

THURSDAY, APRIL 4, 1985

2777

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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SIXTY-FIRST DAY

Bismarck, April 4, 1985

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

The prayer was offered by Reverend Hensel Hendrickson, Trinity Lutheran Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives G. Berg, Dalrymple, Dorso, Gullickson, Hamerlik, Kuchera, V. Olson, J. Peterson, Rydell, Wald.

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 Sixtieth Day and recommends that the same be corrected as follows and, when so corrected, recommends that the same be approved:

On page 2698, line 11, after the word "that" insert the following: "the House reconsider its action whereby we accepted the enrolling report and"

On page 2736, after line 9, insert the following:

MOTION

REP. STRINDEN MOVED that the rules be suspended and that HB 1660, HB 1662, and HB 1663 be placed on the Sixth order, and after action taken on the Sixth order, that HB 1660, HB 1662, and HB 1663 be placed on the Eleventh order for second reading and final passage, and dispense with the reading of the titles, which motion prevailed.

REP. KENT, Chairman

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

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2345 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1944-1946 of the House Journal and that Engrossed SB 2345 be amended as follows:

That the House recede from its amendments as printed on pages 1944-1946 of the House Journal and pages 1567-1568 of the Senate Journal and that engrossed Senate Bill No. 2345 be amended as follows:

On page 1 of the engrossed bill, line 1, after the word "enact" insert the words "a new subsection to section 57-02-08 and"

On page 1 of the engrossed bill, line 2, after the word "to" insert the words "an exemption from ad valorem taxes for certain athletic and recreational facilities and"

On page 1 of the engrossed bill, after line 6, insert the following new section:

"SECTION 1. A new subsection to section 57-02-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Property used for athletic or recreational activities when owned by a political subdivision and leased to a nonprofit corporation organized for the purpose of promoting public athletic or recreational activities."

On page 1 of the engrossed bill, line 7, delete the word "Two" and insert in lieu thereof the word "A", and delete the word "sections" and insert in lieu thereof the word "section"

On page 1 of the engrossed bill, line 8, delete the word "are" and insert in lieu thereof the word "is"

On page 1 of the engrossed bill, line 11, after the word "levy" insert the words "the lesser of"

On page 1 of the engrossed bill, line 12, after the comma insert the word "or", and after the word "the" insert the words "amount in dollars"

On page 1 of the engrossed bill, line 13, delete the words "percentage increase", and delete the words "more than the" and insert in lieu thereof the word and numeral "or 3"

On page 1 of the engrossed bill, delete lines 14 through 19

On page 1 of the engrossed bill, line 20, delete the word "less"

On page 1 of the engrossed bill, line 23, delete the word "four" and insert in lieu thereof the word "three"

On page 1 of the engrossed bill, line 25, delete the word "four" and insert in lieu thereof the word "three"

On page 3 of the engrossed bill, line 1, delete the words "after the effective date of this Act, but" and insert in lieu thereof a period

On page 3 of the engrossed bill, delete lines 2 through 4

On page 3 of the engrossed bill, line 5, delete the word "The" and insert in lieu thereof the words "Under the", and after the word "section" insert the words "a taxing district may"

On page 3 of the engrossed bill, line 6, after the comma insert the words "or a taxing district may levy up to the mill levy limitations otherwise provided by law without reference to this section,"

On page 3 of the engrossed bill, after line 20, insert the following new section:

"SECTION 3. A new section to chapter 57-15 of the North Dakota Century Code is hereby created and enacted to read as follows:"

On page 3 of the engrossed bill, line 22, delete the numerals "57-15-14" and insert in lieu thereof the numerals "57-15-14.3", and delete the words "least four" and insert in lieu thereof the words "most three"

On page 3 of the engrossed bill, line 23, delete the word "four" and insert in lieu thereof the word "three"

On page 3 of the engrossed bill, line 31, delete the word "This" and insert in lieu thereof the words "Section 1 of this Act is effective for taxable years beginning after December 31, 1984, and sections 2 and 3 of this", and delete the word "is" and insert in lieu thereof the word "are"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Wright, Kilander, Dotzenrod

For the House: Reps. Hughes, A. Hausauer, Watne (refused to sign)

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

Engrossed SB 2345 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to SB 2345 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2345 DO PASS, which motion prevailed.

SB 2345 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## SECOND READING OF SENATE BILL

SB 2345: A BILL for an Act to create and enact a new subsection to section 57-02-08 and two new sections to chapter 57-15 of the North Dakota Century Code, relating to an exemption from ad valorem taxes for certain athletic and recreational facilities and protection of property taxpayers and taxing districts and school district levy limits; 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 102 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conny; Dalrymple; DeMers; 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; Lipsiea; 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; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Dotzenrod

ABSENT AND NOT VOTING: Dorso; Gullickson; Rydell

SB 2345 passed and the title was agreed to.

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MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

SB 2313: Sens. Parker, Reiten, Krauter

LEO LEIDHOLM, Secretary

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2373 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 2108 of the House Journal and that Engrossed SB 2373 be further amended as follows:

On page 7 of the engrossed bill, line 5, after the word "program" insert the words "and has complied with the attendance rules"

On page 15 of the engrossed bill, line 23, after the comma, insert the words "either proceed in accordance with subdivision 1 during that person's reappearance within the officer's jurisdiction or"

And renumber the lines and pages accordingly

For the Senate: Sens. Olson, Holmberg, Redlin  
For the House: Reps. Kretschmar, Conny, Ulmer

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

Engrossed SB 2373 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to SB 2373 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2373 DO PASS, which motion prevailed.

SB 2373 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to create and enact a new subsection to section 39-06-32 of the North Dakota Century Code, relating to sanctions for administrative motor vehicle operator's license sanctions of other states; and to amend and reenact sections 39-06-35, 39-06-36, 39-06-42, subdivision b of subsection 3 and subsection 3.1 of section 39-06.1-10, subsection 2 of section 39-06.1-11, subsection 3 of section 39-06.1-13, subsection 5 of section 39-08-01, sections 39-16.1-01, 39-16.1-07, 39-20-01, 39-20-02, 39-20-03.1, 39-20-03.2, 39-20-04, 39-20-04.1, 39-20-05, 39-20-06, 39-20-07, 39-20-13, 39-20-14, and 40-18-12 of the North Dakota Century Code, relating to law enforcement, judicial, and administrative procedures, sanctions, and penalties for driving or being in actual physical control of a motor vehicle while under the influence of alcohol or a controlled substance.

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; 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; Lipsiea; 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; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; 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: Dorso; Gullickson; Rydell

SB 2373 passed and the title was agreed to.

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MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

HB 1011, HB 1019, HB 1049, HB 1067, HB 1069, HB 1243,  
HB 1522, HB 1523, HB 1574, HB 1638

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1070, HB 1077, HB 1486, HB 1493

LEO LEIDHOLM, Secretary

POINT OF PERSONAL PRIVILEGE

REP. RICE: Mr. Speaker: I rise on a point of personal privilege and request that the following letter be printed in the Journal:

THURSDAY, APRIL 4, 1985

2783

164th INFANTRY ASSOCIATION  
UNITED STATES OF AMERICA  
PO BOX 1111  
BISMARCK ND 58502

March 31, 1985

GREETINGS: From the 164th Infantry Association to the Governor of North Dakota and to the North Dakota State Legislature

At the annual meeting of the Association in October of 1983, a resolution was passed to gratefully thank the members of the Legislature, the people of North Dakota and the Governor for the passage of Senate Bill Number 2207 of the 1981 Legislative Assembly. This bill provided for the compilation, publication and distribution of an Army National Guard and 164th Infantry Regiment history.

The members of our Association are proud of the accomplishments of the 164th Infant Regiment and the Regiment's contribution to the history of the State and Nation. Publication of this history in the near future will fulfill a long-time dream.

Again, we thank you for this legislation and wish you a successful conclusion of the 1985 session.

William W. Tillotson  
President 1983

John Korsmo  
President 1985

MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

SB 2178, SCR 4010

LEO LEIDHOLM, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Reengrossed SCR 4010 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2052-2053 of the House Journal and that Reengrossed SCR 4010 be amended as follows:

That the House recede from its amendments as found on pages 2052-2053 of the House Journal and page 1953 of the Senate Journal and that reengrossed Senate Concurrent Resolution No. 4010 be amended as follows:

On page 2 of the reengrossed bill, line 4, after the comma insert the following: "that Lonetree Reservoir remain an authorized feature of the Project but that construction be deferred pending a determination of need by the Secretary [of Interior] and satisfactory conclusion of consultations with Canada", "

On page 2 of the reengrossed bill, line 9, delete the second word "and"

On page 2 of the reengrossed bill, line 11, after the word "Dakota" insert the following: ", and that mitigation for project implementation losses be accomplished on an acre-for-acre basis, based on ecological equivalency"

On page 2 of the reengrossed bill, line 25, after the semicolon insert the word "and"

On page 2 of the reengrossed bill, after line 25 insert the following: "WHEREAS, the primary objective of North Dakota concerning the Garrison Diversion Unit is to divert Missouri River water eastward into the Sheyenne, Red, James, and Souris Rivers, and Devils Lake, to provide a long-term water supply for future generations for multiple uses, including irrigation, municipal, rural, industrial, recreation, wildlife, and other water uses;"

And renumber the lines and pages accordingly

**For the Senate:** Sens. David, Moore, Redlin

**For the House:** Reps. Kretschmar, A. Olson, Lloyd

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

Reengrossed SCR 4010 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments to SCR 4010 as recommended by the conference committee be adopted, and when so adopted, recommends that SCR 4010 DO PASS, which motion prevailed.

SCR 4010 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution designating the construction and completion of the federally authorized and funded Garrison Diversion Unit as having the first and highest priority for water development in North Dakota.

Which has been read.



The question being on the final adoption of the resolution, as amended.

SCR 4010 was declared adopted on a voice vote.

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POINT OF PERSONAL PRIVILEGE

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

Mr. Speaker and members of the House:

I am honored to announce that Marilyn Sagaser has been chosen for membership in the John Philip Sousa National Honors Band for 1985. This is one of the highest honors available to high school band students with only approximately 100 students chosen from throughout the United States.

Marilyn and the other band members will meet in Washington, D.C. from May 8 through 12. The director of the U.S. Marine Corp Band will direct the Sousa Honors Band, and on Saturday, May 11, the Marine Corp Band and the Sousa Honors Band will present a joint concert.

Marilyn is a senior at Jamestown High School and was a member of the 1984 American Musical Ambassadors European Tour Band from Purdue University. She is also a member of the 1985 North Dakota All State Band. Her parents are Tom and Marlene Sagaser, Jamestown.

We congratulate Marilyn for this honor.

MOTION

REP. KRETSCHMAR 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.

MESSAGE 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 and subsequently passed:

SB 2345, SB 2373

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to

the Governor for his approval at the hour of 9:34 a.m., April 4, 1985:

HB 1070, HB 1077, HB 1486, HB 1493

REP. HEDSTROM, Chairman

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

MESSAGES FROM THE SENATE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on HB 1006 and the President has appointed as a new conference committee to act with a like committee from the House on:

HB 1006: Sens. Nelson, Tweten, Stromme

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on SB 2032 and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2032: Sens. Tennefos, Wenstrom, Mushik

LEO LEIDHOLM, Secretary

APPOINTMENTS OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on HB 1006:

Reps. Kingsbury, Gunsch, Graba

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on SB 2032:

Reps. Unhjem, Winkelman, Kelly

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.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1494 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2538-2539 of the House Journal and that Engrossed HB 1494 be amended as follows:

That the Senate recede from its amendments as found on page 1557 and pages 1975-1976 of the Senate Journal and pages 2538-2539 of the House Journal and that engrossed House Bill No. 1494 be amended as follows:

On page 1 of the engrossed bill, line 5, delete the words "If Senate Bill No. 2502 of the forty-ninth"

On page 1 of the engrossed bill, delete lines 6 and 7

On page 1 of the engrossed bill, line 10, delete the words "farm foreclosure negotiation" and insert in lieu thereof the words "credit review"

On page 1 of the engrossed bill, delete lines 23 through 27

On page 2 of the engrossed bill, delete lines 1 through 27 and insert in lieu thereof the following:

"SECTION 2. Credit review board. The governor shall appoint three members of the credit review board. One member of the board must have experience serving as a director or officer of a financial institution. Two members of the board must have experience in the operation of a farm. No member of the board may hold state office or serve in state office or serve in state government in any capacity at any time of appointment or during service on the board. The governor shall appoint members to terms of four years. The governor shall appoint one member to serve as chairman of the board."

On page 2 of the engrossed bill, line 28, delete the words "If Senate Bill No. 2502 of the forty-ninth"

On page 2 of the engrossed bill, delete lines 29 and 30

On page 3 of the engrossed bill, line 6, after the period insert the following new sentence: "The expenses provided under this section may be paid from any funds available in the home-quarter purchase fund."

On page 3 of the engrossed bill, line 7, delete the words "If Senate Bill No. 2502 of the forty-ninth"

On page 3 of the engrossed bill, delete lines 8 and 9

On page 4 of the engrossed bill, line 15, delete the word "shall" and insert in lieu thereof the word "may"

On page 5 of the engrossed bill, line 8, delete the words "If Senate Bill No. 2502 of the forty-ninth"

On page 5 of the engrossed bill, delete lines 9 and 10

On page 5 of the engrossed bill, delete lines 13 through 18

On page 5 of the engrossed bill, after line 18, insert the following new sections:

"SECTION 10. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to the credit review board for administrative expenses for the period beginning with the effective date of this Act, and ending June 30, 1987.

SECTION 11. TRANSFER - APPROPRIATION. There is hereby authorized the transfer to the home-quarter purchase fund the sum of \$2,000,000 from the accumulated and undivided profits of the Bank of North Dakota. Such moneys shall be transferred during the biennium on a quarterly basis, beginning July 1, 1985, and ending June 30, 1987, upon order of the industrial commission, in amounts of \$250,000, or so much thereof as is available. Any funds transferred under this section are hereby appropriated to the home-quarter purchase fund for interest buydowns."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Adams (refused to sign), Tweten, Kelsh

For the House: Reps. Kingsbury, Gunsch (refused to sign), Opedahl

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

Engrossed HB 1494 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. KINGSBURY MOVED that the amendments to HB 1494 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1494 DO PASS, which motion prevailed.

HB 1494 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. STRINDEN MOVED that HB 1494 be placed immediately after HB 1404 on the calendar, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2178 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 2101-2102 of the House Journal and that Engrossed SB 2178 be further amended as follows:

That the Senate accede to the House amendments to engrossed Senate Bill No. 2178, as printed on pages 1689-1690 of the Senate Journal and pages 2101-2102 of the House Journal, and that engrossed Senate Bill No. 2178 be further amended as follows:

On page 14 of the engrossed bill, line 34, after the underscored period insert the following: "However, unclaimed intangible property held for the owner by a public employee pension program in this state is not subject to abandonment under this Act."

And renumber the lines and pages accordingly

**For the Senate:** Sens. Parker, Mutch, Kelsh  
**For the House:** Reprs. Kloubec, Koland, Stofferahn

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

Engrossed SB 2178 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. KLOUBEC MOVED that the amendments to SB 2178 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2178 DO PASS, which motion prevailed.

SB 2178 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to adopt the Uniform Unclaimed Property Act, relating to the disposition of abandoned and unclaimed property in this state; to create and enact a new section to chapter 15-02 of the North Dakota Century Code, relating to appointment of an administrator of this Act; to amend and reenact sections 6-07-46, 9-12-29, and subdivision v of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the disposition of unclaimed moneys of an insolvent bank, the claim of moneys deposited by a debtor with the county treasurer when the creditor cannot be located, and exclusion from the Administrative Agencies Practice Act; to repeal chapter 47-30 of the North Dakota Century Code, relating to the disposition of abandoned and unclaimed property in this state; 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 85 YEAS, 17 NAYS, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson, C.; Dorso; Eckroth; Gunsch; Koland; Martinson; Melby; Murphy; O'Connell; O'Shea; Payne; Schmidt; Shaw; Timm; Tollefson; Williams, W.; Wold

**ABSENT AND NOT VOTING:** Gullickson; Opedahl; Richard; Solberg, O.

SB 2178 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 and subsequently passed:

SCR 4010

**ROY GILBREATH, Chief Clerk**

**HOUSE CHAMBER**

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

HB 1006: Reps. Kingsbury, Gunsch, Graba

SB 2032: Reps. Unhjem, Winkelman, Kelly

**ROY GILBREATH, Chief Clerk**

**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 and engrossed:

HB 1012, HB 1018, HB 1021, HB 1081, HB 1168, HB 1293,  
HB 1318, HB 1587, HB 1614, HCR 3096

**REP. HEDSTROM, Chairman**

REP. DORSO 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:

HCR 3003, HCR 3101

REP. HEDSTROM, Chairman

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

SECOND READING OF SENATE BILL

SB 2151: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to reversion of unclaimed retirement moneys under the teachers' fund for retirement.

Which has been read.

MOTIONS

REP. DORSO MOVED the previous question, which motion failed.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 56 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Berg, G.; Brokaw; DeMers; Eckroth; Enget; Frey; Graba; Halmrast; Hanson, L.; Haugland; Hill; Hoffner; Keller; Kelly; Klundt; Knudson; Kretschmar; Kuchera; Laughlin; Lautenschlager; Linderman; Lloyd; Martin; Mertens; Meyer; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Rice; Richard; Riehl; Sauter; Schneider; Shaw; Shockman; Solberg, O.; Solberg, R.; Stofferahn; Ulmer; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.

NAYS: Anderson, R.; Belter; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, O.; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Koland; Lang; Larson; Lindgren; Lipsiea; Martinson; Melby; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Peterson, J.; Retzer; Riley; Rydell; Schindler; Schmidt; Shide; Skjerven; Smette; Strinden; Thompson; Timm; Tollefson; Vander Vorst; Wald; Whalen; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Starke

SB 2151 was declared lost.

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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 2012, SB 2021, SB 2023, SB 2027, SB 2028, SB 2030,
- SB 2031, SB 2033, SB 2062, SB 2100, SB 2114, SB 2115,
- SB 2135, SB 2186, SB 2204, SB 2260, SB 2273, SB 2307,
- SB 2354, SB 2355, SB 2369, SB 2410, SB 2432, SB 2438,
- SB 2450, SB 2464, SB 2491, SCR 4002, SCR 4005, SCR 4051,
- SCR 4056, SCR 4066, SCR 4071, SCR 4073, SCR 4079

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

- HB 1018, HB 1081, HB 1168, HB 1293, HB 1318, HB 1587,
- HB 1614, HCR 3003, HCR 3096, HCR 3101

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 1018, HB 1081, HB 1168, HB 1293, HB 1318, HB 1587,
- HB 1614, HCR 3003, HCR 3096, HCR 3101

ROY GILBREATH, Chief Clerk

MOTIONS

REP. STRINDEN MOVED that the House request the return of SB 2267, which motion prevailed.

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

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

MESSAGE 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 and subsequently passed:

SB 2178

ROY GILBREATH, Chief Clerk



MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

HB 1013, HB 1035, HB 1072, HB 1250, HB 1327, HB 1528,  
HB 1588, HB 1653

LEO LEIDHOLM, Secretary

CONSIDERATION OF MESSAGE FROM SENATE

REP. STRINDEN MOVED that the House do concur in the Senate amendments to HB 1029, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act making an appropriation for defraying the expenses of the energy development impact office of the state of North Dakota, and providing for a transfer of funds from the lands and minerals trust fund and the coal development impact fund; and to provide for an appropriation - transfer from the coal development impact fund to the general fund.

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 89 YEAS, 6 NAYS, 11 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; Hoffner; Hughes; Keller; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Hausauer, R.

NAYS: Lloyd; Melby; O'Connell; O'Shea; Richard; Ulmer

ABSENT AND NOT VOTING: Gullickson; Hill; Kelly; Lang; Murphy; Olsen, D.; Peterson, J.; Stofferahn; Unhjem; Winkelman; Wold

HB 1029 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1526 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2527 of the House Journal and that Engrossed HB 1526 be amended as follows:

That the Senate recede from its amendments as found on pages 1946-1947 and page 2527 of the House Journal and that engrossed House Bill No. 1526 be amended as follows:

On page 1 of the engrossed bill, line 13, delete the numerals "100,000" and insert in lieu thereof the numerals "225,000"

On page 1 of the engrossed bill, line 14, delete the numerals "105,000" and insert in lieu thereof the numerals "230,000"

And renumber the lines and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Educational Broadcasting Council

The grants line item is increased by \$125,000, a total of \$225,000, or a decrease of \$25,000 from the amendments adopted by the Senate, to increase general fund support.

For the Senate: Sens. Lips, Nelson, Mushik

For the House: Reps. Kingsbury, Gunsch (refused to sign), Graba

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

Engrossed HB 1526 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. KINGSBURY MOVED that the amendments to HB 1526 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1526 DO PASS, which motion prevailed.

HB 1526 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF HOUSE BILL

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

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 87 YEAS, 14 NAYS, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson, C.; Gunsch; Hanson, O.; Hughes; Knudson; Lipsiea; Murphy; Pederson, R.; Shockman; Skjerven; Solberg, R.; Thompson; Timm; Whalen

**ABSENT AND NOT VOTING:** Gullickson; Kelly; Lang; Unhjem; Winkelman

HB 1526 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER:** Your Conference Committee to which was referred HB 1636 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2688-2689 of the House Journal and that Engrossed HB 1636 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact section 10-06-13 of the North Dakota Century Code, relating to divestiture of farmland and ranchland.

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

**SECTION 1. AMENDMENT.** Section 10-06-13 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

## 10-06-13. Enforcement.

1. The attorney general shall commence an action in the district court of the county in which the substantial portion of ~~farm~~ farmland or ranchland used in violation of this chapter is situated, if the attorney general has reason to believe that any person is violating this chapter. The attorney general shall file for record with the register of deeds of each county in which any portion of the land is located a notice of the pendency of the action. If the court finds that the land in question is being held in violation of this chapter, or that a corporation is conducting the business of farming or ranching in violation of this chapter, the court shall enter an order so declaring. The attorney general shall file any such order for record with the register of deeds of each county in which any portion of the land is located. Thereafter, the corporation shall, within the time set by the court not to exceed one year from the date of the court's final order, divest itself of any farming or ranching land owned or leased by it in violation of this chapter, and cease all farming and ranching operations. Any corporation that fails to comply with the court's order shall be dissolved by the secretary of state.
2. The divestment period is deemed to be a covenant running with the title to the land against any corporate grantee, corporate successor, or corporation assignee of the corporation not authorized to do business under this chapter.
3. Any land not divested within the divestment period prescribed shall be sold at public sale in the manner prescribed by law for the foreclosure of real estate mortgage by action. In addition, any prospective or threatened violation may be enjoined by an action brought by the attorney general in the manner provided by law, including enjoining the corporation from completing performance on the remainder of any leasehold which is in violation of this chapter. Any
4. Subject to the divestiture requirements of subsections 5, 6, and 7, a domestic or foreign corporation may acquire ~~farm~~ farmland or ranchland as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise. ~~All farm~~

5. Unless retention of the farmland or ranchland is permitted under subsection 6 or 7, all farmland or ranchland acquired as security for indebtedness, in the collection of debts, or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership, if the acquisition would otherwise violate this chapter. in the interim such
6. The disposition requirement does not apply to a corporation that has acquired title to the land through the process of foreclosure of a mortgage, or a deed from a mortgagor instead of a foreclosure, if, by the expiration of one month after what is or what would have been if the mortgage had been foreclosed the redemption period of the mortgage, that corporation leases to the prior mortgagor from whom it was acquired, with an option to purchase, and if documents evidencing the lease agreement have been filed with the register of deeds of each county in which the land is located. A copy of a notice of lease is sufficient evidence. The exemption in this subsection applies for only five years and then only if the property has been appraised in accordance with subsection 8. The annual lease payments required of the tenant cannot exceed seven percent of the appraised value.
7. The disposition requirement does not apply to a corporation that has acquired title to the land through the process of foreclosure of a mortgage, or a deed from the mortgagor instead of foreclosure, if, by the expiration of one month after what is or what would have been if the mortgage had been foreclosed the redemption period of the mortgage, that corporation contracts for the sale of the land to the prior mortgagor from whom it was acquired, and if documents evidencing the purchase agreement have been filed with the register of deeds of each county in which the land is located. A copy of a notice of the contract for deed is sufficient evidence. An exemption under this subsection is valid only if an appraisal has been made in accordance with subsection 8, and if it is valid, the exemption is unlimited in duration. The sale price cannot exceed the price determined by the appraisers.
8. If an appraisal is required, the appraisal must be made by three independent appraisers, one selected by the corporation, one selected by the

prior mortgagor, and the third selected by the first two appraisers.

9. If a corporation holds land pending divestiture, and the holding is not otherwise governed by this section, the land shall be leased to persons actually engaged in farming or ranching and a disposal shall not be to a corporation other than a unless ownership by that corporation is authorized under the provisions of this chapter.

10. Any corporation continuing to violate the provisions of this chapter shall be dissolved by the attorney general in accordance with the provisions of the laws of this state."

And renumber the lines and pages accordingly

For the Senate: Sens. Vosper, Adams, Kelsh

For the House: Reps. Nicholas, Vander Vorst, Meyer

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

HB 1636 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. NICHOLAS MOVED that the amendments to HB 1636 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1636 DO PASS, which motion prevailed.

HB 1636 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF HOUSE BILL

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

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 101 YEAS, 0 NAYS, 5 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; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland;

Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; 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; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Kelly; Unhjem; Wald; Winkelman

HB 1636 passed and the title was agreed to.

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MESSAGE TO THE SENATE  
HOUSE CHAMBER

MADAM PRESIDENT: The House respectfully requests the return of SB 2267.

ROY GILBREATH, Chief Clerk

MESSAGE FROM THE SENATE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2001, SB 2455, and SCR 4022 and subsequently passed the same.

LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILL

SB 2507: A BILL for an Act to grant an appropriation for use in the defense of the litigation entitled Burlington Northern Railroad Company v. State of North Dakota, acting by and through the State Board of Equalization, et al, District Court, South Central Judicial District, Burleigh County Civil No. 35884.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 58 YEAS, 46 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, G.; Brokaw; Cleveland; Dalrymple; DeMers; Enget; Frey; Gerntholz; Graba; Halmrast; Hanson, L.; Haugland; Hill; Hoffner; Keller; Kelly; Klundt; Knudson; Koland; Laughlin; Lautenschlager; Linderman; Lloyd; Martin; Mertens; Meyer; Murphy;

Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.;  
 Opedahl; O'Shea; Peterson, J.; Richard; Riehl; Sauter;  
 Schneider; Shaw; Shockman; Skjerven; Smette;  
 Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden;  
 Ulmer; Unhjem; Watne; Wentz; Williams, A.;  
 Williams, C.; Williams, W.; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Anderson, R.; Berg, R.; Conny; Dorso;  
 Dotzenrod; Eckroth; Gates; Goetz; Gunsch; Hamerlik;  
 Hanson, O.; Hausauer, A.; Hedstrom; Hughes; Kent;  
 Kingsbury; Kloubec; Kretschmar; Lang; Larson; Lindgren;  
 Lipsiea; Martinson; Melby; Moore; Nalewaja; Olsen, D.;  
 Olson, A.; Payne; Pederson, R.; Retzer; Rice; Riley;  
 Rydell; Schindler; Schmidt; Shide; Thompson; Timm;  
 Tollefson; Vander Vorst; Wald; Whalen; Winkelman; Wold

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

SB 2507 passed and the title was agreed to.

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**MESSAGE TO THE SENATE  
 HOUSE CHAMBER**

**MADAM PRESIDENT:** I have the honor to inform you that the House has concurred in the Senate amendments to HB 1029 and subsequently passed the same.

**ROY GILBREATH, Chief Clerk**

**MESSAGE FROM THE SENATE  
 SENATE CHAMBER**

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

HB 1018, HB 1081, HB 1168, HB 1293, HB 1318, HB 1587,  
 HB 1614, HCR 3003, HCR 3096, HCR 3101

**LEO LEIDHOLM, Secretary**

**MESSAGE 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 and subsequently passed:

HB 1526, HB 1636

**ROY GILBREATH, Chief Clerk**

**SPECIAL ORDER OF BUSINESS**

**REP. STRINDEN MOVED** that the Assembly go into a Special Order of Business, and that Representative Hamerlik be appointed to preside, which motion prevailed.



REP. OPEDAHL MOVED that a committee of two be appointed to escort Representative Hamerlik to the rostrum, which motion prevailed.

SPEAKER R. HAUSAUER APPOINTED Representative R. Berg and Representative Klundt to such committee and Representative Hamerlik was escorted to the rostrum to preside.

REP. HAMERLIK was recognized and addressed the Assembly.

REP. RYDELL: Mr. Speaker and Members of the Assembly. It is my honor to present these gifts to the hard-working members of our desk staff. These dedicated women haven't seen their families for a long time. Their children no longer recognize them. Of course, none of us look like we did at the beginning of the session. We've all gained the standard ten pounds.

Jean Marschke is our hard-working bill clerk. She is probably better known as our favorite Girl Scout cookie lady. Thank you, Jean, for all of your hard work.

Barb Middaugh has served us well as our desk reporter. We wanted to give her a personal oxygen tank for those mornings she isn't quite up to par; Representative Hamerlik wouldn't let us charge enough for "Hearts and Flowers", so we settled for this gift. Seriously, Barb, thank you so much for your excellent work.

REP. RYDELL presented a gift to Bill Clerk Jean Marschke.

Bill Clerk Jean Marschke thanked the Members of the Assembly.

REP. RYDELL presented a gift to Desk Reporter Barbara Middaugh.

Desk Reporter Barbara Middaugh expressed her thanks and appreciation to the Members of the Assembly.

Page Sandi Hohbein presented a gift to Chief Page Tove Mandigo.

Chief Page Tove Mandigo thanked the Assembly.

REP. DORSO presented a gift to Assistant Chief Clerk Skip Sjothun.

Assistant Chief Clerk Skip Sjothun expressed his thanks to the Assembly.

REP. KOLAND: He has always been a man of few words--and not too good at spelling either of them.

A man thousands of people have called "friend"--mostly because they can never remember his name. It's with a great deal of pleasure that we honor our Sergeant-at-Arms,

David Hillesland. He has worked long and hard in serving this body. It's with a great deal of pleasure that we present this token of our appreciation to our Sergeant-at-Arms, Dave Hillesland.

Sergeant-at-Arms David Hillesland acknowledged the gift presented to him.

REP. NALEWAJA: When I was a young girl growing up, my mother always reminded me that the good boys to date were those with "crew cut" hairstyles--because surely they were clean cut, respectful, and active in sports activities.

The problem with the symbolic "crew cut" image was that it became so popular that a girl could hardly sort the guys out. How pleased I was to note, however, that in this Assembly--despite the fact that many of the "boys" have lost their hair, others have a new style, known as antigravity, consisting of an 8-inch long by 4 inch wide strip that grows up and over, and that the rest don't care anymore--the "crew cut" is still alive.

One of our clean-cut Members has become infamous for having the audacity to accuse soon-to-be "His Honor Judge Conmy" of the ability of royal persuasion that the crucifixion of Christ was just a prank by John Dorso's Italian relatives. Believe me, my image of the clean-cut, "crew cut" respect-thy-majority Members has been completely destroyed.

I'm also pleased to have this opportunity to solve one of the most disturbing and mysterious votes of this season. Mr. Speaker, would Representative Bill Skjerven yield to a question? Representative Skjerven, do you remember SCR4069? The Members of this Assembly have been anxiously waiting to know why you were the only one out of 106 votes that voted against Dinger Photography? On behalf of the Forty-ninth Legislative Assembly, I am pleased to present a special gift to Representative Bill Skjerven.

REP. SKJERVEN: I don't know about this Skjerven, but I do know that scurvy is a lack of vitamin C. By the way, that's W. C. "Bill" Skjerven. You can all deduce by that that my first name is William. The "C" you'd never believe--it stands for careful, cautious, and conscientious. Of course, all of my girlfriends will tell you it stands for cute and cuddly. My wife will tell you it stands for crazy. Just what I need--a comb!

REP. A. HAUSAUER: Mr. Speaker, Roy Gilbreath must be around someplace. Roy, if you would come forward, please. Roy Gilbreath is responsible for the smooth operation of this legislative body. Roy has served faithfully in this capacity for a number of sessions. Roy also has the ability, with voice-tone changes, to immediately inform

this body when we have a do-not-pass or many other committee recommendations that come before us. Roy, a little token of appreciation for all the good things you've done for us. Thank you again.

Chief Clerk Roy Gilbreath thanked the Members of the Assembly.

REP. A. OLSON: Members of the House, I'm being truly honored today in making this presentation. What could I possibly say about Representative Oscar Solberg that hasn't been said before many times, and in a much more eloquent way? I've known Oscar since 1973, when I first came to the House. The very first thought that comes to my mind whenever I think of him is "My, what a fine gentleman." I've never known him to be unkind or even angry with anyone. He's truly the epitome for all of us to try to follow. I've enjoyed knowing Oscar in another way also. I don't think you all know this, but he and I make up Brynhild's song leader and piano player team. I think we've been missing our big chance, Oscar. Next session, I think we'll publicize and get more evening work.

It's my extreme honor and pleasure to present this gift to you, Oscar, with best wishes from all your fellow legislators. You are fine legislator, a true gentleman, and a real friend to all.

REP. SOLBERG: I thank you all for this gift, whatever it is. I want you to know that I've enjoyed this session, and I've enjoyed my association with every one of you. Thanks a lot.

REP. OPEDAHL: Mr. Speaker, Members of the Assembly. First I think I would like to correct Representative Nalewaja that we really aren't bald. We just have high foreheads.

It is indeed an honor and a privilege to have the opportunity to present a small token of our appreciation to the Dean of the North Dakota House of Representatives-- Representative Haugland. This fine lady has not only earned the esteem of the citizens of North Dakota, whom she has served so well, but is recognized nationwide for her service and contribution to the human values that have always been dear to her.

Her 24 terms in the House of Representatives is unequalled by a lady legislator in the United States. We congratulate you, Representative Haugland, and thank you for serving as an example of the excellence that you have portrayed in the many years you have served your state so well. Representative Haugland, will you please come forward?

REP. HAUGLAND: Thank you, Representative Hamerlik, presiding Speaker at this time, and fellow Members. It has been a

joy to work and to know each one of you. I am deeply appreciative. Thank you very much.

REP. ULMER: Mr. Speaker, Members of the Assembly. I have the honor of presenting Representative Goetz with a present. I would like you to know that I have worked many years with Bill's brothers, and I always considered them to be very good Democrats, and I asked them one day, what the hell happened to Bill. They said he was the black sheep in the family, so would you come forward and get your "black sheep" award?

REP. GOETZ: Thank you all very much. I appreciated it.

REP. GATES: Mr. Speaker, Members of the Assembly. "Hearts and flowers" or "livers and thorns"--which is the correct title of this particular presentation? I guess you'll be the judge. My presentation is to an individual who chose the same career path as I did--teaching. An excellent choice! However, he wandered astray in his choice of political parties.

This individual is completing his fourth term in the House and decided it is time to start his climb to leadership. It is kind of like the rise through the exalted leader of the Elks--you start as the outer door guard, or some such title, and after seven years, you get there. Well, this individual has started his climb to leadership this session as the caucus chairman of the Democrats in the House. He has been renowned this session for three things--resident game warden, his lobbying effort over the last two months to get HB1465 reconsidered (if you remember that, it is the manufactured homes bill), and his long and eloquent speeches. Representative Hanson, will you please come forward?

REP. HANSON expressed his appreciation to the Assembly.

REP. WENTZ: It's my pleasure to present a gift to Representative Art Melby. And, in recognition of the terseness of Representative Melby's debating style, I've decided to make this presentation brief. Here!

I'm sure I was chosen to make this presentation because I'm a woman, and Art has such high regard for women. He looks up to women. He has to. He's rather old-fashioned and quaint in that way. He puts women on a pedestal. Representative Nalewaja and I were talking about that the other day, and we really don't mind being put on a pedestal, but, Representative Melby--we have a question--how do you clean a toilet from a pedestal?

Representative Melby might seem very "no nonsense" and all business to those of us who know him only as a legislator,

but that's not so. He's a Lutheran, you know, and Lutherans are much like Baptists. They raise hell, but you can't catch them at it.

Art doesn't smoke. I've noticed that, and I've asked his constituents back in Harvey, and they told me that Art kissed his first woman and smoked his first cigarette on the same day, and he hasn't had time for tobacco since.

Mr. Speaker, Members of the Assembly: To Admiral Melby, my favorite dance partner, with our love.

REP. MELBY: This was really a surprise. I never expected anything like this. But thank you all, and now I think it's time to light all boilers and get underway.

REP. C. WILLIAMS: I'm very pleased that I've been granted the privilege and the pleasure of presenting the gift to an outstanding person--our Assistant Majority Leader, Bill Kretschmar.

I am at a disadvantage. This morning, consequently, I went around talking to some Republicans to get some background on this outstanding person. I got plenty of it. He comes from Ventura, Bill Kretschmar does. Wilbur Vander Vorst helped me find that on the map. It's a suburb of Ashley. He represents the 30th district, and according to Mr. Vander Vorst, Bill is a bird watcher and woman chaser. It has never cost him any votes; however, the women do not take him seriously.

During the legislative assembly, Bill gets his kicks out of amending almost every portion that the constitutional convention came up with. According to Tim, it's the hope of the Assembly that he completes his work before death. He's been in the House since 1973. I made a concerted effort to get to know Bill one day. I sat down with him at lunch and proceeded to try to talk and visit with him, and he fell asleep. I thought perhaps he was a mute or something.

In talking to some of the Republicans, they told me that he had served under the Earl of the House since 1977, as Assistant Majority Leader. I think you'll agree, ladies and gentlemen, that that's enough to make anybody mute. One day I saw Bill approach Earl. They were talking very, very close. It seemed to be something of great importance. Bill was asking the question. Finally, Earl nodded; Bill got up, ran out of the Assembly, went into the office. I thought that man is playing an important role. He quickly took a left turn and went into the bathroom.

It is indeed a privilege for anyone to get in front of this body and present a gift to our outstanding leaders. Anyone

who serves as a leader in a leadership position in this circus that we have is certainly very deserving of our attention and any praise that we can throw on them.

Bill, you are held in high esteem by both parties. You are a man who has given great service and devotion, and, too often, we extend too little praise to these people. At this time, Bill, would you come forward for your gift, please?

REP. KRETSCHMAR: Mr. Speaker, Representative Williams, really just serving in this House is more than enough for any one of us. I do appreciate the courtesies and kindness shown to me by all of the Members. Over these seven sessions that I have served in this House, I've certainly come to love it and to love its Members. I even like most of them. I think, Mr. Speaker, if I'd have had my druthers, I would have asked that you just center on one of those large brown envelopes and put on there a two dollar 21 wager, but I do thank you very much.

REP. WOLD: Mr. Speaker and Members of the Assembly. It is my pleasure to make this presentation to Representative Serenus Hoffner, Assistant Minority Leader. Representative Hoffner has several distinguishing features: the first is a remarkable change that those of us who have been here for a while have recognized in his change of attire. He now dresses in his banker's pinstripes and his businessman's blues, although we know that he seldom votes that interest. He wasn't always that way. Some of us can remember when the wits and the outrageous color of his ties were only exceeded by those worn by Art Melby and Roy Gilbreath. Some of you might be interested in his old ties, and you can purchase some of them if and when Ben Meier ever has a garage sale.

Another one of Representative Hoffner's distinguishing features is his manner of speech. We witnessed it again today in a debate. He's very thoughtful. He's very deliberate. He's very methodical in his oral presentation. Representative Murphy has codified one of his philosophical concepts that he has labeled "Hoffner's First Law on Thinking: How do I know what I think until I hear what I say?"

We all know how difficult it is for the Democrats to control their caucus, and of course it is one of his duties to serve as the whip. Murphy has another law--it's called "Hoffner's Third Law of Leadership: How can I soar like an eagle when I'm dealing with all these turkeys?"

Another distinguishing feature of Representative Hoffner is that he has to be doing something productive all the time. Even when he is jogging, he is dictating into his little

portable dictaphone to his constituents. The girls in the steno pool have taken a vote. They have decided that they prefer Hoffner's heavy breathing to Stofferahn's good looks.

One last quality that he possesses, and I think that it's quite apparent to all of us, is his gentleness. Representative Hoffner, you are a gentle man. You are also a quality legislator and a quality person, and it is indeed my pleasure to have served with you, and it is my honor to present you with this gift.

REP. HOFFNER: Mr. Speaker, thank you, Tom; Members of the Assembly. I really enjoyed myself six times this session: sustaining the six Governor's vetoes. Going from the majority to minority has been a difficult thing, but serving in this Assembly either in the majority or the minority is always a pleasure, and it's been a pleasure again this session. Thank you very much.

REP. KELLY: Mr. Speaker and Members of the Assembly. For the fifth year in a row, Representative Conmy has won the best-dressed male legislator award. His exquisite taste and attire are the envy of all his colleagues. Soon this natty dresser will be donning the drab black robe of a federal judge. Your friends, and even your enemies, thought they would like to be the first to purchase your judicial raiment. Representative Conmy, would you please step forward. "Here come da judge."

REP. CONMY: I thank you. I only hope that you are accurate prophets. Instant nausea.

REP. UNHJEM: Mr. Speaker and Members of the Assembly. The Minority Leader has had a long career of legislative service and most, if not all of that time, until this session, he served on, as the press calls it, the powerful House Appropriations Committee. Last session, he was Chairman of that committee, rising to the highest position of power in which he has served. Charlie has served this session without being on any committee without having the opportunity to have input by his vote at that crucial level of committee amendments. As Minority Leader he doesn't have the votes to carry any partisan issue on the floor except maybe for those veto overrides. I'm not really saying that Charlie's position has approximated that of a Maytag repairman, but I think there may have been times this session that he may have wondered why he sought it.

Seriously, Charles Mertens is a dedicated, conscientious, concerned, and distinguished Member of this Assembly. I, personally, and the majority caucus hold him in great respect. We're all pleased to present him with this token of our appreciation for a job well done in that important

position of spokesman for the loyal opposition and the voice of conscience in his role as Minority Leader for the Forty-ninth Legislative Assembly.

**REP. MERTENS:** Thank you. I'm really appreciative of this. To me, there's nothing quite like being a member of the North Dakota House of Representatives. It has indeed been a privilege to serve as the Minority Leader of the House. The friendships that you make endure forever.

Earl was just telling me the other day that he had a little gift that he was planning to give me when he finished his light reading of the Constitution in the evening. He said, "as long as you just take it in an advisory capacity." I was touched by that; I thought perhaps I should return the favor. I thought the other morning that I had found the plan that he was looking for during the whole session. So I called him and he told me what I could do with that plan.

Seriously, it's a great pleasure to serve here and, for the freshman legislators, it is something that you will never forget, the friendships that are made here. Thank you very much.

**REP. SCHNEIDER:** Thank you. First of all I want to mention that I don't resent Representative Donna Nalewaja's comment on the way some of us do our hair. You see, I figured it worked for Byron Dorgan.

You know, I came down here last session and sat just over from then-Republican floor leader Earl Strinden. I sat there in awe of his majesty, of his charisma, of his command performance, of his stentorian voice, of his gifts that he has for leadership and tactical ability and I turned to my seatmate, Tish Kelly, and I said, "Gee, do you think I could ever be that good?"; and she said, "Well, no, I can't imagine that." But she did say, "If you ever are, I'll be sure to write letters to the editor saying that you're not as coarse and mean as you really are."

I thought I would try to emulate this man, so I searched into his background to find if we had any common traits and it came up in a story that came up in the last session: when Earl was giving a speech commemorating Tish Kelly on being the only woman Speaker of the House in the country, he was telling that he was a young Marine officer in Washington, D.C., at the same time she was working there for a congressman and mused that, perhaps, if chances might have been different, she might have been Mrs. Earl Strinden today. Of course, Tish retched with the thought. She said if that unlikely event had ever happened, it would not be that way; he would have had the opportunity to be floor leader and Mr. Speaker. I did get a clue from that that Earl Strinden was once a Marine corps officer. I thought,



so was I. Maybe I have some of the same traits, but, no, they didn't teach me marching orders or close order drill or anything like that. When I wanted somebody to do something, I had to tell them. Somehow he gets people to do all kinds of things without ever even asking them. I was taught as a Marine to defend the garrison, but I never went to those extremes.

There was at least one thing that I thought we had in common and that was we both supported the triggered sales tax bill. There were those in my caucus who felt perhaps he would not support that bill when I never had any question in my mind: I know a trigger-happy Marine when I see one.

Representative Strinden, it's been indeed a great pleasure having served with you. Please come forward and get your bauble.

REP. STRINDEN: Thank you very much Representative Schneider; Representative Hamerlik; Mr. Speaker; Dean of the House, Representative Haugland; former Speaker and Dean of the Minority Caucus, Representative Solberg; former Speaker, Representative Kelly; former Speaker, Representative Peterson. I want to correct something lest I'm in the doghouse again. When I suggested that, maybe if I would have an opportunity to visit with the beautiful young lady Tish Kelly, when she was in Washington, D.C., and I was stationed at Quantico, I suggested, who knows, she may have been then a Republican. My wife, when she read what someone thought I said, reminded me that that would have been a most unfortunate happening for me because I think we would have had a legal suit or something going: I was married shortly thereafter so my wife is here and I want that to stand corrected.

Thank you so very much, all of you. It's a privilege to serve in what we can call the people's house in the legislative branch of government. Representative Hamerlik, what do you want? Do you want the speech on "we're the board of directors or the policymaking branch?"

We have a unique opportunity. There are just a handful of people in this great nation of ours who serve in the legislative branch in all of the states in the Union. Here is where we see the tugs-and-pulls of a free society surface. I'm proud of our record. It's been an honor and a privilege to serve with each and every one of you. There's a camaraderie that's unique. It is a great experience. Thank you for giving me the opportunity to serve with you in this 49th legislative session.

Winston Churchill once said, "Nothing is more dangerous than to live in the temperamental atmosphere of a gallup

poll, always taking one's temperature." Said Winston Churchill, "There is only one duty, only one safe course, and that is to be right and not to fear to do or say what you believe to be right." Let that be our goal, let that be our motto, let that be our badge of honor as Members of this legislature.

We have employees here who are not recognized and I wonder if all of the employees can come down along the side, the bill clerks and the pages and all of them, so that we can give them our standing ovation for serving us so very well. They're down here when we swear them in and we know that we could not function as a legislature without the help of all these wonderfully dedicated people who come here and spend a few weeks and become highly proficient at doing what they're assigned to do. Let's give them a standing ovation, ladies and gentlemen. Thank you again and God be with you until we make another roll call.

REP. CONMY: Mr. Speaker and Members of the House. I'm sure all of you thought that one of the most wondrous polysyllabic words was supercalifragilisticexpialidocious, but that has faded from memory once you have been exposed to "You've heard the motion, is there a second, all in favor, ayes have it, next" and we move on with our business. Roy Hausauer has been our Speaker, he has been patient with us, tolerant, long-suffering with the urge to keep the process going, he's up there now watching the clock wondering, "will this never quit?"

We want you to know that we have a few tips we've worked out for the next Speaker. The first thing you do when someone moves a call of the House is you turn the button off before you say "Jesus Christ". The desk force has a special motion ready. It is all typed and ready to be handed out. The next person who, in our waning hours, makes a motion to divide a minority report on the Sixth order into 43 subsections is going to be subject to a motion that the House reconsider our action when we seated him in December. It will pass unanimously.

Roy, with our thanks for your patience and because you're such a nice person, this, Roy, is for you.

But, before we give that to Roy, Representative Schneider, there's a special presentation. We have for you the tooth fairy award from the children's caucus in honor of the tax on candy and soft drinks and I'll deliver it.

REP. R. HAUSAUER: Well, thank you, Pat. It's certainly a great honor to be elected and serve as a Speaker of this 49th legislative session. It's like our former Speaker, Oscar Solberg, said, "It's a great honor that comes to so few people." I'm very proud to have been able to serve. Many

people have asked me about the job because, over the years, since 1971, I've served with the Appropriations Committee: it's a big committee, a lot of people and a lot of action. They asked about this job and all I can tell them is, it's damn lonely, and it is.

I just have to thank the desk force, they do an excellent job, and the other workers in this great hall and the leadership on both sides of the aisle. They've certainly been a great help to me and I can't thank them enough. Over the years I just can't believe the people I've served, great people, fine people. It's always been enjoyable and I want to thank you for everything.

A round of applause was given to all employees.

REP. OPEDAHN MOVED that the Special Order of Business be dissolved, which motion prevailed.

MESSAGE 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:

SCR 4082, SCR 4083

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State for his filing at the hour of 3:30 p.m., April 4, 1985:

HCR 3003, HCR 3096, HCR 3101

REP. HEDSTROM, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 3:33 p.m., April 4, 1985:

HB 1018, HB 1081, HB 1168, HB 1293, HB 1318, HB 1587,  
HB 1614

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 1404 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2520-2527 of the House Journal and that Engrossed HB 1404 be amended as follows:

That the Senate recede from its amendments as found on pages 1939-1946 of the Senate Journal and pages 2520-2527 of the House Journal and that engrossed House Bill No. 1404 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to adopt the Family Farm Survival Act of 1985 and to provide participation in short-term loans to farmers and agribusinesses; to create and enact a new section to chapter 4-36 of the North Dakota Century Code, relating to a bond reserve fund; to amend and reenact section 4-36-03, subsection 6 of section 4-36-04, sections 4-36-06, 4-36-07, 4-36-08, 4-36-12, 4-36-24, and 4-36-25, relating to the Agricultural Development Act; to provide appropriations; and to declare an emergency.

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

SECTION 1. Short title. This Act may be known as the Family Farm Survival Act of 1985.

SECTION 2. Definitions. In sections 1 through 7 of this Act, unless the context or subject matter otherwise requires:

1. "Agribusiness" means a locally owned business operation, located within this state, which is primarily engaged in providing services, materials, or equipment for the production, processing or transportation of agriculture products.
2. "Farmer" means a resident of this state who owns or operates an existing farm or ranch operation, and has a debt-to-asset ratio of fifty percent or greater or has suffered some form of unavoidable natural or financial hardship in at least one of the past four years.
3. "Operating loan" means a loan or extension of credit with a term of one year or less made by a nongovernmental financial institution to a farmer or agribusiness for the operation of an existing farm or ranch operation or agribusiness. An operating loan includes a farmer's home

administration or small business administration subordinated operating loan and guaranteed operating loan, and may be further defined by rule of the industrial commission.

SECTION 3. Operating loans - Participation by the Bank of North Dakota.

1. The Bank of North Dakota shall make available an appropriate amount of funds to purchase participation interests in operating loans to farmers and agribusinesses. Interest charged on a participation interest purchased by the Bank under this section may not exceed eight percent per annum, plus necessary and reasonable fees as determined by the industrial commission.
2. The amount of a participation interest purchased by the Bank under this section may not be greater than sixty-five percent of the loan amount or two hundred thousand dollars, whichever is less. The term of any participation interest purchased under this section may not exceed one year.
3. The Bank may not purchase a participation interest in a loan under this section until verification is received establishing that the farmer has obtained adequate crop or hail insurance which has been assigned to the primary lender, or that adequate insurance, as determined by the Bank, has been obtained by the agribusiness.

SECTION 4. Participation loans by private financial institutions.

1. The portion of the operating loan retained by a nongovernmental financial institution may not bear interest at an effective rate more than one and one-half percentage points per annum less than the interest rate computed and published monthly by the state commissioner of banking and financial institutions pursuant to section 47-14-09. The initial interest rate must be set on the date of the loan commitment and must be adjusted quarterly, based upon the last published interest rate computed by the commissioner.
2. All participation interests purchased are subject to the review and approval of the Bank.
3. The full amount of a loan qualifying for participation must be evidenced by one master note drawn by the financial institution to

reflect both interest rates and to provide a schedule of payments to the financial institution and the Bank of North Dakota based upon pro rata shares of the loan participation.

SECTION 5. Interest buydown.

1. There is hereby established an interest rate buydown fund to be maintained by the industrial commission at the Bank of North Dakota.
2. The industrial commission may buydown or reduce the interest paid by a farmer or agribusiness on the Bank's portion of the participation operating loans by up to an additional five percentage points a year below the amount provided in section 3 of this Act.
3. Any interest buydown provided under this section must be repaid by the farmer or agribusiness not later than July 1, 1991, under terms approved by the Bank of North Dakota and pursuant to rules adopted by the industrial commission. Money collected under this subsection must be deposited in the fire and tornado fund in the state treasury.

SECTION 6. Agribusinesses. Not more than twenty percent of all participation interests purchased by the Bank of North Dakota under sections 1 through 7 of this Act may be in loans for agribusinesses.

SECTION 7. Rules. The industrial commission may adopt such rules and guidelines as are necessary to implement sections 1 through 6 of this Act.

**SECTION 8. AMENDMENT.** Section 4-36-03 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**4-36-03. Terms defined.** As used in this chapter, unless the context otherwise requires:

1. "Agriculture or agricultural enterprise" means and includes, but is not limited to, the real and personal property constituting farms, ranches, and other agricultural commodity producers; agriculturally related sewage, liquid and solid waste collection, disposal, treatment, and drainage services, and facilities; and agriculturally related antipollution and air, water, ground, and subsurface pollution abatement and control facilities and services.

2. "Bonds" means any bonds, notes, debentures, interim certificates, bond, grant and revenue anticipation notes, or any other evidences of indebtedness.
3. "Commission" means the industrial commission of North Dakota created pursuant to section 54-17-01.
4. "Contracting party" means any party to a lease, sales contract, or loan agreement except the commission.
5. "Lender" means any federal or state chartered bank, federal land bank, production credit association, bank for cooperatives, savings and loan association, building and loan association, small business investment company, or any other institution qualified within the state to originate and service loans, including, but not limited to, insurance companies, credit unions, and mortgage loan companies.
6. "Loan insurer" and "loan guarantor" mean an agency, department, administration, or instrumentality, corporate or otherwise, of or in the department of housing and urban development, the farmers home administration of the department of agriculture or the veterans administration of the United States of America, any private mortgage insurance company, or any other public or private agency which insures or guarantees loans.
7. "Operating loan" means an operating loan as defined under section 2 of this Act.
8. "State" means the state of North Dakota.

SECTION 9. AMENDMENT. Subsection 6 of section 4-36-04 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. Enter into agreements with any department, agency, or instrumentality of the United States of America or this state and with lenders and enter into loan agreements with contracting parties for the purpose of planning, regulating, and providing for the financing and refinancing of any agricultural enterprise or an operating loan.

SECTION 10. AMENDMENT. Section 4-36-06 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-06. Commission - Loans to lenders - Conditions. The commission may make, and undertake commitments to make, loans to lenders under terms and conditions requiring the proceeds thereof to be used by such lenders to make operating loans and loans for agricultural enterprises. Loan commitments or actual loans shall be originated through and serviced by any bank, trust company, savings and loan association, mortgage banker or other financial institution authorized to transact business in this state.

SECTION 11. AMENDMENT. Section 4-36-07 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-07. Commission - Invest in, purchase, or assign loans - Conditions. The commission may invest in, purchase, or make commitments to take assignments of, operating loans and loans made by lenders for the construction, rehabilitation or purchase of agricultural enterprises. No loan shall be eligible for investment in, purchase, or assignment by the commission if the loan was made more than six months prior to the date of investment, purchase, or assignment by the commission.

SECTION 12. AMENDMENT. Section 4-36-08 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-08. Commission - Lender's requirements. Prior to exercising any of the powers authorized in sections 4-36-06 and 4-36-07, the commission shall require the lender to certify and agree that:

1. The loan is, or if the same has not been made will, at the time of making, be in all respects a prudent investment; and
2. Such lender will use the proceeds of such loan, investment, sale, or assignment within a reasonable period of time to make loans or purchase operating loans or loans to provide agricultural enterprises, or, if such lender has made a commitment to make operating loans or loans to provide agricultural enterprises on the basis of a commitment from the commission to purchase such loans, such lender will make such loans and sell the same to the commission within a reasonable period of time.



SECTION 13. AMENDMENT. Section 4-36-12 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-12. Commission - Bond issuance - Special obligations - How paid and secured. Bonds issued under this chapter shall not be payable from nor charged upon any funds other than the revenue pledged to the payment thereof, nor shall the commission be subject to any liability thereon. Such bonds shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the commission, except those agricultural enterprises, or portions thereof, mortgaged or otherwise encumbered under the provisions and for the purposes of this chapter. The bonds may be additionally secured by a pledge of any grant, contribution, or guarantee from the federal government, the state, or any corporation, association, institution, or person.

SECTION 14. AMENDMENT. Section 4-36-24 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-24. Bank of North Dakota - Authorization to exercise administrative powers - Payment of commission expenses - Reimbursement - Liability of state or political subdivision. The commission may delegate to the Bank of North Dakota, and the Bank of North Dakota is hereby authorized to exercise, all administrative powers granted to the commission under this chapter. The Bank of North Dakota is further authorized to advance from its funds the amount necessary to permit the commission to issue ~~its first series of~~ bonds under this chapter which shall be refunded to the Bank of North Dakota by the commission upon issuance of said bonds. Thereafter, all expenses incurred by the commission in carrying out the provisions of this chapter shall be payable solely from funds provided under this chapter, and nothing in this chapter shall be construed to authorize the commission to incur indebtedness or liability on behalf of or payable by this state or any political subdivision of it.

SECTION 15. AMENDMENT. Section 4-36-25 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-25. Commission - Bonds exempt from taxation - Exception. All bonds issued under this chapter, interest payable thereon and income derived therefrom except inheritance, estate, and transfer taxes, shall at all times be exempt from all taxes imposed by this state, any county, any city, or any other political subdivision of this state. Bonds may be issued under this chapter whereby the interest on the bonds is subject to federal income taxation.

SECTION 16. A new section to chapter 4-36 of the North Dakota Century Code is hereby created and enacted to read as follows:

Reserve fund.

1. The commission may establish and maintain a reserve fund and may deposit moneys appropriated by the state for the purpose of the fund, all proceeds of bonds required to be deposited in the fund by terms of any contracts between the commission and its bondholders or any resolution of the commission pertaining to proceeds of bonds, moneys or funds of the commission which it determines to deposit, and moneys made available to the commission for the purposes of the fund from any other source, and may transfer funds from the interest rate buydown fund established in section 5 of this Act. Moneys in the reserve fund must be held and applied solely to the payment of the interest on and the principal of bonds and sinking fund payments as the payments become due and payable and for the retirement of bonds, including the payment of any redemption premium required to be paid when any bonds are redeemed or retired prior to maturity.
2. The commission may certify to the legislative assembly such amounts as are necessary to maintain the fund at a level necessary to secure the payment of the principal, premium, if any, and interest on its bonds.

SECTION 17. APPROPRIATION. There is hereby appropriated out of any moneys in the fire and tornado fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much thereof as may be necessary, to the interest rate buydown fund for the period beginning upon the effective date of this Act, and ending June 30, 1987. Upon expiration of this appropriation, the funds which remain in the interest rate buydown fund must be returned to the fire and tornado fund. Any interest generated from the interest rate buydown fund must be transferred to the fire and tornado fund upon expiration of this appropriation. The industrial commission shall by rule establish the priority of applications for interest rate buydowns under this Act, if appropriations are not sufficient to make loans to all applicants.

SECTION 18. APPROPRIATION. There is hereby appropriated out of any moneys in the fire and tornado fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much thereof as may be necessary, to the extent that the fire and tornado fund balance does not

drop below \$13,000,000, to the interest rate buydown fund for the period beginning July 1, 1986, and ending June 30, 1987. Upon expiration of this appropriation, the funds which remain in the interest rate buydown fund must be returned to the fire and tornado fund. Any interest generated from the interest rate buydown fund must be transferred to the fire and tornado fund upon expiration of this appropriation. The industrial commission shall by rule establish the priority of applications for interest rate buydowns under this Act, if appropriations are not sufficient to make loans to all applicants.

**SECTION 19. EMERGENCY.** This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

**For the Senate:** Sens. Bakewell, Thane, W. Meyer

**For the House:** Reps. Unhjem, Nicholas, Nowatzki

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

Engrossed HB 1404 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

**REP. J. PETERSON MOVED** that the amendments to HB 1404 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1404 DO PASS, which motion prevailed.

HB 1404 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF HOUSE BILL

**HB 1404:** A BILL for an Act to adopt the Family Farm Survival Act of 1985 and to provide participation in short-term loans to farmers and agribusinesses; to create and enact a new section to chapter 4-36 of the North Dakota Century Code, relating to a bond reserve fund; to amend and reenact section 4-36-03, subsection 6 of section 4-36-04, sections 4-36-06, 4-36-07, 4-36-08, 4-36-12, 4-36-24, and 4-36-25, relating to the Agricultural Development Act; to provide appropriations; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 105 YEAS, 0 NAYS, 1 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; Lipsiea; 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; Stofferahn; 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

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

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MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

HCR 3103

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the House has requested:

SB 2267

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HCR 3102, HCR 3104, HCR 3105

LEO LEIDHOLM, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1660 which the Senate has amended:

## SENATE AMENDMENTS TO ENGROSSED HB 1660

On page 4 of the engrossed bill, line 16, delete the numerals "24,000,000" and insert in lieu thereof the numerals "24,069,346"

On page 4 of the engrossed bill, line 17, delete the numerals "24,000,000" and insert in lieu thereof the numerals "24,069,346"

And renumber the lines and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

The amount for personal property tax replacement is increased by \$69,346 to \$24,069,346.

LEO LEIDHOLM, Secretary

## MOTION

REP. WENTZ MOVED that the House reconsider its action whereby SB 2267 failed to pass, which motion prevailed.

## REQUEST

REP. KLUNDT REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2267 failed to pass, which request was granted.

## ROLL CALL

The question being on the motion to reconsider the action whereby SB 2267 failed to pass, the roll was called and there were 56 YEAS, 48 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Enget; Gates; Gerntholz; Goetz; Hamerlik; Haugland; Hausauer, A.; Hedstrom; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Koland; Kretschmar; Kuchera; Larson; Lindgren; Lipsiea; Martinson; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Olson, A.; Olson, V.; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riley; Rydell; Schmidt; Schneider; Shide; Solberg, R.; Strinden; Timm; Unhjem; Vander Vorst; Wald; Wentz; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Anderson, C.; Berg, G.; Brokaw; Dotzenrod; Eckroth; Frey; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Hill; Hoffner; Klundt; Knudson; Lang; Laughlin; Lautenschlager; Linderman; Lloyd; Martin; Melby; Mertens; Meyer; Nowatzki; Oban; O'Connell; Olsen, D.; Opedahl; O'Shea; Richard; Riehl; Sauter; Schindler; Shaw; Shockman; Skjerven; Smette; Solberg, O.; Starke;

Stofferahn; Thompson; Tollefson; Ulmer; Watne;  
Williams, A.; Williams, C.; Williams, W.

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

So the motion to reconsider the action whereby SB 2267 failed to pass prevailed.

**SECOND READING OF SENATE BILL**

**SB 2267:** A BILL for an Act to amend and reenact sections 15-60-04 and 15-60-05 of the North Dakota Century Code, relating to loans received by school districts from the state school construction fund and the interest incurred by school districts on such loans.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 52 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, R.; Belter; Berg, R.; Cleveland; Conny; Dalrymple; Dorso; Enget; Gates; Gerntholz; Goetz; Graba; Hamerlik; Haugland; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Koland; Kuchera; Larson; Lautenschlager; Lindgren; Lipsiea; Martinson; Moore; Murphy; Myrdal; Nalewaja; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riley; Rydell; Shide; Solberg, R.; Strinden; Timm; Unhjem; Vander Vorst; Wald; Wentz; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Berg, G.; Brokaw; DeMers; Dotzenrod; Eckroth; Frey; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Hill; Hoffner; Keller; Kelly; Klundt; Knudson; Kretschmar; Lang; Laughlin; Linderman; Lloyd; Martin; Melby; Mertens; Meyer; Nicholas; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Richard; Riehl; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg, O.; Starke; Stofferahn; Thompson; Tollefson; Ulmer; Watne; Williams, A.; Williams, C.; Williams, W.

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

SB 2267 was declared lost.

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**CONSIDERATION OF MESSAGE FROM SENATE**

**REP. STRINDEN MOVED** that the House do concur in the Senate amendments to HB 1660, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1660: A BILL for an Act to amend and reenact section 57-58-01 of the North Dakota Century Code, relating to distribution of personal property tax replacement revenues to counties and local subdivisions; to provide an appropriation for the distribution of funds for the replacement of personal property tax revenue; and to provide an expiration 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 104 YEAS, 0 NAYS, 2 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; Lipsiea; 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; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Wald

HB 1660 passed and the title was agreed to.

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MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

HB 1662

LEO LEIDHOLM, Secretary

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 and subsequently passed:

HB 1404

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 1660 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILL

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 91 YEAS, 15 NAYS, 0 ABSENT AND NOT VOTING.

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

- NAYS: Belter; Conny; Dalrymple; Dorso; Gates; Hughes; Kloubec; Kuchera; Larson; Lindgren; Nalewaja; Riley; Strinden; Timm; Wold

ABSENT AND NOT VOTING: None

HB 1494 passed and the title was agreed to.

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## MOTION

REP. MERTENS MOVED that a committee of two be appointed to escort Rep. Gullickson to the rostrum to be sworn in as a Representative, which motion prevailed.

SPEAKER R. HAUSAUER APPOINTED Reps. Keller and Meyer to such committee and Rep. Gullickson was escorted to the rostrum and sworn in.

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1003 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2560-2562 of the House Journal and that Engrossed HB 1003 be amended as follows:

That the Senate recede from its amendments as found on pages 1986-1988 of the Senate Journal and on pages 2560-2562 of the House Journal and that engrossed House Bill No. 1003 be amended as follows:

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 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 "55,378,491"

On page 3 of the engrossed bill, line 14, delete the words "state officials and"

And renumber the lines 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 conference committee recommends deleting the \$300,000 for the SAMIS system with the understanding that the system will be ready for implementation and operation on July 1, 1987.

A section is added which provides 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 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).

**For the Senate:** Sens. Tennefos, Wenstrom, Tallackson  
**For the House:** Reps. Kingsbury, Gunsch, Graba

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

Engrossed HB 1003 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. KINGSBURY MOVED that the amendments to HB 1003 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1003 DO PASS, which motion prevailed.

HB 1003 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget of the state of North Dakota; to amend and reenact section 54-14-03.1 of the North Dakota Century Code, relating to

the office of the budget reporting irregularities to the budget committee of the legislative council; and providing for an exemption.

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 95 YEAS, 7 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Anderson, C.; Dorso; Gunsch; Hanson, O.; Melby; Murphy; Whalen

ABSENT AND NOT VOTING: Berg, R.; Brokaw; Retzer; Riehl

HB 1003 passed and the title was agreed to.

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#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sens. Nething, Heigaard and Reps. Strinden, Mertens introduced:

(Approved by the Committee on Delayed Bills)

SCR 4082: A concurrent resolution expressing the thanks and appreciation of the Forty-ninth Legislative Assembly to the North Dakota Medical Association's Doctor of the Day Program.

Was read the first time.

#### MOTION

REP. KRETSCHMAR MOVED that the rules be suspended, that SCR 4082 not be printed, not be referred to committee, be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Nething, Heigaard and Reps. Strinden, Mertens introduced:

SENATE CONCURRENT RESOLUTION NO. 4082

A concurrent resolution expressing the thanks and appreciation of the Forty-ninth Legislative Assembly to the North Dakota Medical Association's Doctor of the Day Program.

WHEREAS, many practicing physicians from throughout the state, as well as resident physicians from the University of North Dakota School of Medicine family medicine and internal medicine residency programs in Minot, Grand Forks, Fargo, and Bismarck, have volunteered their services as the Doctor of the Day during the Forty-ninth Legislative Assembly; and

WHEREAS, more than 200 legislators, legislative employees, family members, lobbyists, and visitors to the Capitol have received treatment, counseling and medications through the Doctor of the Day Program at no charge; and

WHEREAS, the North Dakota Medical Association, the North Dakota State Board of Pharmacy, the Bismarck Family Practice Center, the Bismarck Pharmacy, and the State Health Department have all provided services, equipment, or supplies to the Doctor of the Day medical services room;

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

That thanks and appreciation are expressed to the physicians and health care groups who have volunteered their professional services, expertise, supplies, and equipment in the operation of the 1985 North Dakota Medical Association's Doctor of the Day Program; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the above-mentioned health care providers and entities.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4082: A concurrent resolution expressing the thanks and appreciation of the Forty-ninth Legislative Assembly to the North Dakota Medical Association's Doctor of the Day Program.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4082 was declared adopted on a voice vote.

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## FIRST READING OF A SENATE CONCURRENT RESOLUTION

Committee on Employment introduced:  
 (Approved by the Committee on Delayed Bills)

SCR 4083: A concurrent resolution authorizing the retention of certain employees of the Senate and House and providing supervisory authority, to allow for the completion of legislative work after the close of the Session.

Was read the first time.

## MOTION

REP. KRETSCHMAR MOVED that the rules be suspended, that SCR 4083 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Committee on Employment introduced:

## SENATE CONCURRENT RESOLUTION NO. 4083

A concurrent resolution authorizing the retention of certain employees of the Senate and House and providing supervisory authority, to allow for the completion of legislative work after the close of the Session.

WHEREAS, it is necessary to complete and close all legislative work; and

WHEREAS, in order to complete and close all current legislative work of the Forty-ninth Legislative Assembly, it is necessary to retain certain employees;

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

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

## SENATE POSITIONS

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

## Journal Room Clerks

## HOUSE POSITIONS

Chief Clerk  
 Desk Reporter  
 Assistant Chief Clerk  
 Bill Clerk  
 Sergeant-at-Arms  
 Assistant Sergeants-at-Arms  
 Chief Page  
 Pages  
 Desk Page  
 Chief Steno and Payroll Clerk  
 Chief Telephone Clerk  
 Appropriations Committee Clerk  
 Assistant Appropriations Clerks  
 Secretary to Speaker  
 Secretary to Majority Leader  
 Secretary to Minority Leader  
 Bill Room Clerks

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

BE IT FURTHER RESOLVED, that the employees in the above-named positions be paid their regular rates of pay as specified in Senate Concurrent Resolution No. 4029 for all work required pursuant to this resolution, and all of these sums are to be paid out of the appropriation to the Forty-ninth and Fiftieth Legislative Assemblies, and paid at the completion of the legislative work, providing that payment shall not be authorized for more than 200 man-days in the aggregate, and each employee above-listed shall be paid on a pro rata basis, should the total number of man-days exceed the allowed limit.

## SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4083: A concurrent resolution authorizing the retention of certain employees of the Senate and House and providing supervisory authority, to allow for the completion of legislative work after the close of the Session.

Which has been read.

#### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gullickson; 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; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Federson, R.; Peterson, J.; Rice; Riehl; Rydell; Sauter; Schindler; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

**NAYS:** None

**ABSENT AND NOT VOTING:** Berg, R.; Dorso; Larson; Mertens; Retzer; Richard; Riley; Schmidt; Wold

SCR 4083 was declared adopted.

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#### MOTION

REP. STRINDEN MOVED that the House stand in recess until 7:00 p.m., which motion prevailed.

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

#### MESSAGES TO THE SENATE HOUSE CHAMBER

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

SCR 4082, SCR 4083

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

HB 1494

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

HB 1003

ROY GILBREATH, Chief Clerk

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2062, SB 2100, SB 2114, SB 2115, SB 2135, SB 2186,  
 SB 2204, SB 2260, SB 2273, SB 2354, SB 2355, SB 2369,  
 SB 2410, SB 2432, SB 2438, SB 2450, SB 2464, SB 2491,  
 SCR 4002, SCR 4005, SCR 4051, SCR 4056, SCR 4066, SCR 4071,  
 SCR 4073, SCR 4079

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 2062, SB 2100, SB 2114, SB 2115, SB 2135, SB 2186,  
 SB 2204, SB 2260, SB 2273, SB 2354, SB 2355, SB 2369,  
 SB 2410, SB 2432, SB 2438, SB 2450, SB 2464, SB 2491,  
 SCR 4002, SCR 4005, SCR 4051, SCR 4056, SCR 4066, SCR 4071,  
 SCR 4073, SCR 4079

ROY GILBREATH, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred HB 1196 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 2687-2688 of the House Journal.

For the Senate: Sens. Lips, Tweten, Kusler  
 For the House: Reps. Unhjem, Winkelman, Opedahl

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

HB 1196 was placed on the Sixth order of business on the calendar for the succeeding legislative day.



SIXTH ORDER OF BUSINESS

REP. UNHJEM MOVED that the amendments to HB 1196 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1196 DO PASS, which motion prevailed.

HB 1196 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to amend and reenact section 50-01-09.2 of the North Dakota Century Code, relating to increased state reimbursements to counties for optional supplementation of supplemental security income benefits; to repeal chapter 522 of the 1983 Session Laws.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 104 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gullickson; 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; Lipsiea; Lloyd; Martin; Martinson; 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; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Melby

ABSENT AND NOT VOTING: Berg, G.

HB 1196 passed and the title was agreed to.

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MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

SB 2002, SB 2003, SB 2009, SB 2010, SB 2019

LEO LEIDHOLM, Secretary

REPORT OF CONFERENCE COMMITTEE

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 further amended as follows:

In lieu of the conference committee amendments as found on pages 2576 and 2577 of the House Journal and on pages 2041 and 2042 of the Senate Journal, that engrossed House Bill No. 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, ~~or~~ 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, 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."

And renumber the lines and pages accordingly

For the Senate: Sens. Stenehjem, Christensen, 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.

#### SIXTH ORDER OF BUSINESS

REP. HAMERLIK MOVED that the amendments to HB 1446 as recommended by the conference committee be adopted, and when so adopted, recommends that HB 1446 DO PASS, which motion prevailed.

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

#### SECOND READING OF HOUSE BILL

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

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 83 YEAS, 22 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Berg, G.; Berg, R.; Brokaw; Cleveland; Conny; Dalrymple; DeMers; Dorso; Enget; Frey; Gates; Graba; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Opedahl; O'Shea; Payne; Peterson, J.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm;

Tollefson; Ulmer; Unhjem; Watne; Wentz; Williams, A.;  
Williams, C.; Williams, W.; Winkelman; Wold;  
Speaker Hausauer, R.

NAYS: Belter; Dotzenrod; Eckroth; Gerntholz; Goetz;  
Gunsch; Hanson, O.; Hausauer, A.; Kingsbury; Kuchera;  
Melby; Murphy; Olson, V.; Pederson, R.; Retzer; Shide;  
Skjerven; Smette; Thompson; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Olsen, D.

HB 1446 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2002 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2385-2387 of the House Journal and that Engrossed SB 2002 be amended as follows:

That the House recede from its amendments as found on pages 2385-2387 of the House Journal and on pages 1874-1876 of the Senate Journal and that engrossed Senate Bill No. 2002 be amended as follows:

- On page 1 of the engrossed bill, line 17, delete the numerals "975,493" and insert in lieu thereof the numerals "870,020"
- On page 1 of the engrossed bill, line 18, delete the numerals "246,540" and insert in lieu thereof the numerals "262,005"
- On page 1 of the engrossed bill, line 22, delete the numerals "400,000" and insert in lieu thereof the numerals "500,000"
- On page 1 of the engrossed bill, line 23, delete the numerals "1,685,000" and insert in lieu thereof the numerals "1,085,000"
- On page 1 of the engrossed bill, line 24, delete the numerals "9,574,821" and insert in lieu thereof the numerals "9,497,257"
- On page 1 of the engrossed bill, line 25, delete the numerals "13,048,089" and insert in lieu thereof the numerals "12,380,517"
- On page 1 of the engrossed bill, line 27, delete the numerals "12,648,089" and insert in lieu thereof the numerals "11,980,517"

- On page 2 of the engrossed bill, line 4, delete the numerals "15,008,189" and insert in lieu thereof the numerals "14,340,617"
- On page 2 of the engrossed bill, line 5, delete the numerals "12,543,545" and insert in lieu thereof the numerals "12,621,109"
- On page 2 of the engrossed bill, line 6, delete the numerals "27,551,734" and insert in lieu thereof the numerals "26,961,726"
- On page 2 of the engrossed bill, line 25, delete the numerals "7,890,002" and insert in lieu thereof the numerals "7,936,453"
- On page 2 of the engrossed bill, line 26, delete the numerals "1,834,036" and insert in lieu thereof the numerals "1,845,715"
- On page 2 of the engrossed bill, line 27, delete the numerals "2,419,507" and insert in lieu thereof the numerals "2,438,941"
- On page 2 of the engrossed bill, line 29, delete the numerals "12,143,545" and insert in lieu thereof the numerals "12,221,109"
- On page 3 of the engrossed bill, after line 2, insert the following section:

"SECTION 5. LEGISLATIVE INTENT - TUITION INCREASE.

It is the intent of the legislative assembly that the board of higher education may increase tuition at the community colleges to provide an estimated additional \$92,886 of income during the 1985-87 biennium. The total amount of \$92,886 is included in the estimated income line items of the appropriations to the various community colleges in this Act. Nonresident students shall be equitably included in any tuition increases made pursuant to this section."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Board of Higher Education

The salaries and wages line item is increased by \$25,000 from the general fund to allow funds to continue average salary increases of 9.5 percent for senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

The salaries and wages line item is increased by \$4,300 from the general fund for providing board employees' disability insurance similar to that received by institution employees.

The salaries and wages line item is reduced by \$134,773 from the general fund to delete funding for a vacant associate commissioner position.

The operating expenses line item is increased by \$15,465 from the general fund to provide funds to restore postage, printing, supplies, and travel to the current service level.

The private college tuition assistance line item is increased by \$100,000 from the general fund and the student financial assistance grants line item is decreased by \$600,000 from the general fund.

The community colleges line item is reduced by \$77,564 from the general fund with a corresponding increase to the amount of community colleges estimated income. Of the total, \$15,322 is a reduction to income for deleting proposed increases in Minnesota student tuition and foreign student tuition. The amount for each community college is summarized as follows:

|                               | Minnesota<br>Student<br>Tuition<br><u>Increase</u> | Foreign<br>Student<br>Tuition<br><u>Increase</u> | <u>Total</u> |
|-------------------------------|--|--|--------------|
| Bismarck Junior College       | \$2,064  | \$10,000   | \$12,064     |
| Lake Region Community College | 258  | 2,000  | 2,258        |
| UND-Williston                 | <u>0</u>   | <u>1,000</u>                                     | <u>1,000</u> |
| Total                         | \$2,322  | \$13,000   | \$15,322     |

The total also includes \$92,886 for estimated increases in tuition. A new section is added stating it is the intent of the Legislative Assembly that the board increase tuition at the community colleges to provide \$92,886. The proposed estimated breakdown of this amount by each community college is as follows:

|                               |               |
|-------------------------------|---------------|
| Bismarck Junior College       | \$58,515      |
| Lake Region Community College | 13,937        |
| UND-Williston                 | <u>20,434</u> |
| Total                         | \$92,886      |

**For the Senate:** Sens. Streibel, Tennefos, Stromme (refused to sign)

**For the House:** Reps. Thompson, Kuchera, G. Berg (refused to sign)

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

Engrossed SB 2002 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. THOMPSON MOVED that the amendments to SB 2002 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2002 DO PASS, which motion prevailed.

SB 2002 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act making an appropriation for defraying the expenses of the state board of higher education, Bismarck junior college, Lake Region community college, university of North Dakota-Williston center and reciprocal agreements of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 89 YEAS, 16 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Anderson, C.; Belter; Berg, G.; Dorso; Enget; Frey; Gunsch; Kingsbury; Melby; Mertens; Murphy; Retzer; Schmidt; Skjerven; Solberg, R.; Ulmer

ABSENT AND NOT VOTING: Riehl

SB 2002 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2003 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2412-2422 of the House Journal and that Engrossed SB 2003 be amended as follows:

That the House recede from its amendments as printed on pages 2412-2422 of the House Journal and on pages 1876-1886 of the Senate Journal and that engrossed Senate Bill No. 2003 be amended as follows:

- On page 1 of the engrossed bill, line 18, delete the numerals "19,874,940" and insert in lieu thereof the numerals "20,516,440"
- On page 1 of the engrossed bill, line 19, delete the numerals "1,677,954" and insert in lieu thereof the numerals "1,513,115"
- On page 1 of the engrossed bill, line 20, delete the numerals "85,439,545" and insert in lieu thereof the numerals "85,916,206"
- On page 1 of the engrossed bill, line 21, delete the numerals "24,124,453" and insert in lieu thereof the numerals "23,544,896"
- On page 1 of the engrossed bill, line 22, delete the numerals "61,315,092" and insert in lieu thereof the numerals "62,371,310"
- On page 1 of the engrossed bill, line 24, delete the numerals "62,645,242" and insert in lieu thereof the numerals "63,701,460"
- On page 1 of the engrossed bill, line 28, delete the numerals "55,686,656" and insert in lieu thereof the numerals "56,158,809"
- On page 2 of the engrossed bill, line 1, delete the numerals "16,803,854" and insert in lieu thereof the numerals "16,967,954"
- On page 2 of the engrossed bill, line 2, delete the numerals "980,593" and insert in lieu thereof the numerals "1,032,564"
- On page 2 of the engrossed bill, line 3, delete the numerals "73,471,103" and insert in lieu thereof the numerals "74,159,327"



- On page 2 of the engrossed bill, line 4, delete the numerals "22,045,626" and insert in lieu thereof the numerals "21,552,065"
- On page 2 of the engrossed bill, line 5, delete the numerals "51,425,477" and insert in lieu thereof the numerals "52,607,262"
- On page 2 of the engrossed bill, line 7, delete the numerals "52,755,627" and insert in lieu thereof the numerals "53,937,412"
- On page 2 of the engrossed bill, line 10, delete the numerals "20,020,757" and insert in lieu thereof the numerals "19,676,495"
- On page 2 of the engrossed bill, line 12, delete the numerals "683,551" and insert in lieu thereof the numerals "719,779"
- On page 2 of the engrossed bill, line 13, delete the numerals "25,968,767" and insert in lieu thereof the numerals "25,660,733"
- On page 2 of the engrossed bill, line 14, delete the numerals "7,097,050" and insert in lieu thereof the numerals "7,157,123"
- On page 2 of the engrossed bill, line 15, delete the numerals "18,871,717" and insert in lieu thereof the numerals "18,503,610"
- On page 2 of the engrossed bill, line 17, delete the numerals "19,240,767" and insert in lieu thereof the numerals "18,872,660"
- On page 2 of the engrossed bill, line 21, delete the numerals "2,726,152" and insert in lieu thereof the numerals "2,831,252"
- On page 2 of the engrossed bill, line 22, delete the numerals "177,633" and insert in lieu thereof the numerals "187,047"
- On page 2 of the engrossed bill, line 23, delete the numerals "11,406,040" and insert in lieu thereof the numerals "11,520,554"
- On page 2 of the engrossed bill, line 24, delete the numerals "2,115,261" and insert in lieu thereof the numerals "2,153,010"
- On page 2 of the engrossed bill, line 25, delete the numerals "9,290,779" and insert in lieu thereof the numerals "9,367,544"

- On page 2 of the engrossed bill, line 27, delete the numerals "9,447,933" and insert in lieu thereof the numerals "9,524,698"
- On page 2 of the engrossed bill, line 32, delete the numerals "86,923" and insert in lieu thereof the numerals "91,530"
- On page 2 of the engrossed bill, line 33, delete the numerals "7,892,375" and insert in lieu thereof the numerals "7,896,982"
- On page 2 of the engrossed bill, line 34, delete the numerals "1,507,714" and insert in lieu thereof the numerals "1,507,831"
- On page 2 of the engrossed bill, line 35, delete the numerals "6,384,661" and insert in lieu thereof the numerals "6,389,151"
- On page 3 of the engrossed bill, line 2, delete the numerals "6,457,935" and insert in lieu thereof the numerals "6,462,425"
- On page 3 of the engrossed bill, line 5, delete the numerals "16,576,724" and insert in lieu thereof the numerals "16,789,675"
- On page 3 of the engrossed bill, line 6, delete the numerals "2,966,282" and insert in lieu thereof the numerals "3,091,282"
- On page 3 of the engrossed bill, line 7, delete the numerals "237,430" and insert in lieu thereof the numerals "250,014"
- On page 3 of the engrossed bill, line 8, delete the numerals "19,780,436" and insert in lieu thereof the numerals "20,130,971"
- On page 3 of the engrossed bill, line 9, delete the numerals "7,116,982" and insert in lieu thereof the numerals "7,114,893"
- On page 3 of the engrossed bill, line 10, delete the numerals "12,663,454" and insert in lieu thereof the numerals "13,016,078"
- On page 3 of the engrossed bill, line 11, delete the numerals "334,924" and insert in lieu thereof the numerals "451,924"
- On page 3 of the engrossed bill, line 12, delete the numerals "12,998,378" and insert in lieu thereof the numerals "13,468,002"

- On page 3 of the engrossed bill, line 15, delete the numerals "7,549,248" and insert in lieu thereof the numerals "7,593,248"
- On page 3 of the engrossed bill, line 16, delete the numerals "1,936,952" and insert in lieu thereof the numerals "2,016,152"
- On page 3 of the engrossed bill, line 17, delete the numerals "133,245" and insert in lieu thereof the numerals "140,307"
- On page 3 of the engrossed bill, line 18, delete the numerals "9,619,445" and insert in lieu thereof the numerals "9,749,707"
- On page 3 of the engrossed bill, line 19, delete the numerals "2,312,213" and insert in lieu thereof the numerals "2,335,167"
- On page 3 of the engrossed bill, line 20, delete the numerals "7,307,232" and insert in lieu thereof the numerals "7,414,540"
- On page 3 of the engrossed bill, line 22, delete the numerals "7,488,452" and insert in lieu thereof the numerals "7,595,760"
- On page 3 of the engrossed bill, line 27, delete the numerals "90,387" and insert in lieu thereof the numerals "86,389"
- On page 3 of the engrossed bill, line 28, delete the numerals "3,852,207" and insert in lieu thereof the numerals "3,848,209"
- On page 3 of the engrossed bill, line 29, delete the numerals "827,567" and insert in lieu thereof the numerals "819,979"
- On page 3 of the engrossed bill, line 30, delete the numerals "3,024,640" and insert in lieu thereof the numerals "3,028,230"
- On page 3 of the engrossed bill, line 32, delete the numerals "3,145,705" and insert in lieu thereof the numerals "3,149,295"
- On page 4 of the engrossed bill, line 1, delete the numerals "11,403,527" and insert in lieu thereof the numerals "11,703,527"
- On page 4 of the engrossed bill, line 4, delete the numerals "44,819,644" and insert in lieu thereof the numerals "45,119,644"

On page 4 of the engrossed bill, line 6, delete the numerals "27,404,263" and insert in lieu thereof the numerals "27,704,263"

On page 4 of the engrossed bill, line 31, delete the numerals "203,050,221" and insert in lieu thereof the numerals "206,881,894"

On page 4 of the engrossed bill, line 32, delete the numerals "105,894,454" and insert in lieu thereof the numerals "104,932,552"

On page 4 of the engrossed bill, line 33, delete the numerals "308,944,675" and insert in lieu thereof the numerals "311,814,446"

On page 5 of the engrossed bill, after line 17, insert the following new sections:

**"SECTION 5. TRANSFERS.** Each institution or agency included in this Act, upon approval from the board of higher education, may make such transfers between line items in its appropriation as may be determined necessary by the board of higher education for operations of the institution or agency.

**SECTION 6. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the state board of higher education for the biennium beginning July 1, 1985, and ending June 30, 1987. This appropriation shall be used by the board of higher education for critical needs of the institutions of higher education provided for in the constitution and as included in this Act for faculty or other positions, operating expenses, and equipment as may be determined by the board. This appropriation shall not be used to increase employees' salaries. When making allocations to institutions, the board of higher education shall consider the future mission of each institution, and consider reduction or elimination of selective programs and services, admissions standards, and the reallocation of resources within each institution. The board of higher education shall notify the office of management and budget of the allocations to each institution made from this appropriation.

**SECTION 7. LEGISLATIVE INTENT - TUITION INCREASE.** It is the intent of the Legislative Assembly that the board of higher education may increase tuition at the institutions of higher education to provide an estimated additional \$2,000,000 of income during the 1985-87 biennium. The total amount of \$2,000,000 is included in the estimated income line items of the appropriations to

the various institutions in this Act. Nonresident students shall be equitably included in any tuition increases made pursuant to this section."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

University of North Dakota

The operating expenses line item is increased by \$641,500 from the general fund to reflect funding the institution at 87 percent of the facilities maintenance formula.

The equipment line item is reduced by \$164,839 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle. The reduction reflects an exclusion of the computer valuation which was initially included in the equipment calculation amount.

The estimated income line item is increased by \$815,603 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$1,395,160 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$944,160 and foreign student tuition of \$451,000.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

North Dakota State University

The salaries and wages line item is increased by \$472,153 from the general fund to provide funds for a total increase of eight FTE faculty positions: four FTE faculty positions the first year of the biennium and an additional four FTE faculty positions the second year of the biennium.

The operating expenses line item is increased by \$164,100 from the general fund to reflect funding the institutions at 87 percent of the facilities maintenance formula.

The equipment line item is increased by \$51,971 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$731,899 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$1,225,460 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$992,460 and foreign student tuition of \$233,000.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

#### North Dakota State School of Science

The salaries and wages line item is reduced by \$344,262 from the general fund to delete a total of 6.9 FTE faculty positions: 3.25 faculty positions in the first year of the biennium and an additional reduction of 3.65 positions in the second year of the biennium.

The equipment line item is increased by \$36,228 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$200,141 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$140,068 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$115,068 and foreign student tuition of \$25,000.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide

average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

#### Dickinson State College

The operating expenses line item is increased by \$105,100 from the general fund to reflect funding the institution at 87 percent of the facilities maintenance formula.

The equipment line item is increased by \$9,414 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$44,781 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$7,032 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$1,000 and foreign student tuition of \$6,000.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

#### Mayville State College

The equipment line item is increased by \$4,607 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$43,239 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$43,122 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$28,122 and foreign student tuition of \$15,000.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for

other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

#### Minot State College

The salaries and wages line item is increased by \$212,951 from the general fund to provide funds for a total increase of four FTE faculty positions: two FTE faculty positions the first year of the biennium and an additional two FTE faculty positions the second year of the biennium.

The operating expenses line item is increased by \$125,000 from the general fund to reflect funding the institution at 87 percent of the facilities maintenance formula.

The equipment line item is increased by \$12,584 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$104,555 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$106,644 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$4,644 and foreign student tuition of \$102,000.

The capital improvements line item is increased by \$117,000 from the general fund to provide funds for payment of water improvement special assessments.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

#### Valley City State College

The salaries and wages line item is increased by \$44,000 from the general fund to provide funds for one FTE computer programmer analyst position.

The operating expenses line item is increased by \$79,200 from the general fund to reflect funding the institutions at 87 percent of the facilities maintenance formula.



The equipment line item is increased by \$7,062 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$36,306 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$13,352 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$11,352 and foreign student tuition of \$2,000.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

#### NDSU-Bottineau

The equipment line item is reduced by \$3,998 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$23,476 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$31,064 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$2,064 and foreign student tuition of \$29,000.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

#### UND-Medical Center

The operating expenses line item is increased by \$300,000 from the general fund.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

#### NDSU State Toxicologist

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

#### Forest Service

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

#### Purpose of Other Changes

A new section is added which authorizes line item transfers by each institution or agency upon approval from the Board of Higher Education.

Another new section is added which appropriates \$1,000,000 to the Board of Higher Education to be used for critical needs of the institutions of higher education provided for in the constitution and included in Senate Bill No. 2003 for faculty or other positions, operating expenses, and equipment.

A new section of legislative intent is added which authorizes the Board of Higher Education to increase tuition at the institutions of higher education to provide an estimated additional \$2 million of income during the 1985-87 biennium. It is intended that nonresident students shall be equitably included in any tuition increases.

SUMMARY OF CONFERENCE COMMITTEE AMENDMENTS BY INSTITUTION TO ENGROSSED SENATE BILL NO. 2003

| Institution  | Reallocation of Faculty Positions | Restore to 87 Percent of Facilities Maintenance Formula | 19-Year Rather Than 20-Year Equipment Replacement Cycle | Estimated Income                                   |  | Tuition Increases Totaling \$2 Million | Other Amendments   | Impact of Amendments |                     |
|--|-----------------------------------|---|---|--|--|--|--------------------|----------------------|---------------------|
|  |                                   |   |   | Exclusion of Increase in Minnesota Student Tuition | Exclusion of Increase in Foreign Student Tuition |  |                    | General Fund         | Estimated Income    |
| UND  |                                   | \$ 641,500  | \$ (164,839)  | \$ (944,160)                                       | \$ (451,000)                                     | \$ 815,603                             |                    | \$1,056,218          | \$ (579,557)        |
| NDSU   | \$472,153                         | 164,100   | 51,971  | (992,460)  | (233,000)  | 731,899                                |                    | 1,181,785            | (493,561)           |
| NDSSS  | (344,262)                         |   | 36,228  | (115,068)  | (25,000)   | 200,141                                |                    | (368,107)            | 60,073              |
| Dickinson State College  |                                   | 105,100   | 9,414   | (1,032)  | (6,000)  | 44,781                                 |                    | 76,765               | 37,749              |
| Mayville State College   |                                   |   | 4,607   | (28,122)   | (15,000)   | 43,239                                 |                    | 4,490                | 117                 |
| Hinot State College  | 212,951                           | 125,000   | 12,584  | (4,644)  | (102,000)  | 104,555                                | \$ 117,000         | 469,624              | (2,089)             |
| Valley City State College  |                                   | 79,200  | 7,062   | (11,352)   | (2,000)  | 36,306                                 | 44,000             | 107,308              | 22,954              |
| NDSU-Rottineau   |                                   |   | (3,998)   | (2,064)  | (29,000)   | 23,476                                 |                    | 3,590                | (7,588)             |
| UND-Medical Center   |                                   |   | 0   | 0  | 0  | 0                                      | 300,000            | 300,000              | 0                   |
| Subtotal   | \$340,842                         | \$1,114,900   | \$ (46,971)   | \$ (2,098,902)                                     | \$ (863,000)                                     | \$2,000,000                            | \$ 461,000         | \$2,831,673          | \$ (961,902)        |
| Board of Higher Education pool   |                                   |   |   |  |  |  | 1,000,000          | 1,000,000            |                     |
| Total of conference committee amendments to engrossed Senate Bill No. 2003 | <u>\$340,842</u>                  | <u>\$1,114,900</u>                                      | <u>\$ (46,971)</u>                                      | <u>\$ (2,098,902)</u>                              | <u>\$ (863,000)</u>                              | <u>\$2,000,000</u>                     | <u>\$1,461,000</u> | <u>\$3,831,673</u>   | <u>\$ (961,902)</u> |

For the Senate: Sens. Thane, Nelson, Stromme (refused to sign)  
 For the House: Reps. Kuchera, Wold, G. Berg

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

Engrossed SB 2003 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. KUCHERA MOVED that the amendments to SB 2003 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2003 DO PASS, which motion prevailed.

SB 2003 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act making an appropriation for defraying the expenses of the various institutions of higher learning under the supervision of the state board of higher education of the state of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 72 YEAS, 34 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** Berg, R.; Brokaw; Cleveland; Conmy; DeMers; Frey; Gates; Gerntholz; Goetz; Graba; Gullickson; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, V.; Opedahl; Payne; Pederson, R.; Peterson, J.; Rice; Riley; Rydell; Sauter; Schneider; Shide; Smette; Solberg, O.; Stofferahn; Strinden; Thompson; Timm; Tollefson; Unhjem; Wald; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Gunsch; Halmrast; Hill; Kingsbury; Klundt; Lang; Melby; Mertens; Meyer; Murphy; Olson, A.; O'Shea; Retzer; Richard; Riehl; Schindler; Schmidt; Shaw; Shockman; Skjerven; Solberg, R.; Starke; Ulmer; Vander Vorst; Watne

**ABSENT AND NOT VOTING:** None

SB 2003 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER:** Your Conference Committee to which was referred Engrossed SB 2009 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2336-2346 of the House Journal and that Engrossed SB 2009 be amended as follows:

That the House recede from its amendments as found on pages 2336-2346 of the House Journal and pages 1830-1839 of the Senate Journal and that engrossed Senate Bill No. 2009 be amended as follows:

On page 1 of the engrossed bill, line 3, after the semicolon insert the following: "to amend and reenact sections 38-14.1-04.2 and 38-14.1-04.3 of the North Dakota Century Code, relating to the reclamation research advisory committee;"

- On page 1 of the engrossed bill, line 20, delete the numerals "3,343,294" and insert in lieu thereof the numerals "3,423,294"
- On page 1 of the engrossed bill, line 21, delete the numerals "274,511" and insert in lieu thereof the numerals "303,811"
- On page 1 of the engrossed bill, line 22, delete the numerals "21,150,519" and insert in lieu thereof the numerals "21,259,819"
- On page 1 of the engrossed bill, line 24, delete the numerals "8,924,756" and insert in lieu thereof the numerals "9,034,056"
- On page 2 of the engrossed bill, line 13, delete the numerals "324,917" and insert in lieu thereof the numerals "390,917"
- On page 2 of the engrossed bill, line 15, delete the numerals "161,700" and insert in lieu thereof the numerals "181,700"
- On page 2 of the engrossed bill, line 16, delete the numerals "594,417" and insert in lieu thereof the numerals "680,417"
- On page 2 of the engrossed bill, line 17, delete the numerals "100,500" and insert in lieu thereof the numerals "166,500"
- On page 2 of the engrossed bill, line 18, delete the numerals "493,917" and insert in lieu thereof the numerals "513,917"
- On page 2 of the engrossed bill, line 21, delete the numerals "25,838,132" and insert in lieu thereof the numerals "25,884,132"
- On page 2 of the engrossed bill, line 23, delete the numerals "1,000,000" and insert in lieu thereof the numerals "1,200,000"
- On page 2 of the engrossed bill, line 24, delete the numerals "32,505,841" and insert in lieu thereof the numerals "32,751,841"
- On page 2 of the engrossed bill, line 26, delete the numerals "20,521,678" and insert in lieu thereof the numerals "20,767,678"
- On page 2 of the engrossed bill, line 28, delete the numerals "20,966,678" and insert in lieu thereof the numerals "21,212,678"
- On page 2 of the engrossed bill, line 33, delete the numerals "46,000" and insert in lieu thereof the numerals "76,000"

- On page 2 of the engrossed bill, line 34, delete the numerals "1,108,524" and insert in lieu thereof the numerals "1,138,524"
- On page 3 of the engrossed bill, line 1, delete the numerals "888,224" and insert in lieu thereof the numerals "918,224"
- On page 3 of the engrossed bill, line 3, delete the numerals "910,224" and insert in lieu thereof the numerals "940,224"
- On page 3 of the engrossed bill, line 8, delete the numerals "113,000" and insert in lieu thereof the numerals "152,000"
- On page 3 of the engrossed bill, line 9, delete the numerals "782,520" and insert in lieu thereof the numerals "821,520"
- On page 3 of the engrossed bill, line 11, delete the numerals "682,520" and insert in lieu thereof the numerals "721,520"
- On page 3 of the engrossed bill, line 16, delete the numerals "42,450" and insert in lieu thereof the numerals "67,450"
- On page 3 of the engrossed bill, line 17, delete the numerals "535,249" and insert in lieu thereof the numerals "560,249"
- On page 3 of the engrossed bill, line 19, delete the numerals "411,249" and insert in lieu thereof the numerals "436,249"
- On page 3 of the engrossed bill, line 21, delete the numerals "418,749" and insert in lieu thereof the numerals "443,749"
- On page 3 of the engrossed bill, line 25, delete the numerals "152,700" and insert in lieu thereof the numerals "158,700"
- On page 3 of the engrossed bill, line 26, delete the numerals "65,200" and insert in lieu thereof the numerals "80,200"
- On page 3 of the engrossed bill, line 27, delete the numerals "559,676" and insert in lieu thereof the numerals "580,676"
- On page 3 of the engrossed bill, line 29, delete the numerals "479,676" and insert in lieu thereof the numerals "500,676"
- On page 3 of the engrossed bill, line 31, delete the numerals "509,676" and insert in lieu thereof the numerals "530,676"
- On page 4 of the engrossed bill, line 1, delete the numerals "56,900" and insert in lieu thereof the numerals "66,900"
- On page 4 of the engrossed bill, line 2, delete the numerals "626,887" and insert in lieu thereof the numerals "636,887"
- On page 4 of the engrossed bill, line 4, delete the numerals "337,178" and insert in lieu thereof the numerals "347,178"

- On page 4 of the engrossed bill, line 9, delete the numerals "30,000" and insert in lieu thereof the numerals "50,000"
- On page 4 of the engrossed bill, line 10, delete the numerals "542,424" and insert in lieu thereof the numerals "562,424"
- On page 4 of the engrossed bill, line 12, delete the numerals "436,424" and insert in lieu thereof the numerals "456,424"
- On page 4 of the engrossed bill, line 17, delete the numerals "49,000" and insert in lieu thereof the numerals "69,000"
- On page 4 of the engrossed bill, line 18, delete the numerals "1,152,956" and insert in lieu thereof the numerals "1,172,956"
- On page 4 of the engrossed bill, line 20, delete the numerals "767,956" and insert in lieu thereof the numerals "787,956"
- On page 4 of the engrossed bill, line 22, delete the numerals "777,956" and insert in lieu thereof the numerals "797,956"
- On page 4 of the engrossed bill, line 28, delete the numerals "58,000" and insert in lieu thereof the numerals "158,000"
- On page 4 of the engrossed bill, line 29, delete the numerals "728,685" and insert in lieu thereof the numerals "828,685"
- On page 5 of the engrossed bill, line 1, delete the numerals "34,458,078" and insert in lieu thereof the numerals "34,998,378"
- On page 5 of the engrossed bill, line 2, delete the numerals "28,625,254" and insert in lieu thereof the numerals "30,091,254"
- On page 5 of the engrossed bill, line 3, delete the numerals "63,083,332" and insert in lieu thereof the numerals "65,089,632"
- On page 6 of the engrossed bill, line 10, delete the word "TRANSFER" and insert in lieu thereof the words "APPROPRIATION - TRANSFER"
- On page 6 of the engrossed bill, line 13, after the numerals "726,365" insert the words "which is hereby appropriated"
- On page 7 of the engrossed bill, after line 16, insert the following new sections:

"SECTION 5. AMENDMENT. Section 38-14.1-04.2 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-14.1-04.2. **Advisory committee responsibilities.** The committee, after consultation with the commission, shall adopt procedures under which it is to operate. The responsibilities of the committee, with the administrative and staff assistance and accounting of all funds to be provided by the commission, include:

1. An inventory and brief description and analysis of the conclusions from all reclamation research projects in this state that have been conducted to date as well as an inventory and brief description of all ongoing projects.
2. A review of all past and current reclamation research projects to identify all existing or future research needs and objectives, to prevent duplication, and to establish priorities for future reclamation research according to the objectives established in section 38-14.1-04.3.
3. A review of all proposed reclamation research projects administered by the commission and a determination of which reclamation research projects should be funded and the proper funding levels for the projects.
4. ~~Preparation of~~ Recommend to the commission future reclamation research budgets to be administered by the commission.
5. Preparation of yearly reports to the legislative council on the status of all reclamation research projects, conclusions reached, and future goals and objectives.

**SECTION 6. AMENDMENT.** Section 38-14.1-04.3 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-14.1-04.3. **Reclamation research objectives.** The reclamation research advisory committee shall make all recommendations on the specific reclamation research projects that are to be funded from moneys administered by the commission. Prior to awarding reclamation research funds, the commission must ~~receive~~ consider the recommendations of the committee relating to the proposed reclamation research project. For any reclamation research project to be approved for funding by the commission, each proposed project must meet the following criteria:

1. Development of data and conclusions that will assist in returning the land to its original or better productivity.



2. Development of data and conclusions that will assist in returning the land to an approved postmining land use as soon as possible.
3. Development of data and conclusions that will reduce unnecessary regulatory costs and assist in effectively reclaiming the land to its original or better productivity.

SECTION 7. STORAGE FACILITIES. Structures for storage of agricultural products may be authorized for construction by the state board of higher education when such structures do not exceed \$50,000 in cost.

SECTION 8. APPROPRIATION. There is hereby appropriated \$300,000 to the main experiment station, out of any funds available from the sale of animals by the experiment stations due to adverse climate conditions, for the purpose of purchasing replacement animals at the respective experiment stations during the biennium beginning July 1, 1985, and ending June 30, 1987.

SECTION 9. RESEARCH/EXTENSION CONSTRUCTION - APPROPRIATION. Provision is hereby made in this section for the main agricultural experiment station or any of its branch stations to accept a gift dedicated to the construction of a facility to house research and extension service staff. The facility is to be constructed at nor near the station headquarters site. The total construction cost shall not exceed \$1,000,000. Any funds received are hereby appropriated, but shall not be expended pursuant to this section without the approval of the legislative council's budget section."

And renumber the lines and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Extension Division

The operating expenses line item is increased by \$80,000 from the general fund to provide for partial restoration of the current service level of operation.

The equipment line item is increased by \$29,300 from the general fund to provide for partial restoration of the current service level.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

Northern Crops Institute

The salaries and wages line item is increased by \$66,000 from other funds to provide funding for one FTE laboratory technician and one FTE administrative secretary. These two positions will be funded from other than state sources and will be terminated if nongeneral fund moneys are unavailable.

The equipment line item is increased by \$20,000 from the general fund to provide for partial restoration of the current service level.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

Main Experiment Station

The salaries and wages line item is increased by \$46,000 from the general fund to provide funding for one FTE technician in the area of sunflower research.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

The equipment line item is increased by \$200,000 from the general fund to provide for partial restoration of the current service level.

The new sections appropriate \$300,000 from the sale of animals due to adverse climate conditions, for purchase of replacement animals, and \$1,000,000 of gift funds for construction of a staff facility.

Dickinson Experiment Station

The equipment line item is increased by \$30,000 from the general fund to provide for partial restoration of the current service level.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

Central Grasslands Experiment Station

The equipment line item is increased by \$39,000 from the general fund to provide for partial restoration of the current service level.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

Hettinger Experiment Station

The equipment line item is increased by \$25,000 from the general fund to provide for partial restoration of the current service level.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

Langdon Experiment Station

The operating expenses line item is increased by \$6,000 from the general fund to provide for partial restoration of the current service level of operation.

The equipment line item is increased by \$15,000 from the general fund to provide for partial restoration of the current service level.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

North Central Experiment Station

The equipment line item is increased by \$10,000 from the general fund to provide for partial restoration of the current service level.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide

average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

Williston Experiment Station

The equipment line item is increased by \$20,000 from the general fund to provide for partial restoration of the current service level.

The salaries and wage line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

Carrington Experiment Station

The equipment line item is increased by \$20,000 from the general fund to provide for partial restoration of the current service level.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

Agronomy Seed Farm

The capital improvements line item is increased by \$100,000 from other funds to provide funding for a microwave grain dryer and Prosper site improvements.

The salaries and wages line item allows funds to continue average salary increases of 9.5 percent for faculty and senior administrative staff and 5.5 percent (\$50 per month minimum) for other employees the first year of the biennium and to provide average salary increases of four percent (\$50 per month minimum) the second year of the biennium.

## SUMMARY OF CONFERENCE COMMITTEE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

| Agency  | Salaries<br>and<br>Wages | Operating<br>Expenses | Equipment         | Capital<br>Improvements | General<br>Fund   | Estimated<br>Income |
|---|--------------------------|-----------------------|-------------------|-------------------------|-------------------|---------------------|
| Extension Division                                    | \$ 0                     | \$80,000              | \$ 29,300         | \$ 0                    | \$ 109,300        | \$ 0                |
| Extension Division - Food and<br>Nutrition            |                          |                       |                   |                         | 0                 | 0                   |
| Extension Division - Energy<br>Service                |                          |                       |                   |                         | 0                 | 0                   |
| Northern Crops Institute                              | 66,000                   |                       | 20,000            |                         | 20,000            | 66,000              |
| Main Experiment Station                               | 46,000                   |                       | 200,000           |                         | 246,000           |                     |
| Dickinson Experiment Station                          |                          |                       | 30,000            |                         | 30,000            |                     |
| Central Grasslands Experiment<br>Station              |                          |                       | 39,000            |                         | 39,000            |                     |
| Hettinger Experiment Station                          |                          |                       | 25,000            |                         | 25,000            |                     |
| Langdon Experiment Station                            |                          | 6,000                 | 15,000            |                         | 21,000            |                     |
| North Central Experiment<br>Station                   |                          |                       | 10,000            |                         | 10,000            |                     |
| Williston Experiment Station                          |                          |                       | 20,000            |                         | 20,000            |                     |
| Carrington Experiment Station                         |                          |                       | 20,000            |                         | 20,000            |                     |
| Agronomy Seed Farm                                    |                          |                       |                   | 100,000                 |                   | 100,000             |
| Subtotal  | \$112,000                | \$86,000              | \$ 408,300        | \$ 100,000              | \$ 540,300        | \$ 166,000          |
| New sections:   |                          |                       |                   |                         |                   |                     |
| Main Experiment Station                               |                          |                       |                   |                         |                   |                     |
| Purchase of animals                                   |                          |                       | 300,000           |                         |                   | 300,000             |
| Staff facility  |                          |                       |                   | 1,000,000               |                   | 1,000,000           |
| Total amendments to engrossed<br>Senate Bill No. 2009 | <u>\$112,000</u>         | <u>\$86,000</u>       | <u>\$ 708,300</u> | <u>\$1,100,000</u>      | <u>\$ 540,300</u> | <u>\$1,466,000</u>  |

For the Senate: Sens. Naaden, Tweten, Tallackson

For the House: Reps. Thompson, Hanson, Nowatzki

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

Engrossed SB 2009 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

REP. THOMPSON MOVED that the amendments to SB 2009 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2009 DO PASS, which motion prevailed.

SB 2009 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the cooperative extension division and the experiment stations of North Dakota state university of agriculture and applied science; to amend and reenact sections 38-14.1-04.2 and 38-14.1-04.3 of the North Dakota Century Code, relating to the reclamation research advisory

committee; and providing for a transfer of funds from the coal development impact fund.

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 95 YEAS, 10 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Brokaw; Dotzenrod; Enget; Hill; Kingsbury; Meyer; Murphy; O'Shea; Shockman; Solberg, R.

ABSENT AND NOT VOTING: Richard

SB 2009 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2010 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 2388 of the House Journal and that Engrossed SB 2010 be amended as follows:

That the House recede from its amendments as found on page 2388 of the House Journal and pages 1886-1887 of the Senate Journal and that engrossed Senate Bill No. 2010 be amended as follows:

On page 1 of the engrossed bill, line 21, delete the numerals "5,790,700" and insert in lieu thereof the numerals "6,040,700"

On page 1 of the engrossed bill, line 23, delete the numerals "36,774,039" and insert in lieu thereof the numerals "37,024,039"

On page 1 of the engrossed bill, line 25, delete the numerals "10,037,845" and insert in lieu thereof the numerals "10,287,845"

On page 2 of the engrossed bill, line 2, delete the numerals "10,037,845" and insert in lieu thereof the numerals "10,287,845"

On page 2 of the engrossed bill, line 4, delete the numerals "37,174,039" and insert in lieu thereof the numerals "37,424,039"

And renumber the lines and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Health Department

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 grants, benefits, and claims line item is increased by \$250,000 from the general fund for state funding of the Child Evaluation and Treatment Program (CETA) at the University of North Dakota Medical Center Rehabilitation Hospital.

For the Senate: Sens. Naaden, Tweten, Mushik

For the House: Reps. Unhjem, Rice, Kelly

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

Engrossed SB 2010 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. UNHJEM MOVED that the amendments to SB 2010 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2010 DO PASS, which motion prevailed.

SB 2010 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act making an appropriation for defraying the expenses of the department of health and the abandoned motor vehicles division of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 102 YEAS, 3 NAYS, 1 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; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; 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; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Hanson, O.; Melby; Murphy

**ABSENT AND NOT VOTING:** Pederson, R.

SB 2010 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER:** Your Conference Committee to which was referred SB 2019 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2427-2428 of the House Journal and that SB 2019 be amended as follows:

That the House recede from its amendments as found on pages 2427-2428 and on page 1898 of the Senate Journal and that Senate Bill No. 2019 be amended as follows:

On page 1, line 12, delete the numerals "215,000" and insert in lieu thereof the numerals "250,000"

On page 1, line 13, delete the numerals "215,000" and insert in lieu thereof the numerals "250,000"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**



State Fair Association

The premiums line item is increased \$35,000 from the general fund for a total of \$250,000, a decrease of \$30,000 from the amendments adopted by the House.

For the Senate: Sens. Tweten, Nelson, Walsh  
 For the House: Reps. Winkelman, Unhjem, Graba

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

SB 2019 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

REP. WINKELMAN MOVED that the amendments to SB 2019 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2019 DO PASS, which motion prevailed.

SB 2019 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act making an appropriation for defraying the expenses of the state fair association of the state of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 80 YEAS, 22 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; DeMers; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olson, A.; Opedahl; Pederson, R.; Peterson, J.; Rice; Riehl; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Anderson, R.; Belter; Dalrymple; Dorso; Dotzenrod; Hughes; Kloubec; Larson; Linderman; Lindgren; Melby;

Murphy; O'Connell; Olsen, D.; Olson, V.; O'Shea; Payne; Retzer; Riley; Shide; Ulmer; Whalen

ABSENT AND NOT VOTING: Richard; Strinden; Wald; Williams, C.

SB 2019 passed and the title was agreed to.

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POINT OF PERSONAL PRIVILEGE

REP. J. PETERSON: Mr. Speaker: I rise on a point of personal privilege and request that the following reports be printed in the Journal.

SENATE BILL 2003

OPERATING EXPENSE BUDGETS

|                          | UND          | NDSU         | MISC         | DSC          | VCSC         | MaSC         | NDSU-BB    | NDSSS        |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|
| FTE STUDENTS             | 8,921        | 8,375        | 2,750        | 1,000        | 848          | 608          | 322        | 3,371        |
| FTE FACULTY              | 652.15       | 443.3        | 132.25       | 71.2         | 58.75        | 49.00        | 24.00      | 186.00       |
| STUDENT/FACULTY RATIO    | 19 to 1      | 19 to 1      | 21 to 1      | 14 to 1      | 14 to 1      | 12 to 1      | 13 to 1    | 18 to 1      |
| SENATE BUDGET:           |              |              |              |              |              |              |            |              |
| Utilities                | \$ 2,938,067 | \$ 6,000,446 | \$ 1,118,194 | \$ 1,389,379 | \$ 729,734   | \$ 714,537   | \$ 290,062 | \$ 2,237,129 |
| Non-Utilities            | \$15,936,873 | \$10,803,408 | \$ 1,848,088 | \$ 1,336,773 | \$ 1,207,238 | \$ 1,130,437 | \$ 441,272 | \$ 3,027,330 |
| Total:                   | \$19,874,940 | \$16,803,854 | \$ 2,966,282 | \$ 2,726,152 | \$ 1,936,972 | \$ 1,844,974 | \$ 731,334 | \$ 5,264,459 |
| COST PER FTE STUDENT:    |              |              |              |              |              |              |            |              |
| Utilities                | \$ 445       | \$ 358       | \$ 203       | \$ 695       | \$ 430       | \$ 587       | \$ 450     | \$ 333       |
| Non-Utilities            | \$ 669       | \$ 645       | \$ 336       | \$ 668       | \$ 712       | \$ 929       | \$ 685     | \$ 449       |
| Total:                   | \$ 1,114     | \$ 1,003     | \$ 539       | \$ 1,363     | \$ 1,142     | \$ 1,516     | \$ 1,135   | \$ 781       |
| FUNDING PER FTE FACULTY: |              |              |              |              |              |              |            |              |
| Non-Utilities            | \$ 2,640     | \$ 2,437     | \$ 1,397     | \$ 1,877     | \$ 2,055     | \$ 2,207     | \$ 1,839   | \$ 1,776     |

COST PER STUDENT - OPERATING BUDGETS \*

|                  | UND          | NDSU         | MISC                    | DSC          | VCSC         | MASC         | NDSU BB      | NDSSS        |
|------------------|--------------|--------------|-------------------------|--------------|--------------|--------------|--------------|--------------|
| Enrollments      | 8,921        | 8,375        | 2,750                   | 1,000        | 848          | 608          | 322          | 3,371        |
| Executive Budget | \$85,714,138 | \$74,225,319 | \$20,194,207            | \$11,328,932 | \$ 9,325,398 | \$ 7,746,504 | \$ 3,777,008 | \$24,901,127 |
| Cost Per Student | \$ 4,804     | \$ 4,431     | \$ 3,672 <sup>(1)</sup> | \$ 5,664     | \$ 5,616     | \$ 6,370     | \$ 5,865     | \$ 3,693     |
| Collections %    | 25.65%       | 26.86%       | 33.07%                  | 17.78%       | 23.21%       | 18.81%       | 20.84%       | 27.37%       |
| General Fund CPS | \$ 3,572     | \$ 3,240     | \$ 2,457                | \$ 4,657     | \$ 4,313     | \$ 5,172     | \$ 4,642     | \$ 2,683     |
| Senate Budget    | \$85,439,545 | \$73,471,103 | \$19,780,436            | \$11,406,040 | \$ 9,619,445 | \$ 7,892,375 | \$ 3,852,207 | \$25,968,767 |
| Cost Per Student | \$ 4,788     | \$ 4,386     | \$ 3,556 <sup>(1)</sup> | \$ 5,704     | \$ 5,671     | \$ 6,490     | \$ 5,982     | \$ 3,852     |
| Collections %    | 28.24%       | 30.01%       | 35.98%                  | 18.55%       | 24.04%       | 19.10%       | 21.48%       | 27.33%       |
| General Fund CPS | \$ 3,437     | \$ 3,070     | \$ 2,302                | \$ 4,645     | \$ 4,308     | \$ 5,250     | \$ 4,697     | \$ 2,799     |

\* Operating Budget include amounts for Salaries and Wages, Operating Expenses, and Equipment and excludes amounts for Plant Improvements.

(1) Includes Campus School

THURSDAY, APRIL 4, 1985

2867

MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

SB 2138, SB 2313

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you of the following on which the Senate has adopted the conference committee report and subsequently failed to pass the same:

SB 2388

LEO LEIDHOLM, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2138 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2393-2395 of the House Journal and that Engrossed SB 2138 be amended as follows:

That the House recede from its amendments to engrossed Senate Bill No. 2138 as printed on pages 2393-2395 of the House Journal and pages 1891-1893 of the Senate Journal and that in lieu of the conference committee amendments found on pages 2139 through 2141 of the Senate Journal, engrossed Senate Bill No. 2138 be amended as follows:

On page 1 of the engrossed bill, line 2, delete the words "management responsibility over"

On page 1 of the engrossed bill, line 4, after the word "require" insert the words "that any", and after the word "sales" insert the words "or other disposition"

On page 1 of the engrossed bill, line 5, delete the words "land's and mineral's" and insert in lieu thereof the words "common schools", and after the word "fund" insert the words "to the extent of the principal and interest owed by the state board of higher education, and any remaining amounts be deposited in the general fund"

On page 1 of the engrossed bill, line 13, delete the word "and"

On page 1 of the engrossed bill, line 14, after the word "appropriation" insert the words "; and to declare an emergency"

On page 1 of the engrossed bill, line 18, delete the word "management"

- On page 1 of the engrossed bill, line 19, delete the words "responsibility over"
- On page 1 of the engrossed bill, line 21, delete the word "management"
- On page 1 of the engrossed bill, line 22, after the word "addition" insert the words "and shall be substituted for the state board of higher education on all contracts regarding the state addition"
- On page 1 of the engrossed bill, line 27, after the period insert the words "Upon transfer of the state addition, the board of university and school lands shall assume all other existing obligations on the state addition"
- On page 2 of the engrossed bill, line 6, after the word "then" insert the words "to be deposited in the common schools trust fund"
- On page 2 of the engrossed bill, line 11, delete the words "lands and minerals trust" and insert in lieu thereof the word "general"
- On page 2 of the engrossed bill, line 18, delete the words "management responsibility over the"
- On page 2 of the engrossed bill, line 19, remove the overstrike over the words "~~board of~~", and delete the words "board of"
- On page 2 of the engrossed bill, line 20, delete the words "university and school lands", and overstrike the word "shall" and insert immediately thereafter the words "university and school lands may"
- On page 2 of the engrossed bill, line 32, delete the words "on behalf of the"
- On page 2 of the engrossed bill, line 33, delete the words "board of higher education"
- On page 2 of the engrossed bill, line 35, overstrike the word "shall" and insert immediately thereafter the word "may"
- On page 3 of the engrossed bill, after line 12, insert the following new section:
- "SECTION 3. INTENT. It is the intent of the legislative assembly that the working ranch unit continue to be used as the Dickinson experiment station."
- On page 3 of the engrossed bill, line 20, delete the numerals "2,840,787" and insert in lieu thereof the numerals "644,284"

- On page 3 of the engrossed bill, line 21, delete the word "state", and delete the words "higher education" and insert in lieu thereof the words "university and school lands"
- On page 3 of the engrossed bill, line 22, delete the words "interest on any notes owed to the board of" and insert in lieu thereof the words "city of Dickinson for"
- On page 3 of the engrossed bill, line 23, delete the words "university and school lands and for paying", and after the word "assessments" insert the words "due on March 1, 1985, and on March 1, 1986,"
- On page 3 of the engrossed bill, line 24, after the word "on" insert the word "the"
- On page 3 of the engrossed bill, after line 24, insert the following new section:

"SECTION 6. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Naaden, Streibel, Kusler

For the House: Reps. Kuchera (refused to sign), Wald, Nowatzki

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

Engrossed SB 2138 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

REP. KUCHERA MOVED that the amendments to SB 2138 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2138 DO PASS, which motion prevailed.

SB 2138 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE BILL

SB 2138: A BILL for an Act to require the state board of higher education to transfer the state addition of the city of Dickinson, North Dakota, to the board of university and school lands and to require that any proceeds from sales or other disposition of state addition property be deposited in the common schools trust fund; to amend and reenact section 6 of chapter 208 of the 1979 Session Laws of North Dakota as amended by section 1 of chapter 88 of the 1983 Session Laws of North Dakota authorizing the board of university and school lands to sell state addition; to repeal chapter 151 of the 1977 Session Laws of North

Dakota, sections 1, 2, 3, 4, 5, and 7 of chapter 208 of the 1979 Session Laws of North Dakota, and section 4 of chapter 208 of the 1979 Session Laws of North Dakota, section 1 of chapter 175 of the 1981 Session Laws of North Dakota, and section 2 of chapter 4 of the 1983 Session Laws of North Dakota; to provide an appropriation; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 82 YEAS, 24 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Berg, R.; Brokaw; Conmy; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gullickson; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Keller; Kelly; Kent; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lipsiea; Martin; Martinson; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Olson, A.; Olson, V.; Opedahl; Payne; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, R.; Belter; Berg, G.; Cleveland; DeMers; Halmrast; Hill; Hoffner; Hughes; Kingsbury; Klundt; Linderman; Lloyd; Melby; Mertens; Murphy; Oban; O'Connell; Olsen, D.; O'Shea; Pederson, R.; Shide; Ulmer; Williams, W.

**ABSENT AND NOT VOTING:** None

SB 2138 passed, the title was agreed to, and the emergency clause carried.

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#### REPORT OF CONFERENCE COMMITTEE

**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:

That the House recede from its amendments as found on page 1940 of the House Journal and on page 1566 of the Senate Journal and that, in lieu of the conference committee amendments found on

page 1859 of the Senate Journal and page 2574 of the House Journal, Senate Bill No. 2313 be amended as follows:

On page 1, line 13, overstrike the word "The" and insert in lieu immediately thereafter the words "Except as provided in subsection 4, the"

On page 1, line 20, 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 no payment has been made on the account within the last ninety days, a late payment charge may be imposed at a rate that does not exceed one percent per month, 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. Koland, Larson, Oban (refused to sign)

REP. KOLAND 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.

#### SIXTH ORDER OF BUSINESS

REP. KOLAND MOVED that the amendments to SB 2313 as recommended by the conference committee be adopted, and when so adopted, recommends that SB 2313 DO PASS, which motion prevailed.

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

#### SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to late payment charges on accounts receivable.

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 57 YEAS, 49 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gertholz; Goetz; Gullickson; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang;

Larson; Lautenschlager; Linderman; Lloyd; Martin; Melby; Mertens; Meyer; Moore; Nalewaja; Nicholas; Nowatzki; Olsen, D.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Richard; Riehl; Riley; Schindler; Shaw; Shide; Smette; Stofferahn; Strinden; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Wold; Speaker Hausauer, R.

NAYS: Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Gates; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Kelly; Kent; Kingsbury; Klundt; Laughlin; Lindgren; Lipsiea; Martinson; Murphy; Myrdal; Oban; O'Connell; Olson, A.; Payne; Pederson, R.; Retzer; Rice; Rydell; Sauter; Schmidt; Schneider; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Thompson; Timm; Unhjem; Whalen; Williams, C.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: None

SB 2313 passed and the title was agreed to.

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MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

SB 2138: Sens. Naaden, Streibel, Kusler

LEO LEIDHOLM, Secretary

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 and subsequently passed:

HB 1196, HB 1446

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 2151

ROY GILBREATH, Chief Clerk



HOUSE CHAMBER

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

SB 2507

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2002, SB 2003, SB 2009, SB 2010, SB 2019

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2138, SB 2313

ROY GILBREATH, Chief Clerk

MOTIONS

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

REP. STRINDEN MOVED that the House stand adjourned until 8:30 a.m., Friday, April 5, 1985, which motion prevailed.

ROY GILBREATH, Chief Clerk