Brokaw

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

Engrossed HB 1067 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred HB 1072 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 2068 of the House Journal.

**For the Senate:** Sens. Parker, Todd, Krauter

**For the House:** Reps. Larson, Riley, Dotzenrod

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

HB 1072 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1638 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 1869-1871 of the Senate Journal:

**For the Senate:** Sens. Wright, Adams, Satrom

**For the House:** Reps. A. Hausauer, Timm, Richard (refused to sign)

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

Engrossed HB 1638 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### ANNOUNCEMENTS

SPEAKER R. HAUSAUER ANNOUNCED that Representative Graba would replace Representative Stofferahn on the Conference Committee on SB 2019.

MONDAY, APRIL 1, 1985

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SPEAKER R. HAUSAUER ANNOUNCED that Representative G. Berg would replace Representative Nowatzki on the Conference Committee on SB 2025.

MESSAGES TO THE SENATE  
HOUSE CHAMBER

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

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2441

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

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

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

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

ROY GILBREATH, Chief Clerk

CONSIDERATION OF MESSAGE FROM SENATE

REP. J. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1043 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 1043:

Reps. Kuchera, Wald, Stofferahn

CONSIDERATION OF MESSAGE FROM SENATE  
 REP. J. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1404 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 1404:

Reps. Unhjem, Nicholas, Nowatzki

CONSIDERATION OF MESSAGE FROM SENATE  
 REP. J. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1494 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 1494:

Reps. Kingsbury, Gunsch, Opedahl

MOTION  
 REP. STRINDEN MOVED that the rules be suspended and that Conference Committees on HB 1043, HB 1404, and HB 1494 be messaged to the Senate immediately, which motion prevailed.

MOTION  
 REP. STRINDEN MOVED that the House stand in recess until 11:00 a.m., which motion prevailed.

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

MESSAGES FROM THE SENATE  
 SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1003 which the Senate has amended:

SENATE AMENDMENTS TO ENGROSSED HB 1003  
 On page 1 of the engrossed bill, line 3, delete the word "to"

On page 1 of the engrossed bill, delete lines 4 and 5

On page 1 of the engrossed bill, line 6, delete the words "to the budget committee of the legislative council;"

- On page 1 of the engrossed bill, line 23, delete the numerals "1,500,634" and insert in lieu thereof the numerals "1,800,634"
- On page 1 of the engrossed bill, line 27, delete the numerals "29,970,432" and insert in lieu thereof the numerals "30,270,432"
- On page 2 of the engrossed bill, line 1, delete the numerals "5,218,659" and insert in lieu thereof the numerals "5,518,659"
- On page 2 of the engrossed bill, line 4, delete the numerals "6,329,640" and insert in lieu thereof the numerals "6,558,765"
- On page 2 of the engrossed bill, line 7, delete the numerals "23,210,086" and insert in lieu thereof the numerals "23,439,211"
- On page 2 of the engrossed bill, line 15, delete the numerals "5,218,659" and insert in lieu thereof the numerals "5,518,659"
- On page 2 of the engrossed bill, line 16, delete the numerals "49,930,707" and insert in lieu thereof the numerals "50,159,832"
- On page 2 of the engrossed bill, line 17, delete the numerals "55,149,366" and insert in lieu thereof the numerals "55,678,491"
- On page 3 of the engrossed bill, delete lines 1 through 21
- On page 3 of the engrossed bill, line 22, delete the numeral "6" and insert in lieu thereof the numeral "5"
- And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**Office of Management and Budget

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

The data processing line item is increased by \$300,000 from the general fund to provide funding toward implementation of the statewide accounting and management information system (SAMIS).

The section of the bill is deleted which provided for the Office of Management and Budget to report to the Legislative Council's

Budget Section payments of bonuses, cash incentive awards, and temporary salary adjustments to state officials and state employees.

Central Data Processing

The salaries and wages line item is increased by \$229,125 from other funds to provide funding for the following six FTE positions the House deleted:

4 FTE Computer Operators  
1 FTE Planner III  
1 FTE Account Technician

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

State Printing

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

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1001 and HB 1004 which the Senate has amended:

SENATE AMENDMENTS TO ENGROSSED HB 1001

- On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the words "; and to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to reports by the state tax commissioner to the budget section of the legislative council regarding the auditing enhancement program and settlements of tax assessments"
- On page 1 of the engrossed bill, line 17, delete the numerals "960,094" and insert in lieu thereof the numerals "969,094"
- On page 1 of the engrossed bill, line 21, delete the numerals "1,132,373" and insert in lieu thereof the numerals "1,141,373"
- On page 1 of the engrossed bill, line 28, delete the numerals "161,941" and insert in lieu thereof the numerals "164,730"
- On page 2 of the engrossed bill, line 4, delete the numerals "174,551" and insert in lieu thereof the numerals "177,340"
- On page 2 of the engrossed bill, line 7, delete the numerals "840,178" and insert in lieu thereof the numerals "866,268"

On page 2 of the engrossed bill, after line 9, insert the following line:

"Data processing 100,000"

On page 2 of the engrossed bill, line 11, delete the numerals "90,238" and insert in lieu thereof the numerals "1,116,328"

On page 2 of the engrossed bill, line 18, delete the numerals "4,694,578" and insert in lieu thereof the numerals "4,758,920"

On page 2 of the engrossed bill, line 19, delete the numerals "1,257,449" and insert in lieu thereof the numerals "1,260,929"

On page 2 of the engrossed bill, line 20, delete the numerals "123,265" and insert in lieu thereof the numerals "232,260"

On page 2 of the engrossed bill, line 22, delete the numerals "596,000" and insert in lieu thereof the numerals "744,400"

On page 2 of the engrossed bill, line 24, delete the numerals "7,018,775" and insert in lieu thereof the numerals "7,343,992"

On page 2 of the engrossed bill, line 25, delete the numerals "663,280" and insert in lieu thereof the numerals "1,038,280"

On page 2 of the engrossed bill, line 26, delete the numerals "6,355,495" and insert in lieu thereof the numerals "6,305,712"

On page 2 of the engrossed bill, line 29, delete the numerals "3,050,880" and insert in lieu thereof the numerals "3,056,970"

On page 2 of the engrossed bill, line 33, delete the numerals "3,455,548" and insert in lieu thereof the numerals "3,461,638"

On page 2 of the engrossed bill, line 35, delete the numerals "3,156,191" and insert in lieu thereof the numerals "3,162,281"

On page 3 of the engrossed bill, line 3, delete the numerals "493,575" and insert in lieu thereof the numerals "499,665"

On page 3 of the engrossed bill, line 7, delete the numerals "582,729" and insert in lieu thereof the numerals "588,819"

- On page 3 of the engrossed bill, line 10, delete the numerals "7,888,998" and insert in lieu thereof the numerals "7,895,088"
- On page 3 of the engrossed bill, line 11, delete the numerals "1,701,047" and insert in lieu thereof the numerals "1,736,047"
- On page 3 of the engrossed bill, line 12, delete the numerals "1,234,236" and insert in lieu thereof the numerals "1,351,236"
- On page 3 of the engrossed bill, line 14, delete the numerals "10,844,435" and insert in lieu thereof the numerals "11,002,525"
- On page 3 of the engrossed bill, line 17, delete the numerals "1,181,452" and insert in lieu thereof the numerals "1,209,247"
- On page 3 of the engrossed bill, line 21, delete the numerals "1,461,006" and insert in lieu thereof the numerals "1,488,801"
- On page 3 of the engrossed bill, line 24, delete the numerals "388,889" and insert in lieu thereof the numerals "407,255"
- On page 3 of the engrossed bill, line 27, delete the numerals "531,124" and insert in lieu thereof the numerals "549,490"
- On page 3 of the engrossed bill, line 29, delete the numerals "444,124" and insert in lieu thereof the numerals "462,490"
- On page 3 of the engrossed bill, line 32, delete the numerals "3,811,955" and insert in lieu thereof the numerals "3,830,225"
- On page 3 of the engrossed bill, line 33, delete the numerals "4,331,314" and insert in lieu thereof the numerals "4,343,314"
- On page 3 of the engrossed bill, line 34, delete the numerals "763,938" and insert in lieu thereof the numerals "783,938"
- On page 3 of the engrossed bill, line 35, delete the numerals "152,649" and insert in lieu thereof the numerals "132,649"
- On page 4 of the engrossed bill, line 1, delete the numerals "9,059,856" and insert in lieu thereof the numerals "9,090,126"
- On page 4 of the engrossed bill, line 2, delete the numerals "4,912,456" and insert in lieu thereof the numerals "4,915,639"



- On page 4 of the engrossed bill, line 3, delete the numerals "4,147,400" and insert in lieu thereof the numerals "4,174,487"
- On page 4 of the engrossed bill, line 6, delete the numerals "1,853,778" and insert in lieu thereof the numerals "1,922,009"
- On page 4 of the engrossed bill, line 7, delete the numerals "667,351" and insert in lieu thereof the numerals "669,351"
- On page 4 of the engrossed bill, after line 10, insert the following lines:
- |                               |         |
|-------------------------------|---------|
| "Agriculture in the classroom | 250,000 |
| North Dakota products label   | 70,000" |
- On page 4 of the engrossed bill, line 12, delete the numerals "2,955,140" and insert in lieu thereof the numerals "3,345,371"
- On page 4 of the engrossed bill, line 13, delete the numerals "233,434" and insert in lieu thereof the numerals "553,434"
- On page 4 of the engrossed bill, line 14, delete the numerals "2,721,706" and insert in lieu thereof the numerals "2,791,937"
- On page 4 of the engrossed bill, line 15, delete the numerals "30,899,194" and insert in lieu thereof the numerals "31,273,244"
- On page 4 of the engrossed bill, line 16, delete the numerals "7,656,533" and insert in lieu thereof the numerals "8,382,511"
- On page 4 of the engrossed bill, line 17, delete the numerals "38,555,727" and insert in lieu thereof the numerals "39,655,755"
- On page 5 of the engrossed bill, after line 14, insert the following sections:

"SECTION 7. APPROPRIATION - AUTHORIZATION - GOVERNOR'S OFFICE. The governor's office is hereby authorized to receive and expend any federal or private funds which are hereby appropriated that become available during the biennium ending June 30, 1987.

SECTION 8. APPROPRIATION - TRANSFER - ATTORNEY GENERAL. There is hereby authorized, as included in the appropriation for the attorney general in subdivision 6 of this Act, a transfer of \$375,000, or so much thereof as may

be necessary, from the state fire and tornado fund for the purpose of funding the state fire marshal program. Such funds shall be transferred by the office of management and budget only at such times as the moneys are required for disbursement by the attorney general.

**SECTION 9. Reports on farm credit counseling program.** The commissioner of agriculture shall submit a report quarterly to the budget section of the legislative council on the progress and administration of the farm credit counseling program. Each report must include statements as to the number of individuals counseled and expenditures of appropriations.

**SECTION 10.** A new section to chapter 57-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Reports on auditing enhancement program and settlement of tax assessments.** The state tax commissioner shall submit reports quarterly to the budget section of the legislative council on the progress made in collecting additional tax revenues under the auditing enhancement program and on settlements of tax assessments. For any settlements of tax assessments made during the quarterly period the reports must contain the total amount assessed as of the end of the quarter and the amounts collected, including a summary reporting major amounts collected."

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Governor's Office

The salaries and wages line item is increased by \$9,000 from the general fund to provide sufficient funds for expected health insurance costs.

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

The salaries and wages line item provides for the continuation of the Governor's current annual salary of \$60,862.

A new section is added to allow the Governor's office to receive and spend federal and private funds that become available during the biennium.

Lieutenant Governor

The salaries and wages line item is increased by \$2,789 from the general fund to provide an annual salary of \$50,000 for the Lieutenant Governor.

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

#### Secretary of State

The salaries and wages line item is increased by \$6,090 from the general fund to provide an annual salary of \$46,000 for the Secretary of State.

In addition, the salaries and wages line item is increased by \$20,000 from the general fund to upgrade employee salaries.

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

A data processing line item of \$100,000 from the general fund is added to provide funds for automation of the UCC program.

#### Attorney General

The salaries and wages line item is increased by \$6,494 from the general fund to provide an annual salary of \$52,000 for the Attorney General.

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

In addition, \$61,328 from the general fund is added to provide funds for a hazardous material coordinator position. Of the total, \$57,848 is added to salaries and wages and \$3,480 to operating expenses.

The data processing line item is increased by \$108,995 from the general fund, \$55,000 for increased needs of the Gaming Division, and \$53,995 for costs of automated legal research (Westlaw).

The grants line item is increased by \$148,400 from the general fund to provide matching funds for federal criminal justice funds to be used for data processing equipment.

A new section is added to transfer \$375,000 from the fire and tornado fund to the Attorney General's budget to fund the estimated costs of the Fire Marshal and his staff. The estimated

line item is increased by \$375,000 with a corresponding general fund decrease to reflect the transfer of funds.

#### State Auditor

The salaries and wages line item is increased by \$6,090 from the general fund to provide an annual salary of \$46,000 for the State Auditor.

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

#### State Treasurer

The salaries and wages line item is increased by \$6,090 from the general fund to provide an annual salary of \$46,000 for the State Treasurer.

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

#### Tax Commissioner

The salaries and wages line item is increased by \$6,090 from the general fund to provide an annual salary of \$46,000 for the Tax Commissioner.

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

The data processing line item is increased by \$85,000 from the general fund and the operating expenses line item by \$35,000 to provide funds for the handling of the Grand Forks city sales tax.

In addition, the data processing line item is increased by \$32,000 from the general fund to provide funds for computerizing the motor fuels tax information.

A new section is added requiring the commissioner to report quarterly to the Budget Section on the progress made in collecting additional tax revenues under the auditing enhancement program including information on assessments and collections.

#### Insurance Commissioner

The salaries and wages line item is increased by \$6,090 from the state bonding fund to provide an annual salary of \$46,000 for the Insurance Commissioner. In addition, \$21,705 from the bonding

fund is added to the salaries and wages line item to provide funds for salary increases given by the department in August 1984 and not included in the executive budget salary base.

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

#### Labor Commissioner

The salaries and wages line item is increased by \$6,090 from the general fund to provide an annual salary of \$46,000 for the Labor Commissioner. In addition, the salaries and wages line item is increased by \$12,276 from the general fund to increase the salary base for the vacant Labor Standards Inspector Division.

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

#### Public Service Commission

The salaries and wages line item is increased by \$18,270 from the general fund to provide an annual salary of \$46,000 for each public service commissioner.

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

The operating expenses line item is increased by \$12,000, \$8,817 from the general fund and \$3,183 from other funds for liability insurance.

The equipment line item is decreased by \$20,000 with a corresponding increase to the data processing line item.

#### Agriculture Commissioner

The salaries and wages line item is increased by \$6,090 from the general fund to provide a salary of \$46,000 for the Agriculture Commissioner.

The salaries and wages line item also is increased by \$62,141 from the general fund to provide funds for a milk lab officer. The operating expenses line item is increased by \$2,000 from the general fund for travel for the position.

The remaining salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the

biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

Two new lines are added: one to provide \$250,000 from any available other funds for an agriculture in the classroom program and a second to provide \$70,000 from any available other funds for development of a North Dakota products label.

A new section is added requiring the Agriculture Commissioner to report to the Budget Section of the Legislative Council on the progress and administration of the farm credit counseling program.

SENATE AMENDMENTS TO HB 1004

On page 1, line 12, delete the numerals "5,341,000" and insert in lieu thereof the numerals "5,000,000"

On page 1, line 13, delete the numerals "5,341,000" and insert in lieu thereof the numerals "5,000,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Homestead Tax Credit

The grants line item is decreased by \$341,000 from the general fund.

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1655

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SCR 4073

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

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

HB 1204, HB 1233, HB 1242, HB 1295

REP. HEDSTROM, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

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

HB 1204, HB 1233, HB 1242, HB 1295, HB 1656, HCR 3094,  
HCR 3097, HCR 3098

REP. HEDSTROM, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed and enrolled:

HB 1153

REP. HEDSTROM, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed and enrolled:

HB 1606

REP. HEDSTROM, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly enrolled:

HB 1458

REP. HEDSTROM, Chairman

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

#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1243 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2173 of the House Journal and that Engrossed HB 1243 be amended as follows:

That the Senate recede from its amendments as found on pages 1553-1554 of the Senate Journal and that engrossed House Bill No. 1243 be amended as follows:

On page 2 of the engrossed bill, line 16, after the word "assembly" insert the words "who receive reimbursement for lodging"

On page 2 of the engrossed bill, line 20, after the period insert the following new sentence: "Members of the legislative assembly who do not receive reimbursement for lodging and who do not live in a legislative district completely or partially within the city of Bismarck are entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip per day between their residences and the place of meeting of the legislative assembly when it is in session, provided that this reimbursement may not exceed six hundred dollars per month."

On page 3 of the engrossed bill, line 27, overstrike the word "three" and insert immediately thereafter the word "five"

And renumber the lines and pages accordingly

For the Senate: Sens. Thane, Tennefos, Mushik  
For the House: Reps. Kingsbury, Unhjem, Kelly

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

Engrossed HB 1243 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### MESSAGE TO THE SENATE HOUSE CHAMBER

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



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

ROY GILBREATH, Chief Clerk

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2062 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 2039 of the House Journal and that Engrossed SB 2062 be amended as follows:

On page 1 of the engrossed bill, line 18, delete the word "seventy" and insert in lieu thereof the word "eighty"

And renumber the lines and pages accordingly

For the Senate: Sens. Peterson, Freborg, Heinrich  
 For the House: Reps. Schindler, D. Olsen, Hill

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

Engrossed SB 2062 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2260 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2042-2043 of the House Journal and that Engrossed SB 2260 be amended as follows:

On page 1 of the engrossed bill, line 16, after the word "felony" insert the words "and class A misdemeanor"

On page 1 of the engrossed bill, line 19, after the word "all" insert the word "other"

On page 1 of the engrossed bill, line 20, overstrike the words "unless any"

On page 1 of the engrossed bill, line 21, overstrike the words "party makes a timely written demand for a jury of", and delete the word "nine"

And renumber the lines and pages accordingly

For the Senate: Sens. Stenehjem, Olson, J. Meyer  
 For the House: Reps. Kretschmar, Schmidt, Keller

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

Engrossed SB 2260 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SB 2313 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1940 of the House Journal and that SB 2313 be amended as follows:

On page 1, line 19, after the period insert the following:

"No creditor may charge, receive, or collect a late payment charge on medical or hospital bills, except that if the account remains unpaid for at least sixty days, a late payment charge may be imposed at the rate specified in subsection 2, but the charge cannot exceed twenty-five dollars per month.

5."

And renumber the lines and pages accordingly

For the Senate: Sens. Parker, Reiten, Krauter

For the House: Reps. Whalen, Shide, Lloyd

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

SB 2313 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### MOTIONS

REP. STRINDEN MOVED that the House reconsider its action whereby HB 1653 was passed, which motion prevailed.

REP. STRINDEN MOVED that the House reconsider its action whereby the amendments to HB 1653 were adopted, which motion prevailed.

REP. STRINDEN MOVED that the House reconsider its action whereby the House did concur in the Senate amendments to HB 1653, which motion prevailed.

REP. STRINDEN MOVED that the House do not concur in the Senate amendments to HB 1653 and that a conference committee be appointed to meet with a like committee from the Senate on HB 1653, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1653:

Reps. Strinden, Unhjem, Kelly

MONDAY, APRIL 1, 1985

2575

CONSIDERATION OF MESSAGE FROM SENATE

REP. J. 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. Kingsbury, Gunsch, Laughlin

CONSIDERATION OF MESSAGE FROM SENATE

REP. J. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1003 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 1003:

Reps. Kingsbury, Gunsch, Graba

MESSAGE FROM THE SENATE

SENATE CHAMBER

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

SB 2138: Sens. Naaden, Nelson, Kusler

SCR 4010: Sens. David, Moore, Redlin

LEO LEIDHOLM, Secretary

APPOINTMENTS OF A CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on SB 2138:

Reps. Kuchera, Wald, Nowatzki

THE SPEAKER APPOINTED as a Conference Committee on SCR 4010:

Reps. Kretschmar, A. Olson, Lloyd

RECOGNITION

REP. J. PETERSON ANNOUNCED that a former Speaker and Representative was in the chambers, and requested that the House recognize former Speaker and Representative Palmer Levin, and he was thereupon introduced to the House.

MESSAGE FROM THE SENATE

SENATE CHAMBER

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

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

LEO LEIDHOLM, Secretary

**MOTION**

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

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

**SIGNING OF BILLS AND RESOLUTIONS**

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

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

ROY GILBREATH, Chief Clerk

**MESSAGE TO THE SENATE  
 HOUSE CHAMBER**

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

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

ROY GILBREATH, Chief Clerk

**DOCTOR OF THE DAY SCHEDULE**

April 2 - Brad Buell - Bismarck  
 Ear, Eye, Nose and Throat

April 4 - John Gryte, M.D. - Fargo  
 Family Practice

**REPORTS OF CONFERENCE COMMITTEES**

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1011 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 2519-2520 of the House Journal.

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

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

Engrossed HB 1011 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1446 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on

pages 2093-2094 of the House Journal and that Engrossed HB 1446 be amended as follows:

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

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

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

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

On page 1 of the engrossed bill, line 11, after the word "or" insert the word "master"

On page 1 of the engrossed bill, line 12, delete the words "certified by the department of human services as"

On page 1 of the engrossed bill, delete line 13

On page 1 of the engrossed bill, line 14, delete the words "department for master addiction counselors"

On page 1 of the engrossed bill, line 17, immediately after the period insert the words "An examination by a master addiction counselor shall be limited to whether the respondent is an alcoholic or drug addict, and whether the respondent is a person requiring treatment."

On page 2 of the engrossed bill, line 4, after the word "services" insert the words ", except that for the purpose of section 25-03.1-25, only a master addiction counselor may authorize an emergency commitment"

And renumber the lines, subsections, and pages accordingly

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

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

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

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2223 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 1140 of the House Journal.

For the Senate: Sens. Kilander, Parker, Lashkowitz

For the House: Reps. Timm, R. Anderson, Richard

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

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2273 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1938-1939 of the House Journal and that Engrossed SB 2273 be amended as follows:

On page 1 of the engrossed bill, line 1, after the numerals "55-11-04" insert the commas and numerals ", 55-11-05,"

On page 1 of the engrossed bill, line 3, after the word "program" insert the words "and acquisition of nature preserves and natural areas"

On page 1 of the engrossed bill, after line 16, insert the following new section:

"SECTION 2. AMENDMENT. Section 55-11-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-11-05. Acquisition of nature preserves and natural areas.

The department is authorized and empowered, for and on behalf of the state of North Dakota, to acquire nature preserves by gift, devise, ~~or~~ exchange, or purchase, with prior approval of the legislative assembly or governor. The department may acquire the fee simple interest in a natural area or any one or more lesser estates, interests, and rights therein, including, without limitation upon the generality of the foregoing by reason of specification, a leasehold estate, an easement either appurtenant or in gross and either granting the state specified rights of use or denying to the grantor specified rights of use, or both."

On page 1 of the engrossed bill, line 21, overstrike the word "highway", after the word "commissioner" insert the words "of agriculture", and overstrike the word "forest"

On page 1 of the engrossed bill, line 22, delete the comma and words ", and four"

On page 1 of the engrossed bill, delete line 23

On page 1 of the engrossed bill, line 24, delete the words "director of the department"

On page 1 of the engrossed bill, line 25, remove the overstrike over the word "Sueh", and delete the words "Meetings with these eight advisers must be held at"

On page 1 of the engrossed bill, line 26, delete the words "regular times established by the department. The"

On page 1 of the engrossed bill, line 28, remove the overstrike over the word "shall"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Vosper, David, D. Meyer

For the House: Reps. Martinson, Kretschmar, W. Williams

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

Engrossed SB 2273 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2355 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 1946 of the House Journal and that Engrossed SB 2355 be amended as follows:

On page 2 of the engrossed bill, line 3, overstrike the words "one week" and insert in lieu thereof the words "five business days"

On page 2 of the engrossed bill, line 12, after the comma, insert the words "willfully as defined in 12.1-02-02"

And renumber the lines and pages accordingly

For the Senate: Sens. Olson, Stenehjem, J. Meyer

For the House: Reps. Larson, Riley, Dotzenrod

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

Engrossed SB 2355 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Conference Committee to which was referred Engrossed SB 2405 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 1610-1611 of the Senate Journal:

**For the Senate:** Sens. Kilander, Parker, Langley  
**For the House:** Reps. Dorso, C. Williams, Goetz

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

#### POINT OF PERSONAL PRIVILEGE

**REP. DORSO:** Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

I would like to introduce Jill Hutchinson, Miss North Dakota Teen U.S.A., 1985.

Jill is the daughter of A. G. and Lois Hutchinson of Fargo and is now a freshman at NDSU.

On January 23, 1985, Jill competed in the National Miss Teen U.S.A. Pageant with girls from the other 49 states and the District of Columbia. This was in Miami, Florida, and shown on live television (CBS) to over 70 million viewers. Jill was chosen as one of the top ten girls and competed in the final competition for the national title. As you can see, Jill is a worthy representative of her peers--North Dakota's greatest natural resource--the young women of the state.

But beneath the glittering crown and jeweled banner is the real Jill Hutchinson--the Fargo school girl who is bright, articulate, poised, funloving, humorous, and last but not least, a very pretty young lady.

During her reign in 1985, Jill will be appearing at community events throughout the state, at everything from barbecues to bank openings. We hope you will welcome her whenever she appears in your hometowns or throughout your districts.

Jill will also be selling North Dakota as she travels to events in our neighboring states of Minnesota, South Dakota, Wyoming, and also in the great state of Texas.

We are indeed proud of Jill Hutchinson--Miss North Dakota Teen U.S.A., 1985.

#### MOTION

**REP. STRINDEN MOVED** that the House stand in recess until 2:30 p.m., which motion prevailed.



MONDAY, APRIL 1, 1985

2581

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

MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

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

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2495

ROY GILBREATH, Chief Clerk

MESSAGES TO THE SENATE  
HOUSE CHAMBER

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

SB 2495

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1653: Reps. Strinden, Unhjem, Kelly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1001: Reprs. Kingsbury, Gunsch, Laughlin

HB 1003: Reprs. Kingsbury, Gunsch, Graba

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2138: Reprs. Kuchera, Wald, Nowatzki

SCR 4010: Reprs. Kretschmar, A. Olson, Lloyd

ROY GILBREATH, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2413 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2048-2049 of the House Journal and that Engrossed SB 2413 be amended as follows:

On page 1 of the engrossed bill, line 9, delete the word "twenty" and insert in lieu thereof the word "twenty-five"

On page 1 of the engrossed bill, line 14, delete the words "Collector's item", as used"

On page 1 of the engrossed bill, line 15, delete the words "in this section, means a motor vehicle which" and insert in lieu thereof the words "A motor vehicle qualifies as a collector's item under this section only if it"

On page 1 of the engrossed bill, line 16, delete the word "only"

On page 1 of the engrossed bill, line 17, after the word "from" insert the words "active entry and participation in"

On page 1 of the engrossed bill, line 18, after the word "and" insert the words "to and from"

On page 2 of the engrossed bill, line 3, delete the word "forty-five" and insert in lieu thereof the word "seventy-five"

And renumber the lines and pages accordingly

For the Senate: Sens. Parker, Mutch, Satrom

For the House: Reprs. R. Anderson, A. Hausauer, Frey

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

Engrossed SB 2413 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

REQUEST

REP. STRINDEN REQUESTED that the members of conference committees be excused, which request was granted.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred SB 2477 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 1982-1983 of the House Journal.

For the Senate: Sens. Todd, Parker, Kelsh  
For the House: Reps. Moore, Hughes, Linderman

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

CONSIDERATION OF MESSAGE FROM SENATE

REP. STRINDEN MOVED that the House do concur in the Senate amendments to HB 1004, which motion prevailed.

HB 1004 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MESSAGES TO THE SENATE  
HOUSE CHAMBER

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

HB 1446

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2223, SB 2405

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

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

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

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

ROY GILBREATH, Chief Clerk

MOTION

REP. STRINDEN MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

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

MESSAGES FROM THE SENATE

SENATE CHAMBER

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

SB 2511, SCR 4079

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1043: Sens. Vosper, Naaden, Hilken  
 HB 1404: Sens. Bakewell, Thane, Kelsh

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

LEO LEIDHOLM, Secretary

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Reengrossed HB 1049 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 2266-2267 of the House Journal.

For the Senate: Sens. Peterson, Freborg, Heinrich

For the House: Reps. Schindler, Shaw, Hoffner

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

Reengrossed HB 1049 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

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

For the Senate: Sens. Nelson, Tweten, Mushik

For the House: Reps. Kingsbury, Gunsch, Graba

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

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on HB 1526:

Reps. Kingsbury, Gunsch, Graba

SIXTH ORDER OF BUSINESS

REP. LINDGREN MOVED that the amendments to HB 1069 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1069 DO PASS, which motion prevailed.

HB 1069 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. STRINDEN MOVED that the rules be suspended and that HB 1069 be placed on the Eleventh order, as amended, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1069: A BILL for an Act to create and enact chapters 62.1-01, 62.1-02, 62.1-03, 62.1-04, and 62.1-05 of the North Dakota Century Code, relating to the possession, sale, and use of

weapons; to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to methods of taking of game birds and animals; to repeal chapter 12.1-26 and title 62 of the North Dakota Century Code, relating to the possession, sale, and use of weapons; and to provide a penalty.

Which has been read.

#### ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Cullickson; Lipsiea; Nicholas; Unhjem

HB 1069 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. GOETZ MOVED that the amendments to HB 1574 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1574 DO PASS, which motion prevailed.

HB 1574 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended and that HB 1574 be placed on the Eleventh order, as amended, for second reading

and final passage, and dispense with the reading of the title, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1574:** A BILL for an Act to create and enact two new subsections to section 57-60-02 of the North Dakota Century Code, relating to the annual tax for the privilege of producing products and a temporary partial exemption and county optional temporary exemption from the tax for each coal conversion facility which commences construction after July 1, 1985.

Which has been read.

### ROLL CALL

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

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Lindgren; Lloyd; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Brokaw; DeMers; Enget; Halmrast; Hughes; Kelly; Klundt; Laughlin; Linderman; Mertens; Shockman; Starke; Stofferahn; Thompson

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea; Nicholas; Unhjem

HB 1574 passed and the title was agreed to.

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**MESSAGES TO THE SENATE  
HOUSE CHAMBER**

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

SB 2477

ROY GILBREATH, Chief Clerk

**HOUSE CHAMBER**

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

HB 1526: Reprs. Kingsbury, Gunsch, Graba

ROY GILBREATH, Chief Clerk

**SIGNING OF BILLS AND RESOLUTIONS**

**THE CHIEF CLERK ANNOUNCED** that the Speaker signed the following:

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

ROY GILBREATH, Chief Clerk

**MESSAGE TO THE SENATE  
HOUSE CHAMBER**

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

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

ROY GILBREATH, Chief Clerk

**SIXTH ORDER OF BUSINESS**

**REP. J. PETERSON MOVED** that the amendments to Reengrossed SB 2048 as recommended by the Committee on Appropriations as printed on pages 2541-2554 of the House Journal be adopted, and when so adopted, recommends that Reengrossed SB 2048 DO PASS, which motion prevailed.

Reengrossed SB 2048 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. STRINDEN MOVED** that the rules be suspended and that SB 2048, as amended, be placed on the Eleventh order for second reading and final passage and dispense with the reading of the title, which motion prevailed.

**REQUEST**

**REP. STOFFERAHN REQUESTED** that SB 2048 be divided in the following manner. Upon eleven other members joining



Representative Stofferahn in this request, the request was granted.

#### DIVISION A

- On page 1 of the reengrossed bill, line 1: "A BILL for an Act"
- On page 1 of the reengrossed bill, line 3: "to create and enact two new sections to chapter 54-44.4 of"
- On page 1 of the reengrossed bill, lines 4 through 10: "the North Dakota Century Code, relating to the acquisition of equipment for state agencies and institutions of the executive, judicial, and legislative branches of state government and the state board of higher education by the use of fixed rate securities or variable rate demand notes and to provide that certificates of participation and lease agreements entered into under this Act are not general obligation indebtedness of the state; to provide"
- On page 1 of the reengrossed bill, line 11: "authorization for the issuance of certificates of indebtedness and"
- On page 1 of the reengrossed bill, line 12: "for the acquisition of equipment for state"
- On page 1 of the reengrossed bill, line 13: "institutions of higher education"
- On page 1 of the reengrossed bill, line 15: "; to provide a continuing appropriation;"
- On page 1 of the reengrossed bill, line 16: "and to declare an emergency."
- On page 1 of the reengrossed bill, lines 17 through 27:

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

SECTION 1. A new section to chapter 54-44.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

#### Acquisition of equipment using fixed rate securities and variable rate demand notes - Appropriation.

1. The office of management and budget may acquire, pursuant to legislative authorization, equipment for present or future use by agencies and institutions of the executive, judicial, and legislative branches of state government,"

Pages 2 through 7 of the reengrossed bill:

"and the state board of higher education in the following manner:

- a. The office of management and budget may purchase equipment requested by the state agencies and institutions for lease to the state agencies and institutions under this section by issuing and selling certificates of participation evidencing assignments of proportionate undivided interests in certain payments pursuant to the lease agreements. The certificates of participation may be in the form of fixed rate securities or variable rate demand notes. The office of management and budget shall repay the principal and interest of the certificates of participation only from the equipment lease rentals paid by the state agencies and institutions. The office of management and budget may enter into agreements with the industrial commission for the issuance by the industrial commission of certificates of participation under this subdivision.
  - b. The office of management and budget may lease equipment for use by state agencies and institutions under this section from business entities that have acquired the equipment by issuing and selling certificates of participation evidencing assignments of proportionate undivided interests in certain payments pursuant to the lease agreements. The lease rental payments may be made only from money appropriated for that purpose by the legislative assembly or money available to the agency or institution not requiring appropriation, money generated from charges made for use of the equipment or any combination of such moneys.
2. A lease agreement under this section must be for a term not to extend beyond the last day of the biennium in which it becomes effective and may provide for one or more renewal terms. A lease agreement may provide for automatic renewal upon the appropriation by the legislative assembly of money sufficient to make the lease rental payments for the next lease renewal term. The lease agreement may provide that a general appropriation to the appropriate state agency or institution to pay capital or operating costs is sufficient legislative appropriation to extend the lease agreement for the renewal term unless the law appropriating these moneys prohibits the

expenditure of those moneys for the lease agreements under this section or the appropriation is insufficient to pay the rental payments for the renewal term. A lease agreement may not extend for more than one hundred twenty months from the date it initially becomes effective. The office of management and budget and the state agencies and institutions, as lessees under this section, may agree that, if a lease agreement is terminated at the end of an initial or renewal term because of lack of legislative appropriation of sufficient moneys to pay lease rentals due in the next lease term, equipment performing the same functions as the equipment subject to the lease agreement will not be acquired for a period up to one year after the date of termination of the lease.

3. A lease agreement under this section may include all terms and provisions that are customary in commercial leases of this nature, including the payment of fixed or variable rental payments, or both, the payment of a fixed or variable number of rental payments, or both, the substitution of equipment, and the acquisition by the lessee of lease payment interruption insurance. Fixed rent may consist of a specified number of fixed payments comprising specified amounts of equipment costs or interest, or both, or a specified number of fixed payments comprising varying amounts of equipment costs and interest, or both, determined by a formula specified in the lease. Variable rent may consist of a specified number of payments of varying amounts comprising a fixed amount of equipment costs and varying amounts of interest, or both, and must be determined by a formula or factors specified in the lease. The lease agreement may also provide for the acquisition by the lessee of liability and casualty insurance, options to purchase the equipment subject to the lease agreement or, if title has been transferred to the lessee, the lessor's interest in the equipment on any rental payment date for a substantial or a nominal purchase price, the payment of all other costs and expenses of ownership and operation and maintenance of the equipment by the lessee, the indemnification of the lessor against public liability or property damage claims and costs related to those claims to the extent of the insurance or self-insurance carried by the lessee for these claims, the indemnification of the lessor for costs and expenses incurred by the lessor as a result of the default by the lessee

on the lease agreement, the exercise by the lessor of the rights of a secured party with respect to the lease agreement, and the present recovery of lease rentals due during the current term of the lease as liquidated damages.

4. The office of management and budget, as a lessee under this section, may permit the assignment of the lessor's interest in a lease agreement under this section to one or more financial institutions or to a national or state bank having trust powers located inside or outside the state as trustee for the registered owners of certificates of participation issued pursuant to the lease contract. If the assignment is made prior to the acquisition of and payment for the equipment by the lessor, the lessor shall deposit with the trustee an amount at least equal to the total equipment cost due under the lease agreement. The trustee shall invest the moneys so deposited only in securities and accounts which are legal investments of the state investment board under section 21-10-07. The trustee shall use the interest earned on those investments to make rental payments payable by the office of management and budget as provided in the trust agreement. The office of management and budget may become a party to any such trust agreement but the state shall not, as a result, incur any additional financial obligation under the lease agreement nor shall the state incur any obligation to make payments due on the certificates of participation.
5. The office of management and budget as a lessee or lessor and the state agencies and institutions as lessees under this section may, in lieu of paying an increased interest component of rental payments, agree to pay from state moneys appropriated and allotted for this purpose, or from moneys provided by the lessor pursuant to any trust agreement described in subsection 4, all costs incurred in connection with the lease agreement, including legal and administrative costs, trustee's fees, out-of-pocket expenses, underwriting or placement fees and expenses, rating agencies fees and expenses, lease or nonappropriation insurance, letters or lines of credit securing obligations undertaken by or for the lessor in placing certificates of participation issued with respect to a lease, and other similar costs. These cost items constitute part of the equipment cost. Equipment cost may also include any amount necessary to make rental

payments comprising interest only and coming due during the first six months of the lease agreement term and any additional amount to be held by the trustee bank under subsection 4 as a reserve securing the timely payment of rental payments due under any lease agreement.

6. No lease agreement authorized under this section may be entered into unless the director of the office of management and budget has certified that moneys have been appropriated and allotted for the payment of the maximum amount of rentals which are or may become due during the initial term of the lease agreement, that such money is available to the agency or institution and does not require appropriation, or that such money is available to the agency or institution from revenues generated from charges made for use of the equipment, or any combination of such moneys. No lease agreement constitutes or creates a general obligation or indebtedness of the state. The state has no obligation to appropriate or otherwise provide moneys for the payment of any rental payments or other amounts coming due in any renewal term of any lease agreement under this section. Rental payments due under any lease agreement during a current lease term for which moneys have been appropriated or otherwise provided are a current expense of the state.
7. Certificates of participation issued by the office of management and budget under subdivision a of subsection 1 are not general obligations or indebtedness of the state. These certificates of participation must provide that, in the event of termination of the relevant lease agreements due to lack of legislative appropriation or other available moneys sufficient to pay the lease rentals due in the next lease term, the investors in the certificates of participation have a security interest and recourse only in and against the equipment purchased by the office of management and budget with the proceeds of the sale of the certificates of participation.
8. The property purchased by a lessor for lease to the office of management and budget is subject to sales tax, but the rental payments due under the lease agreement are not subject to the sales tax.
9. The interest component of any rental payment due under a lease agreement is not subject to

taxation by the state or its political subdivisions.

10. Each lease agreement entered into by the office of management and budget is subject to the approval of the attorney general. Each lease and certificate of participation entered into under this section is a legal investment for all state banks, trust companies, savings banks and institutions, savings and loan associations, and other similar financial institutions.

**SECTION 2.** A new section to chapter 54-44.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Certificates of participation and lease agreements not general obligation indebtedness.** Any indebtedness arising pursuant to section 1 of this Act shall not obligate the full faith and credit of the state.

**SECTION 3. EQUIPMENT AUTHORIZATION.** The office of management and budget may issue certificates of participation as necessary to defray the cost of the purchase of equipment for lease to state institutions of higher education under section 1 of this Act as follows during the biennium beginning July 1, 1985, and ending June 30, 1987:

NAME OF INSTITUTION	STATE FUNDS
University of North Dakota	\$ 820,000
North Dakota state university	658,750
State school of science	351,250
Dickinson state college	97,500
Minot state college	190,000
Valley City state college	75,000
Mayville state college	52,500
NDSU-Bottineau branch	30,000
Bismarck junior college	128,750"

On page 8 of the reengrossed bill, lines 1 through 23:

"Lake region community college	50,000
UND-Williston	46,250
Total institutional, research and other equipment acquisition	\$ 2,500,000

The authorizations provided for under this section are in addition to other legislative authorizations made for equipment acquisition for these institutions of higher education. The state board of higher education may authorize an institution of higher education to make necessary lease rental payments for equipment authorized

under this section from the institution's appropriation for equipment under Senate Bill No. 2003. The state board of higher education, prior to the issuance of any certificate of participation authorized under this section, shall certify to the office of management and budget the amount of an institution's equipment appropriation under Senate Bill No. 2003 authorized for payment of equipment lease rentals under this section.

**SECTION 4. CONTINUING APPROPRIATION.** The moneys received by the office of management and budget and the state agencies and institutions from the sale of certificates of participation, lease rental payments, and from revenue generated by equipment under section 1 of this Act are hereby appropriated as a continuing appropriation for the acquisition of equipment and the payment of lease rentals authorized under section 1 of this Act."

On page 19 of the reengrossed bill, lines 33 through 35:

"**SECTION 29. EMERGENCY.** This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

#### DIVISION B

On page 1 of the reengrossed bill, lines 1 and 2: "A BILL for an Act to establish the industrial commission as the North Dakota building authority and to set out its powers and"

On page 1 of the reengrossed bill, line 3: "duties;"

On page 1 of the reengrossed bill, line 10: "to provide"

On page 1 of the reengrossed bill, line 11: "authorization for the issuance of"

On page 1 of the reengrossed bill, line 12: "evidences of indebtedness"

On page 1 of the reengrossed bill, line 13: "and for the construction of various"

On page 1 of the reengrossed bill, line 14: "buildings and facilities for state agencies, departments, and"

On page 1 of the reengrossed bill, line 15: "institutions; to provide a continuing appropriation;"

On page 1 of the reengrossed bill, line 16: "and to declare an emergency."

On page 1 of the reengrossed bill, line 17 and 18:

"BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE

## STATE OF NORTH DAKOTA:"

On page 8 of the reengrossed bill, lines 24 through 35:

"SECTION 5. Definitions. As used in sections 5 through 24 of this Act, unless the context or subject matter requires otherwise:

1. "Commission" means the industrial commission acting as the North Dakota building authority created under this Act.
2. "Evidences of indebtedness" means bonds, notes, debentures, and other evidences of indebtedness issued by the commission on behalf of the state of North Dakota to evidence money owed or borrowed.
3. "Project" or "projects" means any building or buildings primarily for the use of the state, including related structures, parking facilities, equipment, improvements, real and personal property or any interest therein,"

Pages 9 through 17 of the reengrossed bill:

"including lands under water, space rights and air rights, and other appurtenances and facilities necessary or convenient to the use or operation of the building or buildings, acquired, owned, constructed, reconstructed, extended, rehabilitated, or improved by the commission.

4. "Project cost" means the total cost of acquisition and construction of a project or projects and all costs of issuance, financing, and interest during construction included in the principal amount of evidences of indebtedness issued.
5. "State" means any branch of North Dakota government or any office, department, board, commission, bureau, division, public authority or corporation, agency, or instrumentality of the state.

SECTION 6. Commission - Evidence of indebtedness issuance. The commission is a North Dakota instrumentality empowered, subject to legislative authorization, to issue evidences of indebtedness to make funds available for a project or projects as directed by the legislative assembly.

SECTION 7. Powers. Except as otherwise limited by sections 5 through 24 of this Act, the commission may:



1. Enter into agreements with respect to its projects, operation, properties, and facilities, subject to agreements with holders of evidences of indebtedness.
2. Sue and be sued.
3. Make and enter into all contracts and all agreements necessary or incidental to the performance of its duties and the exercise of its powers.
4. Acquire, own, hold, assign, exchange, lease, mortgage, or pledge or grant security interests in a project or projects in the exercise of its powers and the performance of its duties.
5. Acquire, construct, reconstruct, rehabilitate, improve, alter, or repair, or provide for the acquisition, construction, reconstruction, improvement, alteration, or repair of any project and let, award, and enter into construction contracts, purchase orders, and other contracts with respect thereto in the manner determined by the commission.
6. Sell, lease, assign, transfer, convey, exchange, mortgage, or otherwise dispose of or encumber any project or other property no longer necessary to carry out the public purposes of the commission and, in the case of the sale of any project or property, to accept a purchase money mortgage in connection therewith; and to lease, repurchase, or otherwise acquire and hold any project or property which the commission has sold, let, or otherwise conveyed, transferred, or disposed of.
7. Grant options to purchase any project or to renew any lease entered into by it in connection with any of its projects, on terms and conditions it deems advisable.
8. Acquire by purchase, lease, or otherwise, on terms and conditions and in a manner as it determines to be proper, or by the exercise of the power of eminent domain, except with respect to lands owned by the state or any public lands, any land and other property or equipment, which it may determine is reasonably necessary for any project.
9. Sell, lease, rent, sublease, or otherwise dispose of, to any person, firm, or corporation, any surplus space in any project over and above that

sold, leased, rented, subleased, or otherwise disposed of to the state and establish and revise the purchase price, rents, or charges for the surplus space.

10. Manage or operate any project or real or personal property or equipment related to a project whether owned or leased by the commission or any state agency, and enter into agreements with any state agency, any political subdivision, any local governmental agency, or with any person, firm, association, partnership, or corporation, either public or private, for the management of a project or related property.
11. Consent to any modification, amendment, or revision of any contract, lease, or agreement to which the commission is a party, subject to the provisions of any contract with holders of evidences of indebtedness.
12. Issue its evidences of indebtedness and to secure the same and provide for the rights of the holders thereof as provided in sections 5 through 24 of this Act.
13. Invest moneys of the commission not required for immediate use, including proceeds from the sale of any evidences of indebtedness in securities and other investments including evidences of indebtedness as the commission determines to be prudent, subject to any agreement with holders of evidences of indebtedness.
14. Procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable.
15. Purchase evidences of indebtedness issued by the commission out of any funds or money not pledged to or necessary for some other purpose and hold, cancel, or resell such evidences of indebtedness, subject to any agreement with holders of evidences of indebtedness.

**SECTION 8. Purpose of commission.** The public purpose of the commission is to promote the general welfare of the citizens of this state by providing projects for use by the state in providing public services by altering, repairing, maintaining, or constructing buildings primarily for use by the state and making any improvements connected to those buildings or pertaining to those buildings and necessary to

the use of those buildings in providing services to the public.

**SECTION 9. Transfer of state property to commission - Services by state agencies.** The state may transfer jurisdiction of or title to any property under its control to the commission. All state agencies may render any and all services to the commission as are within the area of their respective governmental functions and as may be required by the commission, including acting as agent for the commission in furtherance of performing its duties.

**SECTION 10. Lease of facilities and sites to state agencies authorized - Commencement of payments under lease.** The commission may lease any project to the state. The leases may be entered into contemporaneously with any financing to be done by the commission and payments under the terms of the lease shall begin at any time after execution of the lease.

**SECTION 11. Terms, conditions, and rental under leases - Automatic biennial extension provisions.** Leases may be entered into by the commission:

1. Upon terms, conditions, and lease rentals, subject to available appropriations, as in the judgment of the commission are in the public interest; and
2. For an original term of not to exceed two years, with an automatic extension of the term of the lease, unless specifically rejected by the legislative assembly, for a term of two years from the expiration of the original term of the lease and for two years from the expiration of each extended term of the lease, until the original term of the lease has been extended for a total number of years to be agreed upon by the parties at a lease rental which, if paid for the original term and for each of the full number of years for which the term of the lease may be extended, will amortize the total project cost of the project.

The lease rental must be paid at the times agreed upon by the parties to the lease.

**SECTION 12. State's option to purchase - Conveyance on exercise of option.** The lease must provide that the state may, at the expiration of the original or any extended term, purchase the project at a stated price, which must be the balance of the total project cost not amortized by the payment of rents previously made by the state. The lease must provide that if the option to purchase the project has

been exercised or if the lease has been extended for the full number of years which it may be extended, and all rents and payments provided for in the lease have been made and all project costs have been paid, the commission shall convey its interest in the project to the lessee.

**SECTION 13. Insurance and credit enhancements added to rental payments.** The lease may provide that the state shall provide insurance or, as additional rent for the leased project, pay the cost of insuring the project against loss or damage in such sum agreed to by the parties. The lease may also provide for payment of the cost of such credit enhancements as in the judgment of the commission may be required for sale of the evidences of indebtedness, including bond insurance or letters of credit.

**SECTION 14. Appropriations and funds from which rent payable and right to project upon nonpayment - Commission's power to use or sell facilities for other purposes on nonpayment of rent.** The lease must provide that rents are payable solely from appropriations to be made by the legislative assembly for the payment of the lease rent or money available to the lessee not requiring appropriation, money generated from charges made for use of the project, any revenues derived by the commission from the operation of the project, or any combination of such moneys. The commission upon nonpayment of lease rents is immediately entitled to the peaceable possession, access, and occupancy of the project and all appurtenances and easements appertaining thereto, and may maintain and operate the project or execute leases for the project or sell the project to political subdivisions of the state or private persons or entities for any purpose.

**SECTION 15. Costs and reserves to be covered by rent and charges.** Lease rentals for a project must be sufficient at all times to pay the maintenance and operation costs for the project, unless maintenance and operation costs are otherwise provided for under a lease, the principal of and interest on any evidence of indebtedness, and a proportion of the administrative expenses of the commission as provided for by each lease, and the reserves as may be provided in the resolutions authorizing the issuance of evidences of indebtedness.

**SECTION 16. Tax exemption of commission's property.** All property owned by the commission is exempt from taxation.

**SECTION 17. Resolutions for evidences of indebtedness authorized - Maximum amount outstanding - Legislative approval required.** The commission may at any time provide by resolution for the issuance of evidences of indebtedness for the purpose of paying all or any part of the cost of one or any combination of projects; provided, however, that no project may be leased by the commission to the state,

nor any evidences of indebtedness be sold to raise the funds for payment, acquisition, or construction of a project until the legislative assembly by law authorizes the specific project or projects and declares the project or projects to be in the public interest.

**SECTION 18. Purposes for which evidences of indebtedness issue - Refunding and refinancing - Pledge of income.** To accomplish its purposes, the commission may borrow and issue and sell evidences of indebtedness in an amount or amounts as the commission may determine, but not in excess of legislative authorization, plus costs of issuance, financing, interest during construction, and any evidences of indebtedness funded reserve funds required by agreements with or for the benefit of holders of evidences of indebtedness for the purpose of acquiring, constructing, completing, or remodeling, maintaining, or equipping any project or projects. The commission may refund and refinance the evidences of indebtedness from time to time as often as it is advantageous and in the public interest to do so; and may pledge any and all income of the commission, and any revenues derived by the commission or the state from a project or any combination thereof, to secure payment or redemption of the evidences of indebtedness.

**SECTION 19. Evidences of indebtedness authorized - Interest rates - Exemption from taxation - Term.** The commission, pursuant to legislative authorization, may, by resolution, authorize preparation, sale, and issuance of evidences of indebtedness of the commission in amounts and at such times, in fully registered form, with final maturity of not more than thirty years. The evidences of indebtedness may bear the fixed or variable rate or rates of interest and may be sold at the price or prices as the commission may provide at an average net interest cost not in excess of twelve percent per annum for evidences of indebtedness sold at private sale, except that there is no interest rate ceiling on issues sold at public sale or to the state. The evidences of indebtedness are not subject to taxation by the state or by any county, municipality, or political subdivision in the state. The evidences of indebtedness are not indebtedness of the state or of any officer or agent of the state within the meaning of any statutory or constitutional provision.

**SECTION 20. Revenues, appropriations, funds, and income from which evidences of indebtedness payable.** Evidences of indebtedness are payable solely from:

1. Revenues to be derived by the commission from the operation of a project or projects;

2. Income to be derived from rentals paid pursuant to leases to the state, or from leases to others as provided by this Act;
3. Funds appropriated by the legislative assembly; and
4. Any other revenue, income, or funds available to the commission.

SECTION 21. Covenants and contracts with holders of evidences of indebtedness. In any resolution of the commission relating to the issuance of any evidence of indebtedness, the commission may provide by covenants with the holders of the evidences of indebtedness, to:

1. Secure the evidences of indebtedness.
2. Covenant against pledging all or any part of its revenues, receipts, or proceeds, or against mortgaging or leasing all or any part of its real or personal property when owned or thereafter acquired or against permitting or suffering any lien. Any pledge of revenues, receipts, moneys, funds, levies, sales agreements, service contracts, or other property or instruments made by the commission are valid and binding from the time the pledge is made. The revenues, receipts, moneys, funds, or other property pledged and thereafter received by the commission are immediately subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the commission irrespective of whether the parties have notice of the claim. Neither the resolution nor any other instrument by which a pledge under this section is created need be filed or recorded except in the records of the commission.
3. Covenant as to any evidences of indebtedness to be issued and the limitations on the evidence of indebtedness and their terms and conditions as to the custody, application, investment, and disposition of their proceeds, as to the sources and methods of the payment, and as to the rank or priority of the evidence of indebtedness.
4. Provide for the replacement of lost, stolen, destroyed, or mutilated evidences of indebtedness.

5. Provide for the rights and liabilities, power and duties arising upon the breach of any covenant, condition, or obligation; prescribe the events of default and the terms and conditions upon which any or all of the evidences of indebtedness of the commission become or may be declared due and payable before maturity; and provide the terms and conditions upon which the declaration and its consequences may be waived.
6. Vest in a trustee or trustees within or without the state such property, rights, powers, and duties in trust as the commission may determine.
7. Make covenants other than or in addition to the covenants authorized by this Act of like or different character, and to make the covenants to do or refrain from doing acts and things as may be necessary, or convenient and desirable, to better secure evidences of indebtedness or which, in the absolute discretion of the commission will tend to make its evidences of indebtedness more marketable, notwithstanding that the covenants, acts, or things may not be enumerated in this Act.

**SECTION 22. Validity of signature by officers.** Evidences of indebtedness must be executed by a member or members of the commission as designated by the commission, or by facsimile signature and the manual signature of a designated authenticating agent. Any evidences of indebtedness bearing the signature of members in office at the date of signing are valid and binding for all purposes notwithstanding that before delivery any person whose signature appears on the evidences of indebtedness has ceased to be a member.

**SECTION 23. Restrictions on obligation stated on face of evidences of indebtedness.** Evidences of indebtedness must state upon their face that they are payable solely from revenues derived by the commission as provided in this Act, including revenues from the operation of projects acquired, constructed, completed, remodeled, or equipped in whole or in part with the proceeds of the sale of such evidences of indebtedness, including income to be derived from rental leases as provided by sections 5 through 24 of this Act. Evidences of indebtedness must state upon their face that they do not constitute an obligation of the state within the meaning of any statutory or constitutional provision.

**SECTION 24. Disposition of income - Building authority fund.** The proceeds of and any revenue derived from the sale of evidences of indebtedness, charges, fees, or rentals, and all other revenue derived from any project undertaken

pursuant to sections 5 through 24 of this Act must be held in trust for the purposes of sections 5 through 24 of this Act, in a special fund known as the building authority fund. Disbursements shall be made from the fund upon the resolution of the commission. The building authority fund established by this Act may contain such accounts as authorized by the commission."

On page 18 of the reengrossed bill, lines 1 through 9:

"SECTION 25. PROJECT AUTHORIZATION. The industrial commission may construct and acquire and issue evidences of indebtedness under sections 5 through 24 of this Act as necessary to defray project costs of the following projects, hereby declared to be in the public interest, during the biennium beginning July 1, 1985, and ending June 30, 1987:

NAME OF AGENCY, DEPARTMENT, OR INSTITUTION	TYPE OF FACILITY	STATE FUNDS"
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(The agencies, facilities and funds authorized will depend on the outcome of Divisions C through J.)

On page 18 of the reengrossed bill, lines 29 through 35:

"Total major capital construction	\$ 34,300,000 (Subject to outcome of Divisions C through J)
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The industrial commission shall issue evidences of indebtedness authorized under this section with the condition that lease rental payments need not begin until July 1, 1987, and with the provision that the evidences of indebtedness are callable five years after issuance. The authority of the industrial commission to issue"

On page 19 of the reengrossed bill, lines 1 through 27:

"evidences of indebtedness under sections 5 through 24 of this Act ends on June 30, 1987, but the industrial commission shall have continued authority to exercise all other powers granted to it under this Act and to comply with any covenants entered into before that date.

SECTION 26. LEGISLATIVE INTENT. It is the intention of the legislative assembly that the state board of higher education, prior to the issuance of any evidences of indebtedness by the industrial commission under section 25 of this Act, shall certify to the industrial commission that the board has considered all of the following:

1. Enrollment projections for the institution.



2. The financial feasibility of the project for which the bonds would be issued, including the present and future ability of the project to fully pay the principal and interest on the bonds.
3. The probability of future legislative action which may affect payment of principal and interest on the bonds.
4. Any other relevant matters of which the board has knowledge.

SECTION 27. CONTINUING APPROPRIATION. The moneys received by the commission and the state agencies and institutions from the sale of evidences of indebtedness, lease rental payments, and from revenue generated by projects authorized under section 25 of this Act are hereby appropriated as a continuing appropriation for the acquisition of these authorized projects and the payment of lease rentals for these projects."

On page 19 of the reengrossed bill, lines 33 through 35:

"SECTION 29. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

#### DIVISION C

On page 18 of the reengrossed bill, line 10:

"North Dakota state university	Computer center	\$ 4,700,000"
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On page 18 of the reengrossed bill, lines 11 and 12:

"State school of science	Agricultural mechanics building	2,600,000"
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#### DIVISION D

On page 18 of the reengrossed bill, lines 13 and 14:

"University of North Dakota	Abbott hall addition and renovation	4,000,000"
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On page 18 of the reengrossed bill, line 15:

"Minot state college	Library building	6,000,000"
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On page 18 of the reengrossed bill, lines 16 and 17:

"University of North Dakota	Purchase united hospital - north unit	2,200,000"
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On page 18 of the reengrossed bill, lines 18 and 19:

"State penitentiary	Phase II construction	7,500,000"
	and renovation project	

On page 18 of the reengrossed bill, lines 20 through 22:

"Grafton state	Renovation of Sunset	3,900,000"
school	Hall, Collette Auditorium, and tunnel replacement	

On page 18 of the reengrossed bill, lines 23 through 28:

"State hospital	Central store building,	<u>3,400,000"</u>
	and air-conditioning in the adolescent center, receiving and treatment center, medical building and central dining center	

#### DIVISION E

On page 1 of the reengrossed bill, line 15: "to provide an"

On page 1 of the reengrossed bill, line 16: "appropriation;"

On page 19 of the reengrossed bill, lines 21 through 27:

"SECTION 28. APPROPRIATION - MINOT STATE COLLEGE.  
There is hereby appropriated \$1,200,000, or so much thereof  
as may become available, from federal, private, and other  
funds to Minot state college in addition to other moneys  
appropriated in this Act for a regional library at Minot  
state college."

#### REQUEST

REP. DORSO REQUESTED that the Division of SB 2048 be further  
divided to have the sections voted on separately in the following  
manner. Upon eleven other members joining Representative Dorso  
in this request, the request was granted.

Division C is divided into:

#### DIVISION C1

On page 18 of the reengrossed bill, lines 18 and 19:

"State penitentiary	Phase II construction	7,500,000"
	and renovation project	

#### DIVISION C2

On page 18 of the reengrossed bill, lines 20 through 22:

"Grafton state	Renovation of Sunset	3,900,000"
school	Hall, Collette Auditorium,	

and tunnel replacement

#### DIVISION C3

On page 18 of the reengrossed bill, lines 23 through 28:

"State hospital	Central store building, and air-conditioning in the adolescent center, receiving and treatment center, medical building and central dining center	<u>3,400,000"</u>
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Division D is divided into:

#### DIVISION D1

On page 18 of the reengrossed bill, line 10:

"North Dakota state university	Computer center	\$ 4,700,000"
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#### DIVISION D2

On page 18 of the reengrossed bill, lines 11 and 12:

"State school of science	Agricultural mechanics building	2,600,000"
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#### DIVISION D3

On page 18 of the reengrossed bill, lines 13 and 14:

"University of North Dakota	Abbott hall addition and renovation	4,000,000"
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#### DIVISION D4

On page 18 of the reengrossed bill, line 15:

"Minot state college	Library building	6,000,000"
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#### DIVISION D5

On page 18 of the reengrossed bill, lines 16 and 17:

"University of North Dakota	Purchase united hospital - north unit	2,200,000"
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#### ROLL CALL

The question being on the motion to adopt Division A to SB 2048, the roll was called and there were 49 YEAS, 55 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; DeMers; Frey; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hoffner; Keller; Kelly; Koland; Kretschmar; Kuchera; Laughlin; Lautenschlager; Linderman; Lloyd; Martinson; Mertens; Nalewaja; Nicholas; Nowatzki; Oban;

O'Connell; Opedahl; Peterson, J.; Rydell; Sauter; Schneider; Shockman; Solberg, O.; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Watne; Wentz; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Anderson, R.; Belter; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hughes; Kent; Kingsbury; Kloubec; Klundt; Knudson; Lang; Larson; Lindgren; Martin; Melby; Meyer; Moore; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Schindler; Schmidt; Shaw; Shide; Skjerven; Smette; Solberg, R.; Starke; Thompson; Vander Vorst; Wald; Whalen; Williams, A.

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea

The motion to adopt Division A to SB 2048 failed.

#### ROLL CALL

The question being on the motion to adopt Division B to SB 2048, the roll was called and there were 53 YEAS, 51 NAYS, 2 ABSENT AND NOT VOTING.

#### MOTION

**REP. HAMERLIK MOVED** the previous question, which motion prevailed.

**YEAS:** Berg, G.; Berg, R.; Cleveland; Conmy; DeMers; Frey; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hoffner; Keller; Kelly; Klundt; Koland; Kretschmar; Kuchera; Laughlin; Lautenschlager; Linderman; Lloyd; Martinson; Mertens; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Peterson, J.; Sauter; Schneider; Shaw; Shockman; Solberg, O.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Anderson, R.; Belter; Brokaw; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Knudson; Lang; Larson; Lindgren; Martin; Melby; Meyer; Moore; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Schindler; Schmidt; Shide; Skjerven; Smette; Solberg, R.; Thompson; Vander Vorst; Wald; Whalen

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea

The motion to adopt Division B to SB 2048 failed.

## ROLL CALL

The question then was on the final passage of SB 2048, excluding Division A and Division B, and including Divisions C1, C2, C3, D1, D2, D3, D4, D5, and E with title amended appropriately and lines, sections, and pages renumbered accordingly, the roll was called and there were 41 YEAS, 63 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg, G.; Berg, R.; Cleveland; DeMers; Frey; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hoffner; Keller; Kelly; Koland; Kretschmar; Kuchera; Laughlin; Lautenschlager; Linderman; Lloyd; Martinson; Mertens; Nalewaja; Nicholas; Nowatzki; Oban; Opedahl; Peterson, J.; Sauter; Schneider; Stofferahn; Strinden; Timm; Tollefson; Unhjem; Wentz; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Anderson, R.; Belter; Brokaw; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hughes; Kent; Kingsbury; Kloubec; Klundt; Knudson; Lang; Larson; Lindgren; Martin; Melby; Meyer; Moore; Murphy; Myrdal; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Thompson; Ulmer; Vander Vorst; Wald; Watne; Whalen; Williams, A.

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea

So SB 2048, excluding Division A and Division B, and including Divisions C1, C2, C3, D1, D2, D3, D4, D5, and E with title amended appropriately and lines, sections, and pages renumbered accordingly was declared lost.

## REQUEST

**REP. J. PETERSON REQUESTED** a ruling of the Chair on the failure of Division B of SB 2048, in light of House Rule 316, paragraph 2, which reads "A request to divide the question on passage of a measure has the same effect as proposing an amendment. Each proposition requires a majority vote of the members present for adoption." Speaker R. Hausauer ruled that he had erroneously declared Division B of SB 2048 lost. Therefore, the House must continue on the Divisions of the bill as requested by Representative Stofferahn and Representative Dorso.

## RULING BY SPEAKER

**SPEAKER R. HAUSAUER RULED** that Divisions C1, C2, and C3 would become Divisions D1, D2, and D3 and that Divisions D1, D2, D3, D4, and D5 become Divisions C1, C2, C3, C4, and C5.

## ROLL CALL

The question being on the motion to adopt Division C1, the roll was called and there were 62 YEAS, 42 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, R.; Berg, G.; Berg, R.; Cleveland; Dalrymple; DeMers; Dorso; Frey; Gates; Graba; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Kelly; Kloubec; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lloyd; Martinson; Mertens; Meyer; Moore; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Opedahl; Payne; Pederson, R.; Peterson, J.; Riley; Rydell; Sauter; Schneider; Shaw; Shide; Smette; Solberg, O.; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Belter; Brokaw; Conmy; Dotzenrod; Eckroth; Enget; Gertholz; Goetz; Gunsch; Hanson, L.; Hill; Hoffner; Keller; Kent; Kingsbury; Klundt; Knudson; Linderman; Martin; Melby; Murphy; Myrdal; O'Connell; Olson, A.; Olson, V.; O'Shea; Retzer; Rice; Richard; Riehl; Schindler; Schmidt; Shockman; Skjerven; Solberg, R.; Starke; Thompson; Vander Vorst; Wald; Whalen; Williams, W.

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea

The motion to adopt Division C1 to SB 2048 prevailed.

## MOTION

**REP. KINGSBURY** MOVED Division C2 be combined to include Divisions C3, C4, C5, D1, D2, D3, which motion prevailed.

## ROLL CALL

The question then was on the motion to adopt Division C2 to SB 2048 which includes Divisions C3, C4, C5, D1, D2, D3, the roll was called and there were 67 YEAS, 37 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, R.; Berg, G.; Cleveland; DeMers; Eckroth; Frey; Gates; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hughes; Kelly; Kent; Kloubec; Klundt; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lloyd; Martinson; Mertens; Meyer; Moore; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Opedahl; O'Shea; Payne; Peterson, J.; Richard; Riehl; Riley; Rydell; Sauter; Schneider; Shaw; Shide; Smette; Solberg, O.; Strinden; Timm; Tollefson; Ulmer; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Belter; Berg, R.; Brokaw; Conmy; Dalrymple; Dorso; Dotzenrod; Enget; Gerntholz; Goetz; Gunsch; Hoffner; Keller; Kingsbury; Knudson; Linderman; Martin; Melby; Murphy; Myrdal; Olson, A.; Olson, V.; Pederson, R.; Retzer; Rice; Schindler; Schmidt; Shockman; Skjerven; Solberg, R.; Starke; Stofferahn; Thompson; Vander Vorst; Wald; Whalen

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea

The motion to adopt Division C2 to SB 2048 prevailed.

#### ROLL CALL

The question being on the motion to adopt Division E to SB 2048, the roll was called and there were 59 YEAS, 45 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, R.; Berg, G.; Berg, R.; Cleveland; DeMers; Eckroth; Frey; Gates; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Kelly; Kent; Koland; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martinson; Mertens; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Opedahl; Peterson, J.; Rydell; Sauter; Schneider; Shaw; Shide; Smette; Solberg, O.; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Belter; Brokaw; Conmy; Dalrymple; Dorso; Dotzenrod; Enget; Gerntholz; Goetz; Gunsch; Hill; Hoffner; Keller; Kingsbury; Kloubec; Klundt; Knudson; Lang; Martin; Melby; Meyer; Moore; Murphy; Myrdal; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Schindler; Schmidt; Shockman; Skjerven; Solberg, R.; Starke; Thompson; Vander Vorst; Wald; Whalen

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea

The motion to adopt Division E to SB 2048 prevailed.

#### ROLL CALL

The question being on the final passage of SB 2048, including Divisions B, C1, C2, and E and excluding Division A, with title amended appropriately and lines, sections and pages renumbered accordingly, the roll was called and there were 48 YEAS, 56 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg, G.; Berg, R.; Cleveland; DeMers; Frey; Gates; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Keller; Kelly; Koland; Kretschmar; Kuchera; Laughlin; Lautenschlager; Lloyd; Martinson; Mertens; Nalewaja;

Nicholas; Nowatzki; Oban; O'Connell; Opedahl; Peterson, J.; Richard; Rydell; Sauter; Schneider; Shaw; Solberg, O.; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Anderson, R.; Belter; Brokaw; Conny; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Gerntholz; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Kent; Kingsbury; Kloubec; Klundt; Knudson; Lang; Larson; Linderman; Lindgren; Martin; Melby; Meyer; Moore; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Schindler; Schmidt; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Thompson; Vander Vorst; Wald; Whalen

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea

So SB 2048 including Divisions B, C1, C2, and E and excluding Division A failed.

#### MOTION

REP. KINGSBURY MOVED that the House reconsider its action whereby SB 2048 failed to pass and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

#### SIXTH ORDER OF BUSINESS

REP. MOORE MOVED that the amendments to SB 2186 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2186 DO PASS, which motion prevailed.

SB 2186 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended and that SB 2186 be placed on the Fourteenth order, as amended, for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2186: A BILL for an Act to amend and reenact section 57-38-01.15 and subsection 2 of section 57-38-31 of the North Dakota Century Code, relating to spouses who file separate income tax returns; and to provide an effective date.

Which has been read.



ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Stofferahn

SB 2186 passed and the title was agreed to.

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MOTION

REP. OBAN MOVED that the House reconsider its action whereby the Conference Committee report on SB 2313 was adopted.

REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby the Conference Committee report on SB 2313 was adopted, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby the Conference Committee report on SB 2313 was adopted, the roll was called and there were 46 YEAS, 57 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Brokaw; DeMers; Frey; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hill; Hoffner; Keller; Kelly; Klundt; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lloyd; Martin; Mertens; Meyer; Murphy; Oban; O'Connell; Opedahl; O'Shea; Richard; Riehl; Rydell; Sauter; Schneider;

Skjerven; Smette; Solberg, O.; Starke; Stofferahn;  
Ulmer; Vander Vorst; Watne; Williams, A.; Williams, C.;  
Williams, W.; Winkelman

**NAYS:** Anderson, C.; Anderson, R.; Belter; Berg, G.;  
Berg, R.; Cleveland; Conmy; Dalrymple; Dorso;  
Dotzenrod; Eckroth; Enget; Gates; Gertholz; Goetz;  
Gunsch; Hanson, O.; Hedstrom; Hughes; Kent; Kingsbury;  
Kloubec; Knudson; Koland; Kuchera; Linderman;  
Martinson; Melby; Moore; Myrdal; Nalewaja; Nicholas;  
Nowatzki; Olson, A.; Olson, V.; Payne; Pederson, R.;  
Peterson, J.; Retzer; Rice; Riley; Schindler; Schmidt;  
Shaw; Shide; Shockman; Solberg, R.; Strinden; Thompson;  
Timm; Tollefson; Unhjem; Wald; Wentz; Whalen; Wold;  
Speaker Hausauer, R.

**ABSENT AND NOT VOTING:** Gullickson; Lipsiea; Olsen, D.

So the motion to reconsider the action whereby the Conference Committee report on SB 2313 was adopted, failed.

#### MOTION

**REP. RYDELL MOVED** that the House reconsider its action whereby SB 2450 was passed, which motion lost on a verification vote.

#### MESSAGE FROM THE SENATE SENATE CHAMBER

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

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

LEO LEIDHOLM, Secretary

#### MOTIONS

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

**REP. STRINDEN MOVED** that the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 9:00 a.m., Tuesday, April 2, 1985, which motion prevailed.

MONDAY, APRIL 1, 1985

2615

FIRST READING OF SENATE BILL

SB 2511: A BILL for an Act making an appropriation to the state tax commissioner for personal property tax replacement deficiency payments.

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

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

ROY GILBREATH, Chief Clerk