

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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SIXTIETH DAY

Bismarck, April 3, 1985

The Senate convened at 9:00 a.m., with President Meiers presiding.

The prayer was offered by Reverend Jonathon Starks, Word of Faith Church, Mandan, North Dakota.

Heavenly Father, we come before Your throne of grace and mercy to find help and guidance from the source of all wisdom and truth. We come with thankfulness for a governmental system that is of the people, by the people, for the people. But we also remind ourselves that we are a great nation because we are a nation "under God" and a nation that declares, "In God We Trust".

Father, I ask in Jesus' name, that You manifest Your glorious wisdom and truth to these Senators of the state of North Dakota. For have You not declared that if we trust in You with all of our hearts and lean not on our own understanding that You will indeed direct our paths?

Father, I thank You for Your tangible presence in this Senate, so that the legislative concerns of this day will be conducted in such a manner as to bring Your blessing to the people of this state that these men and women represent. I ask these petitions in the Name of the King of Kings and Lord of Lords, Jesus Christ. Amen.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President.

MOTIONS

SEN. NETHING MOVED that the Senate request the return of HB 1446 from the House, which motion prevailed.

SEN. LIPS MOVED that the Senate request the return of HB 1458 from the House, which motion prevailed.

MESSAGES TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to request the return of the following:

HB 1446, HB 1458

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on HB 1588 and the President has appointed as a new conference committee to act with a like committee from the House on:

HB 1588: Sens. Olson, Stenehjem, Maixner

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 2178 and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2178: Sens. Parker, Mutch, Kelsh

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2388 which the House has amended:

HOUSE AMENDMENTS TO ENGROSSED SB 2388

In lieu of the amendments to engrossed Senate Bill No. 2388 adopted by the House of Representatives as found on page 2048 of the House Journal, engrossed Senate Bill No. 2388 is amended as follows:

On page 1 of the engrossed bill, line 6, delete the first word "and", and after the numerals "54-52-05" insert the word and numerals ", section 54-52-13,"

On page 1 of the engrossed bill, line 7, delete the numeral "2," and delete the second comma

On page 1 of the engrossed bill, line 9, after the word "system" insert the words "; to provide for a transfer of funds in the public employees retirement system; and to provide a continuing appropriation"

On page 1 of the engrossed bill, line 23, delete the words "the state parole board,"

On page 1 of the engrossed bill, line 24, delete the words "the state parks and"

On page 1 of the engrossed bill, line 25, delete the words "recreation department,"

On page 1 of the engrossed bill, line 28, after the word "institutions" insert the words ", but not including agents of the state parole board, agents of the state parks and recreation department, and members of the state highway patrolmen's retirement system"

On page 3 of the engrossed bill, after line 19, insert the following new section:

"SECTION 4. AMENDMENT. Section 54-52-13 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-13. Deposit of moneys - Appropriation. All moneys, including but not limited to employers' contributions, employees' contributions, grants, donations, legacies, and devises for the benefit of the fund, shall be deposited in the public employees retirement fund account with the Bank of North Dakota. However, all employers' contributions, employees' contributions, grants, donations, legacies, and devises made in relation to law enforcement officer retirement under this chapter shall be deposited in the law enforcement officers retirement fund account with the Bank of North Dakota. All of said moneys, not otherwise appropriated, are hereby appropriated for the purpose of making investments for the employees retirement ~~fund~~ funds and the moneys in each fund under this chapter are hereby appropriated to make payments to beneficiaries under the ~~program~~ respective retirement programs."

On page 3 of the engrossed bill, line 20, delete the numeral "2," and delete the second comma

On page 3 of the engrossed bill, delete lines 23 through 35

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

On page 4 of the engrossed bill, line 13, after the word "years" insert the words "and has completed at least twenty consecutive years of employment as a law enforcement officer immediately preceding retirement"

On page 4 of the engrossed bill, line 31, delete the word "fifty" and insert in lieu thereof the word "fifty-five"

On page 4 of the engrossed bill, line 32, after the word "completed" insert the words "at least", and after the word "ten" insert the words "but less than twenty"

On page 7 of the engrossed bill, after line 5, insert the following new sections:

"SECTION 6. TRANSFER. There is hereby authorized the transfer to the law enforcement officers retirement fund account with the Bank of North Dakota, the sum of \$6,000,000 from the public employees retirement fund account with the Bank of North Dakota for the purpose of establishing a separate fund for the payment of benefits to law enforcement officers under this Act.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the legislative assembly that any necessary future increases in the funding obligations for the retirement benefits of law enforcement officers under this Act be paid from contributions by law enforcement officers. The legislative assembly further declares that the establishment of the law enforcement officer retirement benefit program under this Act is contrary to the general policy followed by the legislative assembly of the last ten years to consolidate and streamline public employee retirement programs."

And renumber the lines, sections, and pages accordingly
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 1013, HB 1528, HB 1653

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SCR 4022 which the House has amended:

HOUSE AMENDMENTS TO SCR 4022

On page 1, line 4, after the word "ballot" insert the words ", or in the alternative for the amendment of the new section to the new article V of the Constitution of the State of North Dakota as created by section 1 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, relating to the requirement that the tax commissioner be elected on a no-party ballot"

On page 1, line 11, after the word "Dakota" insert the words "if House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, having been submitted to the voters, is not approved in the primary election held in 1986, or the following proposed amendment to the new section to the new article V of the Constitution of the

State of North Dakota if House Concurrent Resolution No. 3003 is approved at the primary election,"

On page 2, after line 27, insert the following new section:

"SECTION 2. AMENDMENT. The new section to the new article V of the Constitution of the State of North Dakota as created by section 1 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly and the voters at the primary election, is hereby amended and reenacted to read as follows:

The qualified electors of the state at the times and places of choosing members of the legislative assembly shall choose a governor, lieutenant governor, agriculture commissioner, attorney general, auditor, insurance commissioner, three public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer. The legislative assembly may by law provide for a department of labor to be administered by a public official who may be either elected or appointed.

The tax commissioner must be elected on a no-party ballot and must be nominated and elected in the manner now provided for the nomination and election of the superintendent of public instruction.

The powers and duties of the agriculture commissioner, attorney general, auditor, insurance commissioner, public service commissioners, secretary of state, superintendent of public instruction, tax commissioner, and treasurer must be prescribed by law. If the legislative assembly establishes a department of labor, the powers and duties of the officer administering that department must be prescribed by law."

And renumber the lines and pages accordingly

ROY GILBREATH, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. MOORE MOVED that the amendments to SCR 4081 as recommended by the Committee on Natural Resources as printed on pages 2105-2106 of the Senate Journal be adopted, and when so adopted, recommends that SCR 4081 DO PASS, which motion prevailed.

MOTION

SEN. REDLIN MOVED that the rules be suspended, that SCR 4081 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4081: A concurrent resolution reaffirming legislative support for Garrison Diversion and the Lonetree Reservoir,

and requesting the Governor to initiate a study of the possible adverse effects of transfers of fish species, biota, and pathogens from the Missouri River Basin to the Hudson Bay Drainage Basin.

Which has been read.

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

SCR 4081 was declared adopted on a voice vote.

MOTION

SEN. NETHING MOVED that the vote by which SCR 4081 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on SB 2025 as printed on pages 2091-2093 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act making an appropriation for defraying the expenses of the geological survey and the upper great plains transportation institute 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Redlin

SB 2025 passed and the title was agreed to.

MOTION

SEN. THANE MOVED that SB 2029 be placed at the foot of the Seventh order of business on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MUSHIK MOVED that the conference committee report on SB 2249 as printed on pages 2094-2096 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2249: A BILL for an Act authorizing a developmentally disabled facility loan fund program for the establishment by nonprofit corporations of facilities for the developmentally disabled, chronically mentally ill, and physically disabled persons; authorizing the board of university and school lands to invest in a developmentally disabled facility loan fund program; to create and enact a new chapter to title 25 of the North Dakota Century Code, relating to appointment of receivers for facilities for developmentally disabled clients; to amend and reenact section 6-09.6-03 of the North Dakota Century Code, relating to the amount, terms, and conditions of the loans made under the developmentally disabled facility loan 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Redlin; Wenstrom

SB 2249 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the conference committee report on SB 2338 as printed on pages 2096-2097 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2338: A BILL for an Act to create and enact a new subsection to section 20.1-03-11 and a new section to chapter 20.1-08 of the North Dakota Century Code, relating to licenses issued to landowners to hunt elk and the governor's proclamation on the hunting of elk; 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Redlin; Shea

SB 2338 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. WRIGHT MOVED that the conference committee report on SB 2345 as printed on pages 2097-2099 of the Senate Journal be adopted, which motion prevailed on a verification vote.

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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Ereborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Redlin

SB 2345 passed and the title was agreed to.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1009 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1009: Reps. Unhjem, Winkelman, Kelly
ROY GILBREATH, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1009, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1009:

Sens. Lips, Wenstrom, Mushik

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1009: Sens. Lips, Wenstrom, Mushik

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1004 and subsequently passed the same.

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 1072

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2005, SB 2011, SB 2014, SB 2065, SB 2153, SB 2245

ROY GILBREATH, Chief Clerk

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2388 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2388:

Sens. Lips, Wenstrom, Tallackson

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1526, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1526:

Sens. Lips, Nelson, Mushik

**MESSAGES FROM THE HOUSE
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:

SB 2178: Reps. Kloubec, Koland, Stofferahn
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report on SB 2019 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2019: Reps. Winkelman, Unhjem, Graba
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: We have the honor to return herewith HB 1446 and HB 1458 which the Senate has requested.

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval:

SB 2015, SB 2018, SB 2024, SB 2026, SB 2049, SB 2053,
SB 2160, SB 2197, SB 2253, SB 2274, SB 2296, SB 2436,
SB 2468, SB 2495

SEN. BAKEWELL, Chairman

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

**MESSAGES TO THE HOUSE
SENATE CHAMBER**

MR. SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on HB 1526 and the President has appointed as a new conference committee to act with a like committee from the House on:

HB 1526: Sens. Lips, Nelson, Mushik
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2388 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2388: Sens. Lips, Wenstrom, Tallackson
LEO LEIDHOLM, Secretary

MOTION

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

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

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

SCR 4080

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 1327

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HCR 3107

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

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

SB 2068, SB 2116, SB 2223, SB 2251, SB 2279, SB 2405,
SB 2470, SB 2477

SEN. BAKEWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed:

SCR 4081

SEN. BAKEWELL, Chairman

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

REVISION AND CORRECTION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully reexamined the Journal of the Fifty-ninth day and finds the same to be correct.

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully reexamined the Journal of the Fifty-sixth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 1906, line 9, delete the numerals "2400"
SEN. DAVID, Chairman

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

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1027 and HB 1127 and subsequently passed the same.

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 2257, SB 2301, SB 2374, SB 2489
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: The House respectfully requests the return of HB 1446.

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. NOTHING MOVED that the Senate reconsider the action by which HB 1446 was passed, which motion prevailed.

SEN. NOTHING MOVED that the Senate reconsider the action by which the conference committee report on HB 1446 was adopted, which motion prevailed.

SEN. NOTHING MOVED that the Senate accede to the request of the House and return HB 1446, which motion prevailed.

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1446

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SCR 4081

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

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

SB 2013, SB 2068, SB 2116, SB 2130, SB 2216, SB 2223,
 SB 2251, SB 2279, SB 2284, SB 2306, SB 2312, SB 2341,
 SB 2371, SB 2405, SB 2445, SB 2470, SB 2477, SB 2508,
 SB 2510

SEN. BAKEWELL, Chairman

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

REPORT OF CONFERENCE COMMITTEE

SEN. OLSON MOVED that the conference committee report on SB 2373 as printed on page 2099 of the Senate Journal be adopted, which motion prevailed.

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 28 YEAS, 23 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Christensen; Freborg; Heigaard; Heinrich;
 Holmberg; Ingstad; Kelly; Kilander; Lashkowitz; Lips;

Lodoen; Matchie; Moore; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Shea; Stenehjerm; Streibel; Tallackson; Todd; Walsh; Wright

NAYS: Bakewell; Berube; David; Dotzenrod; Hilken; Kelsh; Krauter; Kusler; Langley; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Satrom; Stromme; Tennefos; Thane; Tweten; Vosper; Waldera; Wogsland

ABSENT AND NOT VOTING: Redlin; Wenstrom

SB 2373 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. NELSON MOVED that the conference committee report on HB 1011 as printed on page 2099 of the Senate Journal be adopted, which motion prevailed.

**MESSAGE FROM THE HOUSE
HOUSE CHAMBER**

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

SCR 4081

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. LIPS MOVED that the Senate reconsider the action by which HB 1458 was passed, which motion prevailed.

SEN. LIPS MOVED that the rules be suspended, that HB 1458 be placed on the Sixth order of business for consideration of amendments at this time, which motion prevailed.

SEN. LIPS MOVED that HB 1458 be amended as follows:

On page 2 of the engrossed bill, line 5, delete the numerals "700,000" and insert in lieu thereof the numerals "300,000"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amount of the general fund appropriation for leafy spurge control is reduced by \$400,000, from \$700,000 to \$300,000.

SEN. LIPS MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. LIPS MOVED that the rules be suspended, that HB 1458 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1458: A BILL for an Act to amend and reenact subsection 2 of section 63-01.1-06 of the North Dakota Century Code, relating to funding weed control; and to provide an appropriation for leafy spurge control.

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 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

NAYS: Hilken

ABSENT AND NOT VOTING: Wogsland

HB 1458 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1458 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 2:30 p.m., which motion prevailed.

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

MESSAGES TO THE HOUSE 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 2025, SB 2249, SB 2338, SB 2345, SB 2373
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1458

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2013, SB 2041, SB 2068, SB 2107, SB 2116, SB 2130,
 SB 2216, SB 2223, SB 2251, SB 2279, SB 2284, SB 2306,
 SB 2312, SB 2341, SB 2371, SB 2405, SB 2445, SB 2470,
 SB 2477, SB 2508, SB 2510

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

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 2013, SB 2041, SB 2068, SB 2107, SB 2116, SB 2130,
 SB 2216, SB 2223, SB 2251, SB 2279, SB 2284, SB 2306,
 SB 2312, SB 2341, SB 2371, SB 2405, SB 2445, SB 2470,
 SB 2477, SB 2508, SB 2510

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

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

SB 2388: Reps. Martinson, Payne, L. Hanson

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1636 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1636: Reps. Nicholas, Vander Vorst, Meyer

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 1588

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SEN. WENSTROM MOVED that the conference committee report on HB 1019 as printed on pages 2099-2100 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the state historical board of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 42 YEAS, 7 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Hilken; Kilander; Mutch; Nelson; Streibel; Todd

ABSENT AND NOT VOTING: Dotzenrod; Meyer, W.; Thane; Vosper

HB 1019 passed and the title was agreed to.

REPORTS OF CONFERENCE COMMITTEES

SEN. PETERSON MOVED that the conference committee report on HB 1049 as printed on page 2100 of the Senate Journal be adopted, which motion prevailed.

SEN. OLSON MOVED that the conference committee report on HB 1067 as printed on page 2100 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1067: A BILL for an Act to create and enact five new sections to chapter 10-06 of the North Dakota Century Code, relating to the definition of nonprofit organizations, exemptions from the corporate farm prohibition, and required divestiture; and to amend and reenact sections 10-06-04.1, 10-06-07, and 10-06-07.3 of the North Dakota Century Code, relating to the corporations allowed to farm or ranch, an income limitation on nonfarm activities of corporate farms, and initial report requirements.

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 44 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Holmberg; Ingstad; Kelly; Kilander; Langley; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Heinrich; Hilken; Kelsh; Krauter; Kusler; Lashkowitz; Matchie; Moore; Walsh

ABSENT AND NOT VOTING: None

HB 1067 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the conference committee report on HB 1069 as printed on pages 2101-2102 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1069: A BILL for an Act to create and enact chapters 62.1-01, 62.1-02, 62.1-03, 62.1-04, and 62.1-05 of the North Dakota Century Code, relating to the possession, sale, and use of weapons; to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to methods of taking of game birds and animals; to repeal chapter 12.1-26 and title 62 of the North Dakota Century Code, relating to the possession, sale, and use of weapons; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 44 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel;

Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;
Waldera; Wenstrom; Wogsland; Wright

NAYS: Adams; David; Kelly; Lashkowitz; Moore; Mutch;
Redlin; Vosper; Walsh

ABSENT AND NOT VOTING: None

HB 1069 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2513 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 26, delete the words "drilling is" and insert in lieu thereof the words "the well is drilled and"

On page 2, after line 26, insert the following new subsection:

"6. The rate of the tax provided in section 57-51.1-02 shall be reduced by three and one-half percentage points for the first six months of production from a well drilled and completed on or after the effective date of this Act and before July 1, 1987."

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2513 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTION

SEN. NOTHING MOVED that the rules be suspended, that SB 2513 be placed on the Sixth order of business for consideration of amendments at this time, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. WRIGHT MOVED that the amendments to SB 2513 as recommended by the Committee on Finance and Taxation be adopted, and when so adopted, recommends that SB 2513 DO PASS, which motion prevailed.

MOTION

SEN. ADAMS MOVED that the rules be suspended, that SB 2513 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2513: A BILL for an Act to create and enact two new subsections to section 57-51.1-01 of the North Dakota

Century Code, relating to the definition of wildcat well and enhanced recovery operations under the oil extraction tax; to amend and reenact subsection 4 of section 38-08-04 and section 57-51.1-03 of the North Dakota Century Code, relating to the duties of the industrial commission and exemptions from the oil extraction tax; and to declare an emergency.

Which has been read.

REQUEST

SEN. MAIXNER REQUESTED that the question be divided on the passage of SB 2513, that the following divisions be voted upon separately as follows:

DIVISION A All of Section 1, Section 2, lines 1-4 on page 2 and Subsection 5 of Section 3

DIVISION B Lines 23-28 of Section 2 and Subsection 4 of Section 3 Lines 20-23

DIVISION C Subsection 6 of the amendments as adopted

FINAL PASSAGE OF SB 2513

The request was granted by the President.

MOTION

SEN. ADAMS MOVED that the Senate vote on Division B, then Division C, then Division A, then on the final passage of SB 2513, which motion lost.

ROLL CALL

The question being on the passage of SB 2513, Division A, the roll was called and there were 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Stromme

ABSENT AND NOT VOTING: None

Division A of SB 2513 passed.

ROLL CALL

The question being on the passage of SB 2513, Division B, the roll was called and there were 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Kusler; Langley; Lashkowitz; Lips; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Maixner; Matchie; Mushik; Redlin; Satrom; Shea; Stromme; Tallackson; Walsh; Wogsland

ABSENT AND NOT VOTING: None

Division B of SB 2513 passed.

ROLL CALL

The question being on the passage of SB 2513, Division C, the roll was called and there were 33 YEAS, 20 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Freborg; Hilken; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Berube; Dotzenrod; Heigaard; Heinrich; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, W.; Mushik; Redlin; Satrom; Shea; Stromme; Tallackson; Walsh; Wogsland

ABSENT AND NOT VOTING: None

Division C of SB 2513 passed.

ROLL CALL

The question being on the final passage of SB 2513, as amended, the roll was called and there were 33 YEAS, 20 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken;
Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner;
Matchie; Mushik; Redlin; Satrom; Shea; Stromme;
Tallackson; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2513 was declared lost for want of a Constitutional majority.

APPOINTMENT OF A CONFERENCE COMMITTEE

SEN. VOSPER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1636, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1636:

Sens. Vosper, Adams, Kelsh

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

SB 2511

ROY GILBREATH, Chief Clerk

MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1031 and HB 1196 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1031: Reps. Winkelman, Unhjem, Stofferahn

HB 1196: Reps. Unhjem, Winkelman, Opedahl

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 1446: Reps. Hamerlik, Larson, DeMers

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 1006, HB 1035, HB 1250

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2041, SB 2068, SB 2107, SB 2116, SB 2130, SB 2216,
 SB 2223, SB 2251, SB 2279, SB 2284, SB 2306, SB 2312,
 SB 2341, SB 2405, SB 2445, SB 2470, SB 2477, SB 2508,
 SB 2510

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval:

SB 2041, SB 2068, SB 2107, SB 2116, SB 2130, SB 2216,
 SB 2223, SB 2251, SB 2279, SB 2284, SB 2306, SB 2312,
 SB 2341, SB 2405, SB 2445, SB 2470, SB 2477, SB 2508,
 SB 2510

SEN. BAKEWELL, Chairman

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

APPOINTMENTS OF CONFERENCE COMMITTEES

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1031, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1031:

Sens. Thane, Naaden, Tallackson

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1196, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1196:

Sens. Lips, Tweten, Kusler

SEN. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1446, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1446:

Sens. Stenehjem, Christensen, J. Meyer

CONFIRMATION SESSION

SEN. NETHING MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your select Committee appointed to consider the nomination for the Board of Higher Education do not advise and consent to the appointment of:

Judy Bott, Devils Lake

SEN. PETERSON, Chairman

SEN. PETERSON MOVED that the report be adopted.

ROLL CALL

The question being, "Will the Senate advise and consent to the nomination of Judy Bott of Devils Lake for the Board of Higher Education," the roll was called and there were 27 YEAS, 26 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Reiten; Satrom; Shea; Stromme; Tallackson; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: None

The nomination of Judy Bott of Devils Lake for the Board of Higher Education was approved.

MOTION

SEN. NETHING MOVED that the Confirmation Session be dissolved, which motion prevailed.

MESSAGES TO THE HOUSE SENATE CHAMBER

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

HB 1031: Sens. Thane, Naaden, Tallackson
HB 1196: Sens. Lips, Tweten, Kusler
HB 1636: Sens. Vosper, Adams, Kelsh

LEO LEIDHOLM, Secretary

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:

HB 1446: Sens. Stenehjem, Christensen, J. Meyer
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
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 2352, SB 2411

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has not adopted the conference committee report on SB 2313 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2313: Reps. Koland, Larson, Oban

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 failed to pass:

SB 2267

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: The House respectfully requests the return of SCR 4072.

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SEN. THANE MOVED that the conference committee report on HB 1243 as printed on page 2102 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to amend and reenact sections 54-03-10, 54-03-20, and 54-35-10 of the North Dakota Century Code, relating to compensation and expense reimbursement for members of the legislative assembly; to repeal section 54-03-20.1 of the North Dakota Century Code and chapter 551 of the 1983 Session Laws of North Dakota, relating to compensation and expense reimbursement for members of the legislative assembly; to provide an effective date; 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 41 YEAS, 12 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kilander; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Todd; Tweten; Vosper; Wenstrom; Wogsland; Wright

NAYS: Bakewell; David; Kelsh; Kusler; Meyer, W.; Mutch; Shea; Streibel; Tennefos; Thane; Waldera; Walsh

ABSENT AND NOT VOTING: None

HB 1243 passed, the title was agreed to, and the emergency clause carried.

REPORT OF CONFERENCE COMMITTEE

SEN. LODOEN MOVED that the conference committee report on HB 1522 as printed on pages 2102-2103 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1522: A BILL for an Act to provide for the discretionary revocation, and subsequent discretionary reinstatement, by executive order of the governor, of the route permit and certificate of corridor compatibility issued for the MANDAN power project; to provide an expiration date; 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 47 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Bakewell; Meyer, D.; Stenehjem; Tallackson; Tweten

ABSENT AND NOT VOTING: Maixner

HB 1522 passed and the title was agreed to, and the emergency clause carried.

REPORTS OF CONFERENCE COMMITTEES

SEN. LODOEN MOVED that the conference committee report on HB 1523 as printed on page 2104 of the Senate Journal be adopted, which motion prevailed.

SEN. OLSON MOVED that the conference committee report on HB 1574 as printed on pages 2104-2105 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 42 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Kusler; Lips; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Heigaard; Heinrich; Hilken; Krauter; Langley; Lashkowitz; Maixner; Matchie; Shea; Walsh; Wogsland

ABSENT AND NOT VOTING: None

HB 1574 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. WRIGHT MOVED that the conference committee report on HB 1638 as printed on page 2105 of the Senate Journal be adopted, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. PARKER MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2313, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on SB 2313:

Sens. Parker, Reiten, Krauter

MOTION

SEN. NETHING MOVED that SB 2029 be rereferred to the Conference Committee, which motion prevailed.

REPORTS OF CONFERENCE COMMITTEES

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SCR 4010 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1953 of the Senate Journal and that 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

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

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2032 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1902-1905 of the Senate Journal and that Engrossed SB 2032 be amended as follows:

That the House recede from its amendments as found on pages 2432-2435 of the House Journal and on pages 1902-1905 of the Senate Journal and that engrossed Senate Bill No. 2032 be amended as follows:

On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the words "and to provide for performance reviews of employees of all state agencies and institutions"

On page 1 of the engrossed bill, line 17, delete the numerals "3,180,952" and insert in lieu thereof the numerals "3,240,226"

On page 1 of the engrossed bill, line 18, delete the numerals "891,677" and insert in lieu thereof the numerals "947,749"

On page 1 of the engrossed bill, line 19, delete the numerals "831,487" and insert in lieu thereof the numerals "781,487"

On page 1 of the engrossed bill, line 20, delete the numerals "42,975" and insert in lieu thereof the numerals "47,548"

On page 1 of the engrossed bill, line 21, delete the numerals "30,000" and insert in lieu thereof the numerals "155,000"

On page 1 of the engrossed bill, line 22, delete the numerals "4,977,091" and insert in lieu thereof the numerals "5,172,010"

On page 1 of the engrossed bill, delete line 26

On page 1 of the engrossed bill, line 28, delete the numerals "333,500" and insert in lieu thereof the numerals "303,500"

On page 2 of the engrossed bill, line 2, delete the numerals "263,500" and insert in lieu thereof the numerals "233,500"

- On page 2 of the engrossed bill, line 3, delete the numerals "263,500" and insert in lieu thereof the numerals "233,500"
- On page 2 of the engrossed bill, line 4, delete the numerals "5,047,091" and insert in lieu thereof the numerals "5,242,010"
- On page 2 of the engrossed bill, line 5, delete the numerals "5,310,591" and insert in lieu thereof the numerals "5,475,510"
- On page 2 of the engrossed bill, after line 17, insert the following new sections:

"SECTION 4. Budget section authorization - Data processing and accounting systems. The workmen's compensation bureau shall make periodic reports during the 1985-86 interim to the budget section of the legislative council regarding the bureau's progress in the modernization of its data processing and accounting systems. Funding in the amount of \$561,487 for this project is provided in the data processing line item in subdivision 1 of section 1 of this Act. The bureau may expend the funds for such project only upon the approval of the budget section.

SECTION 5. Office of management and budget approval required - Accountant - Management position - Data processing and accounting systems. It is the intent of the legislative assembly that the current unclassified position of executive director at the workmen's compensation bureau be changed to a classified position. Funding in the amount of \$86,849 for salaries and wages and \$561,487 for the data processing and accounting system project provided in the data processing line item in subdivision 1 of section 1 of this Act may be expended by the bureau only after the bureau has certified to the director of the office of management and budget, and subject to the director's approval, that a person has been hired to fill the position who is either a licensed public accountant, a certified public accountant, or has a master's in business associates degree (MBA) and has adequate general management experience and is qualified and capable of implementing data processing, accounting and management information systems that are modern and efficient.

SECTION 6. State employees - Performance reviews - Pay increases. No agency, department, or institution after July 1, 1987, shall make discretionary pay increases or merit pay increases to the salary of any employee unless a performance review system is in place including the following:

1. A written job description for all employees, prepared within the last year.

2. A written performance goal prepared within the last year for each employee which is mutually agreed to by the employee and supervisor.
3. A written performance review for each employee prepared within the last year.
4. Annual performance interviews for each employee.

Performance review system - Office of management and budget - Procedures - Guidelines - Establishment. The director of the office of management and budget shall establish procedures and guidelines regarding the implementation and enforcement of the performance review system. The director of the central personnel division, under the supervision of the office of management and budget, shall establish performance review system procedures and guidelines which shall apply to all classified employees. Each agency, department, and institution shall establish a specific performance review program in accordance with such guidelines, and be responsible to administer the program in a uniform and equitable manner."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Workmen's Compensation Bureau

The salaries and wages line item reflects a net increase of \$59,274 from other funds. Of the total, \$48,881 is a decrease from other funds for the purpose of reclassifying a current Attorney III position as a Legal Assistant II. Funds are provided to allow a starting salary for the Legal Assistant II of \$18,000 a year with a four percent increase the second year of the biennium. This amendment also includes a \$108,155 increase to reflect the addition of a medical claims only examiner, \$39,344, a lost time claims examiner, \$44,821, and a clerk, \$23,990. These amounts include four percent increases in the second year of the biennium for these positions. These changes were included in the House amendments.

The operating expenses line item is increased by \$56,072 from other funds. Of the total, \$6,072 relates to the three additional positions. The remaining \$50,000 reflects a transfer from the data processing line item to provide funds to continue the consultant services of management services limited in their design of the data processing and accounting system.

The equipment line item is increased by \$4,573 from other funds relating to the three additional positions.

The contingency line item is increased by \$125,000 from other funds. The funds are to be made available only for rent expense

in the event that the Workmen's Compensation Bureau moves from its present office building. This move cannot be made until receiving proper approval.

A new section is added regarding Budget Section authorization for the Workmen's Compensation Bureau to make periodic reports during the 1985-86 interim to the Budget Section regarding the bureau's progress in the modernization of its data processing and accounting systems. Another new section is added which would change the current unclassified position of executive director to a classified position. This position is to be filled by a person qualified to implement the necessary changes to the data processing, accounting, and management information systems.

A new section is added to require agencies, departments, or institutions to make performance reviews prior to authorizing discretionary or merit pay increases beginning July 1, 1987, rather than January 1 as the House amendments had required.

Crime Victims Reparation

The operating expenses line item of \$30,000 from the general fund is deleted. The operating expenses will be assumed by the Workmen's Compensation Bureau.

For the Senate: Sens. Tennefos, Wenstrom, Mushik

For the House: Reps. Unhjem, Winkelman, Kelly

Engrossed SB 2032 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: 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 1891-1893 of the Senate 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 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"

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", and delete the words "payment of the principal and interest owed to" and insert in lieu thereof the words "transfer of the state addition"
- On page 1 of the engrossed bill, line 23, delete the words "it by the state board of higher education"
- On page 1 of the engrossed bill, line 27, after the word "education" insert the words ", and shall assume all other existing obligations on the state addition"
- On page 2 of the engrossed bill, delete lines 5 through 10
- On page 2 of the engrossed bill, line 11, delete the words "be received shall" and "lands and minerals" and insert in lieu thereof the words "common schools"
- 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, 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 5. 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 and pages accordingly

For the Senate: Sens. Naaden, Nelson, Kusler (refused to sign)

For the House: Reps. Kuchera, Wald, Nowatzki

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

MADAM PRESIDENT: 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 1689-1690 of the Senate 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

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

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1006 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1933-1935 of the Senate Journal and that Engrossed HB 1006 be amended as follows:

That the Senate recede from its amendments as found on pages 1933-1935 and on pages 2518-2519 of the House Journal and that engrossed House Bill No. 1006 be amended as follows:

- On page 1 of the engrossed bill, line 17, delete the numerals "3,355,193" and insert in lieu thereof the numerals "3,405,193"
- On page 1 of the engrossed bill, after line 17, insert the following new line:
- "Postage revolving fund 10,000"
- On page 1 of the engrossed bill, line 18, delete the numerals "625,000" and insert in lieu thereof the numerals "615,000"
- On page 1 of the engrossed bill, line 20, delete the numerals "2,505,778" and insert in lieu thereof the numerals "2,454,020"
- On page 1 of the engrossed bill, line 21, delete the numerals "9,809,712" and insert in lieu thereof the numerals "9,807,954"
- On page 1 of the engrossed bill, line 22, delete the numerals "2,505,778" and insert in lieu thereof the numerals "2,454,020"
- On page 1 of the engrossed bill, line 23, delete the numerals "7,303,934" and insert in lieu thereof the numerals "7,353,934"
- On page 2 of the engrossed bill, line 3, delete the numerals "10,599,681" and insert in lieu thereof the numerals "10,649,681"
- On page 2 of the engrossed bill, line 4, delete the numerals "5,800,084" and insert in lieu thereof the numerals "5,748,326"

On page 2 of the engrossed bill, line 5, delete the numerals "16,399,765" and insert in lieu thereof the numerals "16,398,007"

On page 2 of the engrossed bill, line 14, delete the numerals "2,505,778" and insert in lieu thereof the numerals "2,454,020"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Director of Institutions

The operating expenses line item is increased by \$50,000 from the general fund as in the amendments adopted by the Senate, to provide funds for the provisions of Senate Bill No. 2417, relating to the guardianship of the superintendent of Grafton State School.

A new line item entitled "Postage revolving fund" is added as in the amendments adopted by the Senate, in the amount of \$10,000 with a corresponding decrease to the institutional medical fees line item to provide a general fund supplement to the postage revolving fund due to the increase in postage costs.

The capital improvements line item is decreased by \$51,758 from the Capitol building fund. This reflects revised estimates for the renovation of the old State Office Building, decreased from \$1,639,488 to \$1,587,730.

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

Engrossed HB 1006 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1013 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1580-1581 of the Senate Journal and that Engrossed HB 1013 be amended as follows:

That the Senate recede from its amendments as found on pages 1580-1581 of the Senate Journal and on pages 2089-2090 of the House Journal and that engrossed House Bill No. 1013 be amended as follows:

On page 2 of the engrossed bill, line 11, delete the numerals "140,000" and insert in lieu thereof the numerals "410,000"

On page 2 of the engrossed bill, line 12, delete the numerals "140,000" and insert in lieu thereof the numerals "410,000"

On page 2 of the engrossed bill, after line 35, insert the following lines:

"Subdivision 12.

EDUCATION COMMISSION OF THE STATES

Operating expenses	\$ <u>40,000</u>
Total general fund appropriation	\$ 40,000

Subdivision 13.

MIDWEST TECHNOLOGY DEVELOPMENT INSTITUTE

Operating expenses	<u>\$100,000</u>
Total general fund appropriation	\$100,000"

On page 3 of the engrossed bill, line 1, delete the numerals "545,600" and insert in lieu thereof the numerals "955,600"

On page 3 of the engrossed bill, line 3, delete the numerals "599,650" and insert in lieu thereof the numerals "1,009,650"

On page 3 of the engrossed bill, line 22, delete the word "Subdivision" and insert in lieu thereof the words "Subdivisions 6 and"

On page 3 of the engrossed bill, line 23, delete the first word "is" and insert in lieu thereof the word "are", after the word "declared" insert the words "to be", and delete the second word "is" and insert in lieu thereof the word "are"

On page 3 of the engrossed bill, line 24, delete the word "its" and insert in lieu thereof the word "the", and after the word "approval" insert the words "of this Act"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Miscellaneous Refunds

The grants, benefits, and claims line item is increased from \$140,000 to \$410,000, an increase of \$270,000 from the general fund. This subdivision is declared to be an emergency.

Education Commission of the States

General fund money is added for the Education Commission of the States in the amount of \$40,000.

Midwest Technology Development Institute

General fund money is added for the state of North Dakota to join the Midwest Technology Development Institute in the amount of \$100,000.

For the Senate: Sens. Wenstrom, Tweten, Walsh
For the House: Reps. Kingsbury, Unhjem, Laughlin

Engrossed HB 1013 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1035 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1759-1760 of the Senate Journal and that Engrossed HB 1035 be amended as follows:

That the Senate recede from its amendments as found on pages 1759-1760 of the Senate Journal and on page 2321 of the House Journal and that engrossed House Bill NO. 1035 be amended as follows:

On page 1 of the engrossed bill, line 12, after the word "awarded" insert the words "by the state water commission"

On page 1 of the engrossed bill, line 27, after the period insert the sentence: "This section shall not apply to architect, engineer, professional right of way, and land surveying services."

On page 2 of the engrossed bill, line 3, delete the numerals "2,000,000" and insert in lieu thereof the numerals "500,000"

On page 2 of the engrossed bill, after line 35, insert the following new section:

"SECTION 6. Engineering - Architecture. The state shall select engineering expertise from private engineering or architectural firms on the basis of qualifications and so that at least seventy-five percent of the fees expended for the construction phase engineering services are paid to qualified engineering or architectural firms that have maintained their permanent office or main office in this state for at least two continuous years. For fees paid to firms maintaining offices both within this state and in other states, only the portion of the fees paid for services performed by persons who are residents of this state shall be considered in satisfying the above percentage."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Southwest Water Pipeline Project

The section appropriating general fund money to the Southwest Water Pipeline is decreased from \$2 million to \$500,000, a decrease of \$1.5 million. Total funding for the project is \$20 million, of which \$18 million is from the resources trust fund, \$1.5 million is from the lands and minerals trust fund, and \$500,000 is from the general fund.

For the Senate: Sens. Naaden, Streibel, Kusler

For the House: Reps. Wald, Thompson, G. Berg

Engrossed HB 1035 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred HB 1072 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 1448-1449 of the Senate Journal.

For the Senate: Sens. Parker, Todd, Krauter

For the House: Reps. Larson, Riley, Dotzenrod

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

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1250 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1554 of the Senate Journal and that Engrossed HB 1250 be amended as follows:

That the Senate recede from its amendments as found on page 1554 of the Senate Journal and on page 2173 of the House Journal and that engrossed House Bill No. 1250 be amended as follows:

On page 1 of the engrossed bill, line 17, after the word "meeting" insert the words "and for meals attended at the request of and on behalf of the state or any of its subdivisions, agencies, bureaus, boards, or commissions"

On page 3 of the engrossed bill, line 19, after the word "vehicle" insert the words "or twenty-seven cents per mile [1.61 kilometers] if the travel is by truck, the use of which is required by the employing subdivision, agency, bureau, board, or commission"

And renumber the lines and pages accordingly

For the Senate: Sens. Naaden, Tweten, Shea

For the House: Reps. Kingsbury, Martinson, Graba

Engrossed HB 1250 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1327 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1516 of the Senate Journal.

For the Senate: Sens. Kilander, Moore, Satrom
For the House: Reps. A. Olson, A. Hausauer, Schneider

Engrossed HB 1327 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1528 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1559 of the Senate Journal and that Engrossed HB 1528 be amended as follows:

On page 2 of the engrossed bill, line 4, delete the word "four" and insert in lieu thereof the word "two", and after the word "thousand" insert the words "five hundred"

On page 2 of the engrossed bill, line 10, delete the word "four" and insert in lieu thereof the word "two", and after the word "thousand" insert the words "five hundred"

On page 3 of the engrossed bill, line 19, delete the word "four" and insert in lieu thereof the word "two", and after the word "thousand" insert the words "five hundred"

On page 3 of the engrossed bill, line 24, delete the word "four" and insert in lieu thereof the word "two"

On page 3 of the engrossed bill, line 25, after the word "thousand" insert the words "five hundred"

And renumber the lines and pages accordingly

For the Senate: Sens. Christensen, Stenehjem, Maixner
For the House: Reps. Timm, A. Hausauer, Richard

Engrossed HB 1528 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1588 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1602-1603 of the Senate Journal and that Engrossed HB 1588 be amended as follows:

That the Senate recede from its amendments as found on pages 1602 and 1603 of the Senate Journal and page 2229 of the House Journal and that engrossed House Bill No. 1588 be amended as follows:

- On page 1 of the engrossed bill, line 10, after the period insert the following: "1."
- On page 1 of the engrossed bill, line 18, after the period insert the following: "2."
- On page 1 of the engrossed bill, line 19, overstrike the words "in the county of the defendant's residence,"
- On page 1 of the engrossed bill, line 21, overstrike the words "in any county in"
- On page 1 of the engrossed bill, line 22, overstrike the words "which the defendant has a place of business", delete the underscored comma, and overstrike the words "or in any county in"
- On page 1 of the engrossed bill, line 23, overstrike the words "which the subject matter of the claim arose." and insert immediately thereafter the following:

- "a. If the defendant is a corporation or a partnership, in any county in which the defendant has a place of business or in any county in which the subject matter of the claim occurred.
- b. If the claim is for collection of a check written without sufficient funds or without an account, in the county where the check was passed, or in the county of the defendant's residence or place of business.
- c. If the defendant is an individual and the claim is for collection of an open account on which credit has been extended:
- (1) In the county of the defendant's residence or place of business; or
- (2) If the amount of the claim is less than five hundred dollars and is not from a telephone or mail order transaction, in the county where the transaction occurred or in the county of the defendant's residence or place of business.

d. If the defendant is an individual and the claim is not made under subdivision b or c, in the county of the defendant's residence.

3."

And renumber the lines and pages accordingly

For the Senate: Sens. Stenehjem, Olson, Maixner
For the House: Reps. Conmy, Kloubec, R. Solberg

Engrossed HB 1588 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1653 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1818-1819 of the Senate Journal and that Engrossed HB 1653 be amended as follows:

That the Senate recede from its amendments as found on pages 1818-1819 of the Senate Journal and pages 2369-2370 of the House Journal and that engrossed House Bill No. 1653 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 provide an appropriation for additional compensation to North Dakota state employees; to provide for revisions to the North Dakota central personnel compensation plan; and to declare an emergency.

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

SECTION 1. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated out of the general fund and from special funds or moneys derived from federal funds or income in the state treasury as indicated to the agencies and institutions of state government named herein for the purpose of providing additional compensation to employees of the various agencies and institutions named herein for the period beginning February 1, 1985, and ending June 30, 1985:

AGENCY OR INSTITUTION	GENERAL FUND	SPECIAL FUNDS	TOTAL
State printing	\$	\$ 4,052	\$ 4,052
Secretary of state	5,522		5,522
Office of management and budget	25,656		25,656
Central data processing		39,060	39,060
State auditor	18,491		18,491

State treasurer	2,631		2,631
Attorney general	27,779		27,779
Tax commissioner	45,246		45,246
Energy development impact office (one-half from the coal development impact fund)		1,313	1,313
Director of institutions	18,456		18,456
Motor vehicle registrar		12,203	12,203
Legislative council	12,664		12,664
Supreme court	16,552		16,552
Judicial qualifications commission	771		771
District courts	43,945		43,945
Public employees retirement board		3,585	3,585
Superintendent of public instruction	10,291	16,190	26,481
Division of independent study	7,314		7,314
Board of higher education	5,620		5,620
Industrial school	24,339		24,339
Commissioner of university and school lands		5,203	5,203
Bismarck junior college	130,497		130,497
Lake Region community college	39,823		39,823
UND-Williston center	44,541		44,541
University of North Dakota	811,938		811,938
Medical center rehabilitation hospital		144,714	144,714
University of North Dakota medical center	315,349	123,088	438,437
North Dakota state university	714,624		714,624
North Dakota state university- state toxicologist	5,457		5,457
Upper great plains transportation institute	5,042		5,042
State school of science	253,696		253,696
Dickinson state college	105,851		105,851
Mayville state college	73,400		73,400
Minot state college	206,897		206,897
Valley City state college	90,640		90,640
North Dakota forest service	12,964		12,964
North Dakota state university - Bottineau branch	38,033		38,033
Library commission	6,239		6,239
School for the deaf	20,024		20,024
School for the blind	11,887		11,887
Teachers' fund for retirement		2,172	2,172
Board of vocational education	6,192	6,708	12,900
Department of health	42,767	39,474	82,241
Grafton state school	235,477		235,477
San Haven	66,998		66,998

State hospital	210,934		210,934
Veterans' home		8,434	8,434
Indian affairs commission	982		982
Department of veterans' affairs (postwar veterans' trust fund)		1,763	1,763
Department of human services	224,999	30,679	255,678
Governor's council on human resources	1,079		1,079
Protection and advocacy project	4,632		4,632
Insurance commissioner		6,791	6,791
Unsatisfied judgment fund		265	265
Industrial commission		12,653	12,653
Labor commissioner	1,706		1,706
Public service commission	17,210	5,666	22,876
Weather modification board	1,266		1,266
Aeronautics commission	1,730		1,730
Department of banking and financial institutions	8,169		8,169
Securities commissioner	2,679		2,679
State laboratories department	10,609		10,609
Bonding fund		188	188
Fire and tornado fund		808	808
Bank of North Dakota		34,442	34,442
Housing finance agency		7,128	7,128
Mill and elevator association		21,572	21,572
Job service		134,643	134,643
OASIS and social security		1,414	1,414
Workmen's compensation bureau		18,605	18,605
Crime victims reparations division	174		174
Parole and probation office	8,994		8,994
Highway patrol	62,524		62,524
Radio communications department	8,142		8,142
Division of disaster emergency services	1,836	4,721	6,557
Civil air patrol	187		187
State penitentiary	39,848		39,848
Penitentiary industries		5,819	5,819
Adjutant general	4,934		4,934
Economic development commission	4,505	1,931	6,436
Commissioner of agriculture	10,051	1,242	11,293
Predatory animal control	2,750		2,750
Milk stabilization board		1,676	1,676
Sunflower council		236	236
Agricultural products utilization commission		654	654

Livestock sanitary board	1,929		1,929
Wheat commission		2,835	2,835
Barley council		1,422	1,422
Seed department		9,230	9,230
Extension division	224,653	9,675	234,328
Northern crops institute	4,280		4,280
Main experiment station	259,413	20,340	279,753
Dickinson experiment station	5,934		5,934
Central grasslands experiment station	3,040		3,040
Hettinger experiment station	3,075		3,075
Langdon experiment station	3,094		3,094
North central experiment station	3,298		3,298
Williston experiment station	3,760		3,760
Carrington experiment station	6,406		6,406
Agronomy seed farm		1,901	1,901
Land reclamation research center		12,198	12,198
Historical society	14,038		14,038
Council on the arts	1,183		1,183
Soil conservation committee	1,780		1,780
Geological survey		9,327	9,327
Game and fish department		35,233	35,233
Parks and recreation department	10,072		10,072
Water commission	26,059		26,059
Southwest water pipeline (resources trust fund)		575	575
Highway department		311,691	311,691
Total	<u>\$4,705,567</u>	<u>\$1,113,519</u>	<u>\$5,819,086</u>

The amounts herein appropriated are intended to provide average compensation increases of 9.5 percent to faculty and senior administrative staff at the institutions of higher education for the period beginning after February 1, 1985, through June 30, 1985, and average compensation increases of 5.5 percent to other state employees for the period beginning after April 1, 1985, through June 30, 1985. It is intended that employees receive minimum increases of fifty dollars per month. The actual amount of increases paid an individual employee shall be determined by the director of the agency or institution in accordance, where applicable, with central personnel division classification and compensation plans, except that a director of an agency or institution may grant increases which exceed the maximum limit of salary ranges in such plans. The salary increases are to be based on merit, performance, or equity adjustments, and are not intended to

be across-the-board salary increases. Compensation increases may only be granted to employees who are currently employed by the state on the effective date of this Act and who have been continuously employed by the state since July 1, 1984, excluding those employees who have indicated that they will not or who the administrator knows will not be employed by the agency or institution on July 1, 1985, or at the end of their contract period. Notwithstanding other provisions of this Act, any agency or institution may pay an employee a one time payment for amounts the employee would have received pursuant to the provisions of this Act had it been effective earlier, or an agency may use the funds appropriated by this Act to provide increased salary levels during the biennium ending June 30, 1987.

SECTION 2. Revisions to compensation plan. Notwithstanding the provisions of section 54-44.3-12.1 of the North Dakota Century Code, relating to revisions to the North Dakota central personnel compensation plan, the central personnel division shall revise the compensation plan to reflect a 5.5 percent or \$50 per month increase, whichever is greater, as of April 1, 1985, and to reflect a four percent or \$50 per month increase, whichever is greater, as of July 1, 1986.

SECTION 3. 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 and pages accordingly

For the Senate: Sens. Lips, Tennefos, Mushik

For the House: Reps. Unhjem, Strinden, Kelly

Engrossed HB 1653 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

**MESSAGE FROM THE HOUSE
HOUSE CHAMBER**

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1660, HB 1662, HB 1663

ROY GILBREATH, Chief Clerk

FIRST READING OF HOUSE BILLS

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.

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

HB 1662: A BILL for an Act to establish the industrial commission as the North Dakota building authority and to set out its powers and duties; to provide authorization for the issuance of evidences of indebtedness and for the construction of various buildings and facilities for state agencies, departments, and institutions; to provide a continuing appropriation; and to declare an emergency.

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

HB 1663: A BILL for an Act to provide for a contingent sales and use tax increase if general fund revenue receipts fall below a specified level; and to provide an expiration date.

Was read the first time and referred to the Committee on Finance and Taxation.

MOTION

SEN. NETHING MOVED that at the conclusion of the Seventh order of business and the Thirteenth order of business, the Senate adjourn and convene at 9:00 a.m., Thursday, April 4, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary