

TUESDAY, APRIL 14, 1987

2421

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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SIXTY-NINTH DAY

Bismarck, April 14, 1987

The Senate convened at 8:00 a.m., with President Pro Tem Redlin presiding.

The prayer was offered by Senator Wright.

Let us pray together.

Dear Lord, as the Legislature is nearing the end, watch over all of us more closely than ever before. Guide us each day so that every decision may be to Your glory. Handle our problems for us. Handle our trials, our difficulties, and our tragedies. Thank You for being the One who is really in charge. Let us be still and know that You are God. In Jesus' name we pray, Amen.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President Pro Tem.

MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

SB 2010, SB 2011, SB 2017, SB 2128, SB 2319, SB 2365,
SB 2471, SB 2548, SB 2553, SCR 4047

ROY GILBREATH, Chief Clerk

MOTION

SEN. HEIGAARD MOVED that HB 1676, HB 1677, and HB 1685 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1676: A BILL for an Act to create and enact section 57-38-58.1 of the North Dakota Century Code, relating to definitions for purposes of withholding from wages of nonresident employees; to amend and reenact sections 57-38-01.7 and subsection 2 of section 57-38-31 of the North Dakota Century Code, and section 57-38-29, subsection 2 of section 57-38-30.3, sections 57-38-59, 57-38-60, 57-38-60.1, 57-38-61, and 57-38-62 of the North Dakota Century Code, as contained in sections 1 through 7 of House Bill No. 1901, as approved by the fiftieth legislative assembly, relating to the rate of income tax

for individuals, income withholding, income deductions, income tax returns, and payment of estimated tax for income tax purposes; to repeal sections 57-38-01.2, 57-38-01.8, 57-38-01.13, 57-38-01.14, 57-38-01.15, 57-38-06.1, 57-38-07, 57-38-29, 57-38-30.4, subsection 2 of section 57-38-31, sections 57-38-34.2, 57-38-67, 57-38-68, 57-38-69, 57-38-70, 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code, relating to long form individual income tax filing; and to provide an effective date.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 15 YEAS, 38 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Freborg; Ingstad; Lips; Meyer, D.; Moore; Naaden; Nelson; Peterson; Tennefos; Thane; Todd; Tweten; Vosper

NAYS: Axtman; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Mutch; Nalewaja; Nething; Olson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjeme; Streibel; Stromme; Tallackson; Waldera; Wogslund; Wright; Yockim

ABSENT AND NOT VOTING: None

HB 1676 lost.

HB 1677: A BILL for an Act to establish a temporary court of appeals; to amend and reenact subsection 5 of section 12.1-01-04, section 27-01-01, subsection 2 of section 27-23-01, and section 59-04-27 of the North Dakota Century Code, relating to references to the temporary court of appeals and judges of the temporary court of appeals; to provide an appropriation; and to provide an expiration date.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 46 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen;

Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.;
Mushik; Mutch; Naaden; Nalewaja; Nething; Olson;
Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald;
Shea; Stenehjem; Stromme; Tallackson; Thane; Todd;
Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; David; Maxson; Moore; Nelson; Streibel;
Tennefos

ABSENT AND NOT VOTING: None

HB 1677 passed and the title was agreed to.

HB 1685: A BILL for an Act to amend and reenact section
19-10-03.1 of the North Dakota Century Code, relating to
disclosure of contents of certain gasoline.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was
called and there were 51 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;
Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh;
Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner;
Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.;
Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson;
Nething; Olson; Peterson; Redlin; Reiten; Richard;
Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme;
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;
Waldera; Wogsland; Wright; Yockim

NAYS: Heigaard; Hilken

ABSENT AND NOT VOTING: None

HB 1685 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1677 and HB 1685
passed be reconsidered and the motion to reconsider be laid on
the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1677
and HB 1685 be messaged to the House immediately, which motion
prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until
9:30 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

DELIVERY OF ENROLLED BILLS

THE PRESIDENT PRO TEM ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 8:26 a.m. April 14, 1987:

SB 2010, SB 2011, SB 2017, SB 2128, SB 2319, SB 2365,
SB 2471, SB 2548, SB 2553

DELIVERY OF ENROLLED RESOLUTIONS

THE PRESIDENT PRO TEM ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 8:25 a.m., April 14, 1987:

SCR 4047

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

HB 1685

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

SB 2404

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

HB 1677

PERRY GROTBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2468 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2008-2009 of the Senate Journal and that Engrossed SB 2468 be amended as follows:

That the House recede from its amendments to engrossed Senate Bill No. 2468, as printed on pages 2222-2224 of the House Journal and pages 2008-2009 of the Senate Journal, and that engrossed Senate Bill No. 2468 be amended as follows:

- On page 1 of the engrossed bill, line 8, after the numerals "39-20-04," insert the numerals "39-20-05," and delete the numerals "39-20-07,"
- On page 4 of the engrossed bill, line 12, after the period insert the words "The time limitations for a hearing as provided by this section do not preclude a recharging of the alleged violation if the person being charged receives a new summons or notice subject to the provisions of this section."
- On page 6 of the engrossed bill, line 6, after the word "section" insert the words ", unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person"
- On page 11 of the engrossed bill, line 15, delete the words and numerals "Notwithstanding section 39-20-04 or 39-20-14, when" and insert in lieu thereof the word "When"
- On page 11 of the engrossed bill, line 19, delete the words "may be" and insert in lieu thereof the word "must"
- On page 11 of the engrossed bill, line 20, delete the words "compelled by a police officer to"
- On page 11 of the engrossed bill, line 22, after the period insert the words "Any person who refuses to submit to a test or tests as required by this section is guilty of a class A misdemeanor and is subject to section 39-20-04. The person must be informed that refusal to submit to a test or tests is a class A misdemeanor and that refusal to submit to a test or tests will result in a revocation of the person's driving privileges."
- On page 11 of the engrossed bill, line 32, overstrike the word "sworn"
- On page 12 of the engrossed bill, line 29, remove the overstrike over the word "show" and delete the word "state"
- On page 13 of the engrossed bill, line 9, after the numerals "39-20-01" insert the words and numeral ", section 9 of this Act,"
- On page 13 of the engrossed bill, line 14, overstrike the word "twenty" and insert immediately thereafter the word "twenty-five"
- On page 13 of the engrossed bill, line 27, after the word "section" insert the words and numerals "9 of this Act, had reason to believe that the person was involved in an accident as a driver which resulted in death or serious"

bodily injury and that there was probable cause to believe that the person was in violation of section 39-08-01, or for purposes of section"

On page 13 of the engrossed bill, line 34, after the numerals "39-20-01" insert the words and numeral "section 9 of this Act,"

On page 14 of the engrossed bill, after line 35, insert the following subsection and section:

"4. Three years if the person refused to submit to a test or tests as required by section 9 of this Act.

SECTION 13. AMENDMENT. Section 39-20-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-05. Administrative hearing on request.

1. Before issuing an order of suspension, revocation, or denial under section 39-20-04 or 39-20-04.1, the commissioner shall afford that person an opportunity for a hearing if the person mails a request for the hearing to the commissioner within five days after the date of issuance of the temporary operator's permit. The hearing must be held within twenty days after the date of issuance of the temporary operator's permit, but the hearing officer may extend the hearing to within thirty days after the issuance of the temporary operator's permit if good cause is shown. If the hearing date is extended beyond twenty days from the issuance of the temporary operator's permit, the commissioner shall provide extended temporary operator's privileges to the date of the hearing. If no hearing is requested within the time limits in this section the expiration of the temporary operator's permit serves as the commissioner's official notification to the person of the revocation, suspension, or denial of driving privileges in this state.
2. If the issue to be determined by the hearing concerns license suspension for operating a motor vehicle while having a blood alcohol concentration of at least ten one-hundredths of one percent by weight, the hearing must be before a hearing officer assigned by the commissioner and at a time and place designated by the commissioner. The hearing must be recorded and its scope may cover only the issues of whether

the arresting officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance; whether the person was placed under arrest; whether the person was tested in accordance with section 39-20-01 or 39-20-03 and, if applicable, section 39-20-02; and whether the test results show the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight. For purposes of this section, a copy of a certified copy of an analytical report of a blood, urine, or saliva sample from the office of the state toxicologist, or a certified copy of the checklist and test records from a certified breath test operator establish prima facie the blood alcohol concentration shown therein. Whether the person was informed that the privilege to drive might be suspended based on the results of the test is not an issue.

3. If the issue to be determined by the hearing concerns license revocation for refusing to submit to a test under section 39-20-01 or 39-20-14, the hearing must be before a hearing officer assigned by the commissioner at a time and place designated by the commissioner. The hearing must be recorded. The scope of a hearing for refusing to submit to a test under section 39-20-01 may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance; whether the person was placed under arrest; and whether that person refused to submit to the test or tests. The scope of a hearing for refusing to submit to a test under section 39-20-14 may cover only the issues of whether the law enforcement officer had reason to believe the person committed a moving traffic violation or was involved in a traffic accident as a driver, whether in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol and, whether the person refused to submit to the onsite screening test. Whether the person was informed that the privilege to drive would be revoked or denied for refusal to submit to the test or tests is not an issue.
4. If the issue to be determined by the hearing concerns license revocation for refusing to

submit to a test under section 9 of this Act, the hearing must be before a hearing officer assigned by the commissioner at a time and place designated by the commissioner. The hearing must be recorded. The scope of the hearing may cover only the issues of whether the law enforcement officer had reasonable grounds to believe that the person was involved in an accident as a driver that resulted in death or serious bodily injury; whether the law enforcement officer had probable cause to believe that the person was in violation of section 39-08-01; whether the person was placed under arrest; whether the person was informed that refusal to submit to the test or tests constitutes a class A misdemeanor and that the privilege to drive would be revoked or denied for refusal to submit to the test or tests; and whether the person refused to submit to the test or tests.

5. At a hearing under this section, the regularly kept records of the commissioner may be introduced. Those records establish prima facie their contents without further foundation. For purposes of this chapter, any copy of a certified copy of an analytical report of a blood, urine, or saliva sample received by the commissioner from the office of the state toxicologist or a law enforcement officer, a certified copy of the checklist and test records received by the commissioner from a certified breath test operator, and any copy of a certified copy of a certificate of the office of the state toxicologist relating to approved methods, devices, operators, materials, and checklists used for testing for blood alcohol concentration received by the commissioner from the office of the state toxicologist or the clerk of district court, are regularly kept records of the commissioner.

5- 6. At the close of the hearing, the hearing officer shall notify the person of the hearing officer's findings of fact, conclusions of law, and decision based on the findings and conclusions and shall immediately deliver to the person a copy of the decision. If the hearing officer does not find in favor of the person, the copy of the decision serves as the commissioner's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. If the hearing officer finds, based on a preponderance of the evidence, that the person refused a test under section

39-20-01, section 9 of this Act, or 39-20-14 or that the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight, the hearing officer shall immediately take possession of the person's temporary operator's permit issued under this chapter. If the hearing officer does not find against the person, the hearing officer shall sign, date, and mark on the person's permit an extension of driving privileges for the next twenty days and shall return the permit to the person. The hearing officer shall report the findings, conclusions, and decisions to the commissioner within ten days of the conclusion of the hearing. If the hearing officer has determined in favor of the person, the commissioner shall return the person's operator's license by regular mail to the address on file with the commissioner under section 39-06-20.

- 6- 7. If the person who requested a hearing under this section fails to appear at the hearing without justification, the right to the hearing is waived, and the hearing officer's determination on license revocation, suspension, or denial will be based on the written request for hearing, law enforcement officer's report, and other evidence as may be available. The hearing officer shall, on the date for which the hearing is scheduled, mail to the person, by regular mail, at the address on file with the commissioner under section 39-06-20, or at any other address for the person or the person's legal representative supplied in the request for hearing, a copy of the decision which serves as the commissioner's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. Even if the person for whom the hearing is scheduled fails to appear at the hearing, the hearing is deemed to have been held on the date for which it is scheduled for purposes of appeal under section 39-20-06."

On page 15 of the engrossed bill, delete lines 28 through 35

On page 16 of the engrossed bill, delete lines 1 through 35

On page 17 of the engrossed bill, delete lines 1 through 34

On page 18 of the engrossed bill, delete lines 1 through 17

On page 19 of the engrossed bill, delete lines 19 through 34

On page 20 of the engrossed bill, delete lines 1 and 2

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Maxson, Holmberg, Stenehjem

For the House: Reps. Aas, Shaft, C. Williams

Engrossed SB 2468 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

April 14, 1987

The Honorable Rolland Redlin
President Pro Tempore
North Dakota Senate
Senate Chamber
State Capitol
Bismarck, North Dakota 58505

Dear Mr. President Pro Tempore:

This is to inform you that on April 10, 1987, I signed the following:

SB 2003, SB 2027, SB 2109, SB 2536, SB 2068, SB 2080,
SB 2294, SB 2303.

On April 13, 1987, I signed the following:

SB 2006, SB 2024, SB 2028.

Sincerely,

GEORGE A. SINNER
Governor

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Sixty-eighth Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

TUESDAY, APRIL 14, 1987

2431

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that Rep. Graba will replace Rep. Laughlin on the conference committee on HB 1021.

ROY GILBREATH, Chief Clerk

MOTION

SEN. HEIGAARD MOVED that SB 2099, SB 2547, and SB 2523 be moved to the head of the Twelfth order on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do concur in the House amendments to SB 2099 as printed on page 1964 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2099: A BILL for an Act to amend and reenact section 57-60-02 of the North Dakota Century Code, relating to the rate of the coal conversion facility privilege tax imposed on coal gasification plants; 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2099 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LASHKOWITZ MOVED that the Senate do concur in the House amendments to SB 2547 as printed on pages 2261-2263 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2547: A BILL for an Act to create and enact a new section to chapter 23-20.3 of the North Dakota Century Code, relating to permits for commercial facilities for hazardous waste disposal; and to amend and reenact section 23-20.3-02 of the North Dakota Century Code, relating to definitions.

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; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Satrom

SB 2547 passed and the title was agreed to.

REQUEST

SEN. SATROM REQUESTED that the record show that he depressed the voting key too late, and he intended to vote "yea" on SB 2547, which request was granted.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2523 as printed on pages 2373-2395 of the Senate Journal, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2523:

Sens. Wogsland, Tallackson, Thane

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1019, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on
HB 1019:

Sens. Waldera, Wogsland, Nelson

REPORT OF CONFERENCE COMMITTEE

SEN. W. MEYER MOVED that the conference committee report on
Engrossed SB 2035 as printed on pages 2405-2415 of the Senate
Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2035: A BILL for an Act relating to wetlands; to amend and
reenact section 54-35-02.7 of the North Dakota Century
Code, relating to the composition of and duties of the
Garrison overview committee; to repeal section 61-16.1-52
of the North Dakota Century Code and section 61-16.1-41 of
the North Dakota Century Code, as amended by section 5 of
chapter 665 of the 1985 Session Laws, relating to drainage
permits and closing drains; to provide a penalty; 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 40 YEAS, 13 NAYS, 0 ABSENT AND
NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;
Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh;
Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern;
Maxson; Meyer, W.; Mushik; Naaden; Nalewaja; Nothing;
Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald;
Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten;
Vosper; Waldera; Wright; Yockim

NAYS: Heigaard; Keller; Krauter; Meyer, D.; Meyer, J.;
Moore; Mutch; Nelson; Richard; Shea; Stromme;
Tallackson; Wogsland

ABSENT AND NOT VOTING: None

SB 2035 passed and the title was agreed to.

MESSAGES FROM THE HOUSE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House
has not adopted the conference committee report on HB 1023 and
the Speaker has appointed as a new conference committee to act
with a like committee from the Senate on:

HB 1023: Reps. Winkelman, Wald, Opedahl

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1233, HB 1247, HCR 3095

ROY GILBREATH, Chief Clerk

MOTION

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

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin 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 2035

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following on which the President Pro Tem has signed the veto reconsideration certificate:

HB 1621

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1019: Sens. Waldera, Wogsland, Nelson

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2099 and SB 2547 and subsequently passed the same but has refused to concur in the House amendments to SB 2523 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2523: Sens. Wogsland, Tallackson, Thane

PERRY GROTEBERG, Secretary

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1023, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1023:

Sens. Shea, Mushik, Lips

REPORT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the conference committee report on Engrossed SB 2183 as printed on page 2371 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2183: A BILL for an Act to create and enact four new sections to chapter 38-08 of the North Dakota Century Code, relating to the powers, rights, and liabilities of the industrial commission in plugging or replugging abandoned wells and the reclamation of well sites; to amend and reenact sections 38-08-04.4 and 38-08-04.5 of the North Dakota Century Code, relating to the industrial commission entering into contracts for the plugging or replugging of wells and site reclamation and the establishment of an abandoned oil and gas well plugging and site reclamation 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 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Heigaard; Hilken; Holmberg; Ingstad; Keller; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Freborg; Heinrich; Kelly; Kelsh; Mathern; Mushik; Nalewaja; Peterson

SB 2183 passed and the title was agreed to.

REQUEST

SEN. KELSH REQUESTED that the record show that he depressed the voting key too late, and he intended to vote "yea" on SB 2183, which request was granted.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed HB 1231 as printed on page 2405 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. TALLACKSON MOVED that HB 1008, which is on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1677 and subsequently passed the same but has refused to concur in the Senate amendments to HB 1600 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1600: Reps. A. Hausauer, Goetz, Schneider

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that Rep. Haugen will replace Rep. Dorso on the conference committee on SB 2259.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2404

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HCR 3097

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1021

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. HEIGAARD MOVED that the vote by which SB 2035, SB 2183, and HB 1231 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1231 be messaged to the House immediately, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2555 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, 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 subsection 7 of section 57-40.2-01 of the North Dakota Century Code, relating to imposition of use taxes on the gross receipts from sales in this state by a person who engages in regular or systematic solicitation of sales of tangible personal property in this state.

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

SECTION 1. AMENDMENT. Subsection 7 of section 57-40.2-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. "Retailer maintaining a place of business in this state", or any like term, shall mean any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, or other place of business, or any agent operating within this state under the authority of the retailer or its subsidiary, whether such place of business or agent is located in the state permanently or temporarily, or whether or not such retailer or subsidiary is authorized to do business within this state. It also includes every person who engages in regular or systematic solicitation of sales of tangible personal property in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, by means of print, radio or television media, or by mail, telegraphy, telephone, computer data base, cable, optic, microwave or other communication system for the purpose of effecting retail sales of tangible personal property."

And renumber the lines, sections, and pages accordingly
 SEN. SATROM, Chairman

SB 2555 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2558 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a surtax based on income tax liability of individuals, estates, and trusts; to amend and reenact section 57-38-29 and subsection 2 of section 57-38-30.3 of the North Dakota Century Code, as contained in sections 1 and 2 of House Bill No. 1901, as approved by the fiftieth legislative assembly, relating to the rate of income tax for individuals, estates, and trusts; and to provide an effective date and an expiration date.

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

SECTION 1. AMENDMENT. Section 57-38-29 of the North Dakota Century Code as contained in section 1 of House Bill No. 1901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

57-38-29. Rate of tax on individuals. A tax is hereby imposed upon every individual, to be levied, collected, and paid annually with respect to the taxable income of such individual as defined in this chapter, computed at the following rates:

1. On taxable income not in excess of three thousand dollars, a tax of two and ~~sixty-seven~~ eighty-six hundredths percent.
2. On taxable income in excess of three thousand dollars and not in excess of five thousand dollars, a tax of four and twenty-eight hundredths percent.
3. On taxable income in excess of five thousand dollars and not in excess of eight thousand dollars, a tax of five and ~~thirty-three~~ seventy hundredths percent.

4. On taxable income in excess of eight thousand dollars and not in excess of fifteen thousand dollars, a tax of ~~six~~ seven and ~~sixty-seven~~ fourteen hundredths percent.
5. On taxable income in excess of fifteen thousand dollars and not in excess of twenty-five thousand dollars, a tax of eight and fifty-six hundredths percent.
6. On taxable income in excess of twenty-five thousand dollars and not in excess of thirty-five thousand dollars, a tax of nine and ~~thirty-three~~ ninety-eight hundredths percent.
7. On taxable income in excess of thirty-five thousand dollars and not in excess of fifty thousand dollars, a tax of ~~ten~~ eleven and ~~sixty-seven~~ forty-two hundredths percent.
8. On taxable income in excess of fifty thousand dollars, a tax of twelve and eighty-four hundredths percent.

SECTION 2. AMENDMENT. Subsection 2 of section 57-38-30.3 of the North Dakota Century Code as contained in section 2 of House Bill No. 1901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

2. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. This tax shall be ~~fourteen~~ fifteen percent of the individual's, estate's, or trust's adjusted federal income tax liability for the taxable year.

SECTION 3. A new section to chapter 57-38 of the North Dakota Century Code is hereby created and enacted to read as follows:

Surtax on income tax liability of individuals, estates, and trusts. A surtax is hereby imposed on every individual, estate, and trust that is required to file an income tax return under this chapter. The tax imposed by this section is equal to ten percent of the taxpayer's income tax liability as determined under section 57-38-29 or 57-38-30.3.

SECTION 4. EFFECTIVE DATE - EXPIRATION DATE. This Act is effective for the first two taxable years beginning after December 31, 1986, and is thereafter ineffective. When this Act becomes ineffective the provisions of

sections 57-38-29 and 57-38-30.3 shall be in effect as those provisions would exist without the application of this Act."

And renumber the lines, sections, and pages accordingly
SEN. SATROM, Chairman

SB 2558 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 12:50 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1021 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 2140-2141 of the Senate journal.

For the Senate: Sens. Wogsland, Shea, Nelson
For the House: Reps. Gunsch, Gerntholz, Graba

HB 1021 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGES TO THE HOUSE SENATE CHAMBER

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

HB 1676

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

HB 1023: Sens. Shea, Mushik, Lips

PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

SB 2542, SCR 4069

PERRY GROTBERG, Secretary

TUESDAY, APRIL 14, 1987

2441

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SB 2542, SCR 4069

PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

HB 1233, HB 1247, HCR 3095

PERRY GROTBERG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1233, HB 1247, HCR 3095

PERRY GROTBERG, Secretary

MOTION

SEN. HEIGAARD MOVED that SB 2002 be moved to the head of the Twelfth order on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do not concur in the House amendments to SB 2002 as printed on pages 2346-2352 of the Senate Journal, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2002:

Sens. Heinrich, Kelsh, Freborg

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

**MESSAGE TO THE HOUSE
SENATE CHAMBER**

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2002 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2002: Sens. Heinrich, Kelsh, Freborg

PERRY GROTEBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2038 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 2239 of the Senate Journal.

For the Senate: Sens. Heinrich, Mathern, Nalewaja

For the House: Reps. Larson, Haugland, J. DeMers

Engrossed SB 2038 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1590 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

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 for allocation of a portion of sales, use, and motor vehicle excise tax collections to personal property tax replacement and state revenue sharing; to create and enact a new section to chapter 57-39.2, a new section to chapter 57-40.2, and a new section to chapter 57-40.3 of the North Dakota Century Code, relating to a separate and additional sales, use, and motor vehicle excise tax; to amend and reenact section 57-58-01 of the North Dakota Century Code, relating to personal property tax replacement; to repeal section 54-27-20.1 of the North Dakota Century Code, relating to determination of state revenue sharing; to provide an appropriation; and to provide an effective date and an expiration date.

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

SECTION 1. Allocation of sales, use, and motor vehicle excise tax revenues to revenue sharing and personal property tax replacement. Notwithstanding any other provision of law, a portion of sales, use, and motor

vehicle excise tax collections equal to seventy-five percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. The total amount deposited in the state aid distribution fund during the 1987-89 biennium may not exceed \$43,000,000 and any amount in excess of this amount must be deposited instead in the state general fund. The state aid distribution fund must be allocated, subject to legislative appropriation, as follows:

1. Fifty percent of the revenues must be allocated in the last month of each quarterly period for state revenue sharing as provided in sections 54-27-20.2 and 54-27-20.3.
2. Fifty percent of the revenues must be allocated for personal property tax replacement as provided in section 57-58-01.

SECTION 2. A new section to chapter 57-39.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Separate and additional tax on retail sales. There is imposed a tax of one-half of one percent, in addition to any other tax provided by law, upon the gross receipts of retailers from all sales at retail which are taxable under this chapter. In the case of any contract for the construction of highways, roads, streets, bridges, and buildings awarded prior to July 1, 1987, the contractor receiving the award is liable only for the sales tax at the rate of tax in effect on the date of the contract.

SECTION 3. A new section to chapter 57-40.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

Separate and additional use tax. An excise tax is imposed on the storage, use, or consumption in this state of tangible personal property purchased at retail for storage, use, or consumption in this state, at the rate of one-half of one percent of the purchase price of the property. An excise tax is imposed on the storage, use, or consumption in this state of tangible personal property not originally purchased for storage, use, or consumption in this state at the rate of one-half of one percent of the fair market value of the property at the time it was

brought into this state. The tax imposed under this section applies to any activity that is taxable under this chapter and the tax imposed under this section is in addition to any other tax imposed by law. In the case of any contract for the construction of highways, roads, streets, bridges, and buildings awarded prior to July 1, 1987, the contractor receiving the award is liable only for the use tax at the rate of tax in effect on the date of the contract.

SECTION 4. A new section to chapter 57-40.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

Separate and additional motor vehicle excise tax. There is imposed an excise tax at the rate of one-half of one percent on the purchase price of any motor vehicle purchased or acquired either in or outside of the state of North Dakota for use on the streets and highways of this state and required to be registered under the laws of this state. The tax imposed under this section is in addition to any other tax provided by law.

SECTION 5. AMENDMENT. Section 57-58-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-58-01. Distribution to counties and local subdivisions. It is hereby provided that any political subdivision which has an existing bonded indebtedness for which a tax levy must be made in 1970 or any year thereafter, shall reduce its levy in each such year for current operating purposes by the amount which its tax levy on taxable property in that year for retirement of the bonded indebtedness is increased because of the exemption of personal property by subsection 25 of section 57-02-08. On or before February 1, 1971, the county auditor of each county shall certify to the state tax commissioner the total amount of taxes levied in the year 1968 for the state, county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes, and levies voted by the people, new or present levies increased by legislative action of such county on those items of personal property exempt under the provisions of section 57-02-08, and, in addition, the total valuation of real estate and taxes levied on real estate for the year 1968. On or before June 1, 1980, and each year thereafter, the state tax commissioner shall certify for payment to the state treasurer an amount, for payment by the state treasurer to each county, determined to be due such county based upon the personal property taxes levied in the year 1968 for the political subdivisions herein mentioned on the items of personal property exempt from the personal property tax under the provisions of section

57-02-08, the per capita school tax under the provisions of former section 57-15-23, and the grain tax under the provisions of former chapter 57-03, together with any adjustments to be made in the manner hereinafter provided. Within sixty days after the receipt of the revenue as provided by this section, the county treasurer shall allocate and remit to the county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes that amount of revenue which is received from the state in the same ratio as he would have distributed the revenue from the personal property tax, adjusting such amount by any increase or decrease in real property taxes as levied by each taxing authority according to the formula hereinafter provided. Any amount that would be apportioned and credited to the retirement of a bonded indebtedness existing in 1970 for which a tax levy was made in 1970 and in any year thereafter, shall be credited to the general fund of the political subdivision. In the years after 1971, payments to the counties under this section shall be made based upon ninety-five percent of such payment for 1971 together with a growth factor which shall be based upon the dollar amount of increase or decrease in real property taxes levied within each county. For each seven dollar increase in real property taxation within a county, the state shall contribute an additional one dollar over that amount which equals ninety-five percent of such payment in the base year. For each seven dollar decrease in real property taxation within a county, the state shall contribute one dollar less than that amount which equals ninety-five percent of such payment in the base year.

On or before June 1, 1980, and each year thereafter, the state tax commissioner shall certify to the state treasurer the amount determined to be due to the state based upon the personal property taxes levied in the year 1968 for the North Dakota state medical center. The amount so certified shall be computed in accordance with the formula provided in this section for computing the amounts to be certified and paid to the counties. The state treasurer upon receiving the certification from the tax commissioner shall transfer from the general fund to the credit of the North Dakota state medical center the amount so certified.

Any political subdivision which levied taxes on taxable property in the year 1970 for a specific fund or purpose for which a levy was not made by it in the year 1968 shall be entitled to a distribution of revenue from the state in the year 1971 for any such levy. The amount of such distribution shall be determined as follows: the county auditor shall certify to the state tax commissioner as soon as possible after March 30, 1971, the amount of each such levy made by and spread for each political

subdivision on taxable real property in the county in the year 1970; the tax commissioner shall forthwith determine the correctness of such amounts and certify to the state treasurer for immediate payment to the county an amount that is determined by dividing the total of such levies made and spread in 1970 on taxable real property in the county by the growth factor that is provided in the first paragraph of this section; the county treasurer within fifteen days after the receipt of such revenue from the state treasurer shall allocate and remit to each political subdivision its proportionate amount of that revenue.

If the classification of any property for taxation purposes is changed from real to personal property or from personal to real property because of legislative or judicial action, the county auditor of the county in which the property is located shall forthwith certify to the tax commissioner the amount of real estate taxes or personal property taxes that was levied on all such property by each taxing district in the year 1968 and in any other year thereafter that the tax commissioner may request. The tax commissioner, in determining the amount to be certified to the state treasurer for payment to the county pursuant to this section, shall adjust the amounts of taxes certified by the county auditor as levied on real property and on personal property in 1968 and in any other year as may be necessary by adding to or subtracting from each such amount the taxes on the reclassified property so that the distribution by the state to the county will be determined as though such property had been taxed in 1968 and all later years in the classification into which it was reclassified.

Notwithstanding the other provisions of this section, personal property tax replacement is an amount as determined under section 1 of this Act, subject to legislative appropriation. If moneys appropriated by the legislative assembly for personal property tax replacement are not in the amount that would be provided under this section for distribution, the tax commissioner and the state treasurer shall provide for pro rata distribution of available funds on the basis of the formula contained in this section.

SECTION 7. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of \$43,000,000, or so much thereof as may be necessary, to the state treasurer for distribution in equal amounts for state revenue sharing and personal property tax replacement for the biennium beginning July 1, 1987, and ending June 30, 1989. The general fund appropriation authority provided by this section must be reduced by the amount of any funds actually distributed from the state aid distribution fund

during the biennium beginning July 1, 1987, and ending June 30, 1989. There is hereby appropriated out of any moneys in the state aid distribution fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, or so much thereof as may be necessary, to the state treasurer for distribution in equal amounts for state revenue sharing and personal property tax replacement for the biennium beginning July 1, 1987, and ending June 30, 1989. The state treasurer shall distribute all state aid distribution fund moneys available before making any allocations from the general fund appropriation authority under this section and shall transfer funds from the state aid distribution fund to the general fund to the extent funds are available to repay the general fund for distributions under this section from the general fund. During the year ending June 30, 1988, payments as appropriated under this section may not exceed one-half of the total amount of general fund moneys appropriated by this section, and the total amount distributed under this section may not exceed \$43,000,000 during the 1987-89 biennium.

SECTION 8. REPEAL. Section 54-27-20.1 of the 1985 Supplement to the North Dakota Century Code is hereby repealed.

SECTION 9. EFFECTIVE DATE - EXPIRATION DATE. Section 1 of this Act is effective for sales and use tax collections received by the state tax commissioner after June 30, 1987. Sections 2, 3, and 4 of this Act are effective for taxable events occurring after June 30, 1987, and before July 1, 1989, and are thereafter ineffective."

And renumber the lines, sections, and pages accordingly
SEN. SATROM, Chairman

HB 1590 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was rereferred HB 1635 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 9, delete the numeral "1987" and insert in lieu thereof the numeral "1988"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment delays the transfer from the industrial development revenue bond guarantee fund from July 1, 1987, to July 1, 1988.

SEN. TALLACKSON, Chairman

HB 1635 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1231

PERRY GROTEBERG, Secretary

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 2183

PERRY GROTEBERG, Secretary

MOTION

SEN. HEIGAARD MOVED that SB 2030 be moved to the head of the Twelfth order on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2030 as printed on pages 2317-2319 of the Senate Journal, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2030:

Sens. Yockim, Shea, Tweten

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

DELIVERY OF ENROLLED BILL

THE PRESIDENT PRO TEM ANNOUNCED that the following bill was delivered to the Governor for his approval at the hour of 2:13 p.m., April 14, 1987:

SB 2404

TUESDAY, APRIL 14, 1987

2449

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MR. 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 2002: Reps. R. Hausauer, Gates, Hoffner

SB 2523: Reps. Kingsbury, Peterson, Graba

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2542, SCR 4069

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. 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 2183

ROY GILBREATH, Chief Clerk

MOTION

SEN. HEIGAARD MOVED that SB 2013 be moved to the head of the Twelfth order on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2013 as printed on pages 2371-2373 of the Senate Journal, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2013:

Sens. Tallackson, Mushik, Streibel

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2013 and SB 2030 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2013: Sens. Tallackson, Mushik, Streibel
SB 2030: Sens. Yockim, Shea, Tweten

PERRY GROTEBERG, Secretary

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

HB 1674

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1023 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2143-2146 of the Senate Journal and that Engrossed HB 1023 be amended as follows:

That the Senate recede from its amendments as found on pages 2143-2146 of the Senate Journal and pages 2694-2696 of the House Journal and that engrossed House Bill No. 1023 be amended as follows:

- On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the words "; to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to the uniform group health insurance program; and to declare an emergency"
- On page 1 of the engrossed bill, line 14, delete the numerals "851,723" and insert in lieu thereof the numerals "885,644"
- On page 1 of the engrossed bill, line 15, delete the numerals "309,044" and insert in lieu thereof the numerals "314,044"
- On page 1 of the engrossed bill, line 16, delete the numerals "341,022" and insert in lieu thereof the numerals "416,022"
- On page 1 of the engrossed bill, line 19, delete the numerals "1,557,789" and insert in lieu thereof the numerals "1,671,710"
- On page 2 of the engrossed bill, delete lines 1 through 8 and insert in lieu thereof the following sections:

"SECTION 3. A new section to chapter 54-52.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Ownership and confidentiality of the uniform group health insurance medical records of employees, retirees, and dependents. The medical records and related data of

the employees, retirees, and dependents, obtained as the result of enrollment in the uniform group insurance program, are the property of the public employees retirement system. The records and data are confidential and are not public records. However, the board may allow administrators of or administrative services only contracts or third-party administrators contracts access to the records and data where it is required in the performance of the administrator's duties pursuant to the contract. No administrator may be held liable for furnishing to the board information with respect to any patient, or any physician, hospital, or other health care provider.

SECTION 4. EMERGENCY. Section 3 of this Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Public Employees Retirement System

The amendments increase the amount appropriated by \$113,921, analyzed as follows:

| | <u>Increase</u> |
|---|------------------|
| <u>Salaries and wages</u> | |
| Reclassify one FTE position to administer cost management programs and reclassify one FTE position to manage all claim paying activities | \$ 33,921 |
| | _____ |
| <u>Operating expenses</u> | |
| Allow for travel expenses for monitoring investment counselors and for expenses related to the reclassification of cost management people | \$ 5,000 |
| | _____ |
| <u>Data processing</u> | |
| Funding provided for programming costs of the medical cost containment programs and the health insurance program | \$ 75,000 |
| | _____ |
| Total | \$113,921 |

In addition to the above amount of \$33,921 included to reclassify positions, the House included \$12,532 for the reclassification of the cost management programs position.

The amendments delete a section which required Budget Section approval before the funds can be spent to reclassify the cost

management program position. This section was added by the House.

The amendments create a new section stating that the group health insurance medical records are property of PERS and that the parties handling the medical contracts can have access to those records. This section is an emergency measure.

The amendments reduced the amount of increase provided by the Senate by \$5,400, from \$119,321 to \$113,921. The Senate increased the PERS board chairman's maximum reimbursement from \$50 per day to \$500 per month and provided \$5,400 in operating expenses because of the change. These amendments do not include changing the chairman's reimbursement and the corresponding increase in operating expenses.

For the Senate: Sens. Shea, Mushik, Lips

For the House: Reps. Winkelman, Wald, Opedah

Engrossed HB 1023 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1674 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2152 of the Senate Journal and that HB 1674 be amended as follows:

That the Senate recede from its amendments to House Bill No. 1674, as printed on page 2152 of the Senate Journal and pages 2701-2702 of the House Journal, and that House Bill No. 1674 be amended as follows:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds or utilize private, federal, or other sources of funds for the construction of an aerospace science training facility at the university of North Dakota; to provide an appropriation; and to declare an emergency.

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

SECTION 1. BOARD OF HIGHER EDUCATION -
AUTHORIZATION TO CONSTRUCT AEROSPACE SCIENCE TRAINING
FACILITY WITH PRIVATE, FEDERAL, OR OTHER SOURCES OF FUNDS
- APPROPRIATION. The state board of higher education may
utilize private, federal, or other sources of funds,
including the execution of a loan from the Bank of North
Dakota, to construct an aerospace science training facility
at the university of North Dakota. There is hereby
appropriated to the state board of higher education from

any moneys that become available from private, federal, or other sources of funds the sum of \$4,500,000, or so much thereof as may be necessary, for the purpose of constructing an aerospace science training facility at the university of North Dakota for the biennium beginning on the effective date of this Act, and ending June 30, 1989.

SECTION 2. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - APPROPRIATION. As an alternative to the funding provided in section 1 of this Act, the state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding \$4,500,000, for the purpose of constructing a revenue-producing aerospace science training facility at the university of North Dakota. Bonds issued pursuant to this section are not a general obligation of the state of North Dakota. The proceeds resulting from the sale of bonds, or so much thereof as may be necessary, are hereby appropriated for the purpose of constructing an aerospace science training facility at the university of North Dakota for the biennium beginning on the effective date of this Act, and ending June 30, 1989. Any unexpended balances for the sale of bonds authorized by this section must be placed in sinking funds for the retirement of the authorized bonds.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Shea, Stromme, Streibel

For the House: Reps. R. Hausauer, Peterson, Graba

HB 1674 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

**MESSAGE FROM THE HOUSE
HOUSE CHAMBER**

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

HB 1023

ROY GILBREATH, Chief Clerk

RECOGNITION

THE PRESIDENT PRO TEM ANNOUNCED that former Senator Phillip Berube was in the chamber and requested that the Senate recognize former Senator Berube, and former Senator Berube was thereupon introduced to the Senate.

MOTION

SEN. TALLACKSON MOVED that the Conference Committees on SB 2021 and SB 2022 be dissolved, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a new joint Conference Committee on SB 2021 and SB 2022, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2021 and SB 2022:

Sens. Wogsland, Stromme, Thane

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1006 as recommended by the Committee on Appropriations as printed on pages 2329-2331 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

SEN. LIPS REQUESTED that the Senate divide the proposed amendments to HB 1006, which request was granted.

DIVISION I being Sections 6 and 7 of the proposed amendments to HB 1006

DIVISION II being the remainder of the proposed amendments to HB 1006

The question being on the motion to adopt Division I of the proposed amendments to HB 1006.

Division I of the proposed amendments to HB 1006 were adopted on a verification vote.

The question being on the motion to adopt Division II of the proposed amendments to HB 1006.

Division II of the proposed amendments to HB 1006 were adopted on a verification vote.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act making an appropriation for defraying the expenses of the department of health and consolidated laboratory services of the state of North Dakota; to provide for a transfer from the abandoned motor vehicle disposal and state fire and tornado funds; and to amend and reenact sections 23-16-03 and 23-17.2-09 of the North Dakota Century Code, relating to the licensing of medical hospitals and application for certification of need for expansion of hospital facilities.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 32 YEAS, 20 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Reiten; Streibel; Tennefos; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Nothing

HB 1006 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

MR. PRESIDENT: Your Committee on Appropriations to which was rereferred Engrossed HB 1003 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to engrossed House Bill No. 1003 adopted by the Senate as found on pages 2357-2370 of the Senate Journal, engrossed House Bill No. 1003 is 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 defraying the expenses of the state board of higher education and the various institutions of higher learning under the supervision of the state board of higher education; to provide legislative intent regarding student financial assistance grants, membership in the university center for atmospheric research, and relating to loan repayments relating to the old Dickinson experiment station; to provide authority to issue evidences of indebtedness; to provide authorization for a loan from the board of university and school lands to the state board of higher education relating to the old Dickinson experiment station; to create and enact a new section to chapter 15-11 of the North Dakota Century Code, relating to the supervision of the junior college located at Devils Lake; to amend and reenact subsections 4 and 6 of section

15-10-01, subdivision d of subsection 13 of section 15-10-17, section 15-13-01, and subsection 2 of section 15-62.2-02 of the North Dakota Century Code, relating to the names of the institutions of higher education at Devils Lake, Dickinson, Mayville, Minot, and Valley City and the amount of grants awarded under the student financial assistance program; to repeal section 15-55-21 of the North Dakota Century Code, section 6 of chapter 208 of the 1979 Session Laws of North Dakota, chapter 88 of the 1983 Session Laws of North Dakota, and sections 1 and 2 of chapter 203 of the 1985 Session Laws of North Dakota, relating to the payment of expenses from the gross revenues of higher education revenue bond projects and the old Dickinson experiment station; and to declare an emergency.

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

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income to the state board of higher education and to the various institutions of higher learning under the supervision of the state board of higher education for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1987, and ending June 30, 1989, as follows:

Subdivision 1.

STATE BOARD OF HIGHER EDUCATION

| | |
|-------------------------------------|--------------|
| Salaries and wages | \$ 882,074 |
| Operating expenses | 320,032 |
| Data processing | 48,665 |
| Equipment | 11,000 |
| Reciprocal agreements | 2,541,800 |
| National direct student loans | 125,245 |
| Title II grant | 192,000 |
| Merit scholarship program | 100,000 |
| Student financial assistance grants | 3,000,000 |
| Board pool | 200,000 |
| Total all funds | \$ 7,420,816 |
| Less federal funds | 592,000 |
| Total general fund appropriation | \$ 6,828,816 |

Subdivision 2.

BISMARCK STATE COLLEGE

| | |
|------------------------|------------------|
| Salaries and wages | \$ 10,125,278 |
| Operating expenses | 2,423,051 |
| Equipment | 272,700 |
| Capital improvements | 204,845 |
| Total all funds | \$ 13,025,874 |
| Less budget adjustment | 171,907 |
| Less estimated income | <u>7,177,417</u> |

| | |
|----------------------------------|--------------|
| Total general fund appropriation | \$ 5,676,550 |
|----------------------------------|--------------|

Subdivision 3.

NORTH DAKOTA STATE COLLEGE OF SCIENCE - DEVILS LAKE

| | |
|----------------------------------|--------------|
| Salaries and wages | \$ 2,760,599 |
| Operating expenses | 868,910 |
| Equipment | 83,021 |
| Capital improvements | 101,921 |
| Total all funds | \$ 3,814,451 |
| Less budget adjustment | 51,271 |
| Less estimated income | 1,852,741 |
| Total general fund appropriation | \$ 1,910,439 |

Subdivision 4.

UNIVERSITY OF NORTH DAKOTA - WILLISTON

| | |
|----------------------------------|--------------|
| Salaries and wages | \$ 3,285,373 |
| Operating expenses | 816,656 |
| Equipment | 116,685 |
| Capital improvements | 69,439 |
| Total all funds | \$ 4,288,153 |
| Less budget adjustment | 57,869 |
| Less estimated income | 2,305,995 |
| Total general fund appropriation | \$ 1,924,289 |

Subdivision 5.

UNIVERSITY OF NORTH DAKOTA

| | |
|----------------------------------|---------------|
| Salaries and wages | \$ 66,515,795 |
| Operating expenses | 19,064,894 |
| Equipment | 1,466,770 |
| Capital improvements | 1,467,265 |
| Total all funds | \$ 88,514,724 |
| Less budget adjustment | 1,899,786 |
| Less estimated income | 27,363,039 |
| Total general fund appropriation | \$ 59,251,899 |

Subdivision 6.

NORTH DAKOTA STATE UNIVERSITY
OF AGRICULTURE AND APPLIED SCIENCE

| | |
|----------------------------------|---------------|
| Salaries and wages | \$ 57,983,724 |
| Operating expenses | 16,348,562 |
| Equipment | 1,353,031 |
| Capital improvements | 1,415,027 |
| Total all funds | \$ 77,100,344 |
| Less budget adjustment | 1,613,008 |
| Less estimated income | 24,212,487 |
| Total general fund appropriation | \$ 51,274,849 |

Subdivision 7.

NORTH DAKOTA STATE COLLEGE OF SCIENCE

| | |
|----------------------|---------------|
| Salaries and wages | \$ 18,838,342 |
| Operating expenses | 5,338,785 |
| Equipment | 718,864 |
| Capital improvements | 410,700 |
| Total all funds | \$ 25,306,691 |

| | |
|----------------------------------|------------------|
| Less budget adjustment | 561,369 |
| Less estimated income | <u>6,703,725</u> |
| Total general fund appropriation | \$ 18,041,597 |

Subdivision 8.

STATE UNIVERSITY OF NORTH DAKOTA - DICKINSON

| | |
|----------------------------------|------------------|
| Salaries and wages | \$ 8,852,950 |
| Operating expenses | 2,801,860 |
| Equipment | 139,186 |
| Capital improvements | <u>150,263</u> |
| Total all funds | \$ 11,944,259 |
| Less budget adjustment | 266,153 |
| Less estimated income | <u>3,080,372</u> |
| Total general fund appropriation | \$ 8,597,734 |

Subdivision 9.

STATE UNIVERSITY OF NORTH DAKOTA - MAYVILLE

| | |
|----------------------------------|------------------|
| Salaries and wages | \$ 5,894,888 |
| Operating expenses | 1,777,776 |
| Equipment | 86,175 |
| Capital improvements | <u>104,533</u> |
| Total all funds | \$ 7,863,372 |
| Less budget adjustment | 185,363 |
| Less estimated income | <u>1,783,749</u> |
| Total general fund appropriation | \$ 5,894,260 |

Subdivision 10.

STATE UNIVERSITY OF NORTH DAKOTA - MINOT

| | |
|----------------------------------|------------------|
| Salaries and wages | \$ 18,233,521 |
| Operating expenses | 2,975,282 |
| Equipment | 299,678 |
| Capital improvements | <u>339,553</u> |
| Total all funds | \$ 21,848,034 |
| Less budget adjustment | 442,046 |
| Less estimated income | <u>7,374,289</u> |
| Total general fund appropriation | \$ 14,031,699 |

Subdivision 11.

STATE UNIVERSITY OF NORTH DAKOTA - VALLEY CITY

| | |
|----------------------------------|------------------|
| Salaries and wages | \$ 7,779,683 |
| Operating expenses | 2,035,876 |
| Equipment | 113,163 |
| Capital improvements | <u>191,891</u> |
| Total all funds | \$ 10,120,613 |
| Less budget adjustment | 228,692 |
| Less estimated income | <u>2,461,612</u> |
| Total general fund appropriation | \$ 7,430,309 |

Subdivision 12.

NORTH DAKOTA STATE UNIVERSITY - BOTTINEAU

| | |
|----------------------|---------------|
| Salaries and wages | \$ 2,901,735 |
| Operating expenses | 721,957 |
| Equipment | 70,329 |
| Capital improvements | <u>94,246</u> |

| | |
|----------------------------------|------------------|
| Total all funds | \$ 3,788,267 |
| Less budget adjustment | 83,929 |
| Less estimated income | <u>1,007,977</u> |
| Total general fund appropriation | \$ 2,696,361 |

Subdivision 13.

NORTH DAKOTA STATE UNIVERSITY - STATE TOXICOLOGIST

| | |
|----------------------------------|----------------|
| Salaries and wages | \$ 458,668 |
| Operating expenses | 99,160 |
| Equipment | <u>18,000</u> |
| Total all funds | \$ 575,828 |
| Less budget adjustment | 13,358 |
| Less estimated income | <u>120,000</u> |
| Total general fund appropriation | \$ 442,470 |

Subdivision 14.

NORTH DAKOTA FOREST SERVICE

| | |
|----------------------------------|----------------|
| Salaries and wages | \$ 1,244,306 |
| Operating expenses | 340,978 |
| Equipment | 56,035 |
| Capital improvements | <u>30,100</u> |
| Total all funds | \$ 1,671,419 |
| Less budget adjustment | 28,921 |
| Less estimated income | <u>661,367</u> |
| Total general fund appropriation | \$ 981,131 |

Subdivision 15.

UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

| | |
|----------------------------------|-------------------|
| Salaries and wages | \$ 36,849,940 |
| Operating expenses | 12,799,820 |
| Equipment | 715,068 |
| Psychiatric nursing | <u>436,000</u> |
| Total all funds | \$ 50,800,828 |
| Less budget adjustment | 896,328 |
| Less estimated income | <u>21,604,127</u> |
| Total general fund appropriation | \$ 28,300,373 |

Subdivision 16.

MEDICAL CENTER REHABILITATION HOSPITAL

| | |
|---|----------------|
| Salaries and wages | \$ 13,443,965 |
| Operating expenses | 5,058,009 |
| Equipment | <u>208,191</u> |
| Total appropriation from institutional income | \$ 18,710,165 |
| Grand total general fund appropriation | \$217,328,955 |
| H.B. 1003 | |
| Grand total special funds appropriation | \$145,960,062 |
| H.B. 1003 | |
| Grand total all funds appropriation | \$363,289,017 |
| H.B. 1003 | |

SECTION 2. APPROPRIATION TRANSFER. The board pool in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through

14 of section 1 as determined by the state board of higher education. The board shall notify the office of management and budget of the allocation of general fund authority from the board pool, to the various institutions and which line items in the various institutions and entities shall be adjusted.

SECTION 3. APPROPRIATION. There are hereby appropriated any funds received by the board of higher education, not otherwise appropriated, pursuant to federal acts and private grants for the purpose as designated in such federal acts or private grants for the period beginning July 1, 1987, and ending June 30, 1989.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,361,389, or so much thereof as may be necessary, to the state board of higher education to provide for matching commitments for the national science foundation experimental program to stimulate competitive research for the biennium beginning July 1, 1987, and ending June 30, 1989. The board of higher education shall allocate these funds as necessary to North Dakota state university and the university of North Dakota.

SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, the sum of \$1,869,460, or so much thereof as may be necessary, for the biennium beginning July 1, 1987, and ending June 30, 1989, to the state board of higher education for principal and interest payments to the board of university and school lands, relating to the purchase of the Dickinson experiment station.

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 \$283,895, or so much thereof as may be necessary, beginning January 1, 1987, and for the period ending June 30, 1987, to the state board of higher education for the purpose of paying the city of Dickinson for special assessments due on March 1, 1987.

SECTION 7. APPROPRIATION. There is hereby appropriated out of moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$531,435, or so much thereof as may be necessary, for the biennium beginning July 1, 1987, and ending June 30, 1989, to the state board of higher education for the purpose of paying the city of Dickinson for special assessments due after July 1, 1987.

SECTION 8. ADDITIONAL INCOME. Any additional income not required by law to be deposited in operating funds in the state treasury is hereby appropriated. All income in excess of estimated income in the budget appropriated by the legislative assembly to the institutions of higher learning must be deposited in their respective operating funds in the state treasury and is hereby appropriated and can be spent only upon authorization of the emergency commission.

SECTION 9. TRANSFER. The state board of higher education may make such transfers between line items in subdivision 1 of section 1, other than reciprocal agreements and student financial assistance grants, as may be necessary and manageable to provide for board or institutional budget requirements. The board shall notify the office of management and budget of each transfer.

SECTION 10. TRANSFERS. Each institution or agency included in subdivisions 2 through 16 of section 1, upon approval of the state board of higher education, may make such transfers between line items in its appropriation as may be determined necessary by the board for operations of the institution or agency. Each institution or agency shall notify the office of management and budget of each transfer.

SECTION 11. INTENT, REPEAL, PURPOSE, AND CONSTRUCTION. All Acts and parts of Acts that may be in conflict herewith are hereby repealed. If for any reason any specific appropriation for any item is held by the courts to be unconstitutional or illegal or otherwise unavailable for any cause, the holding does not affect or apply to the remaining items of appropriation in this Act or purposes provided for in this Act.

SECTION 12. REPORTS TO OFFICE OF MANAGEMENT AND BUDGET. Each institution included in this Act, upon approval by the state board of higher education, shall notify the office of management and budget of the line item reductions totaling the amount in the less budget adjustment line for each appropriation included in this Act and the office of management and budget shall reduce each line item accordingly. Notification must be given to the office of management and budget by June 15, 1987.

SECTION 13. LEGISLATIVE INTENT - STUDENT FINANCIAL ASSISTANCE GRANTS. It is the intent of the legislative assembly that the student financial assistance grants line item in subdivision 1 of section 1 be used for students determined to be in substantial need of financial assistance and eligible in accordance with North Dakota Century Code section 15-62.2-01.

SECTION 14. LEGISLATIVE INTENT - UNIVERSITY CENTER FOR ATMOSPHERIC RESEARCH MEMBERSHIP. It is the intent of the legislative assembly that the university of North Dakota seek membership in the university center for atmospheric research program during the 1987-89 biennium for the purpose of becoming eligible for additional national science foundation grants.

SECTION 15. LEGISLATIVE INTENT - LOAN REPAYMENTS. It is the intent of the legislative assembly that the state board of higher education include in future biennium budget requests sufficient amounts to pay the principal and interest on the loan relating to the purchase of the Dickinson experiment station until the loan is repaid.

SECTION 16. AUTHORITY TO ISSUE EVIDENCES OF INDEBTEDNESS. The industrial commission may issue, during the biennium beginning July 1, 1987, and ending June 30, 1989, evidences of indebtedness under North Dakota Century Code chapter 54-17.2 to defray that portion of the project costs associated with the acquisition or construction of the following projects hereby declared to be in the public interest:

| NAME OF AGENCY, DEPARTMENT, OR INSTITUTION | TYPE OF FACILITY | CONSTRUCTION/ ACQUISITION FUNDS |
|--|---|---------------------------------------|
| North Dakota state university | Computer center | \$4,860,000 |
| University of North Dakota | Abbott Hall addition | 3,300,000 |
| University of North Dakota | Purchase of United Hospital - North Unit | 1,900,000 |
| North Dakota state college of science | Construction of agricultural mechanics building | 2,589,000 |
| State university of North Dakota - Minot | Construction of library | 6,300,000 |
| Total projects | | <hr/> \$18,949,000 |

The industrial commission shall first offer the evidences of indebtedness authorized under this section for sale to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for comparable securities purchased by the Bank of North Dakota, taking into consideration in the determination of price the costs of issuance including future administrative and other costs associated with credit enhancements. If the price at which the evidences

of indebtedness are offered for sale to the Bank of North Dakota including the consideration of all costs of issuance including future administrative fees and other costs associated with credit enhancements is higher than the price available for the sale of evidences of indebtedness offered for sale with the same terms and conditions at public sale or through private negotiated sale under prevailing market conditions for comparable evidences of indebtedness, the industrial commission may not sell the evidences of indebtedness to the Bank of North Dakota, but shall sell the evidences of indebtedness at either public sale or through a private negotiated sale under whatever terms and conditions are authorized for the sale of evidences of indebtedness under North Dakota Century Code chapter 54-17.2.

SECTION 17. APPROPRIATION - ADDITIONAL FUNDS. In addition to the appropriations set forth in this Act, there is hereby appropriated to the industrial commission and the state agency acting as agent for the industrial commission any additional moneys that may become available from federal or private sources to acquire, construct, rehabilitate, improve, alter, or repair the projects authorized by section 16 of this Act for the biennium beginning July 1, 1987, and ending June 30, 1989.

SECTION 18. OWNERSHIP OF THE OLD DICKINSON EXPERIMENT STATION. Notwithstanding any other provisions of law, the state board of higher education shall exercise full ownership and control over and assume all existing authorizations, responsibilities and obligations on all lands described in section 19 of this Act.

SECTION 19. AUTHORIZATION - SALE OR LEASE OF THE OLD DICKINSON EXPERIMENT STATION. The state board of higher education may sell or lease the property previously referred to as the old Dickinson experiment station located in section five, township one hundred thirty-nine north, range ninety-six west, including the property currently known as state addition and state second addition. Notwithstanding the provisions of North Dakota Century Code sections 54-01-05.2, 54-01-05.5, and chapter 15-07, the land may be conveyed for the terms and under the conditions necessary to obtain the best possible return to the state of North Dakota upon the terms the state board of higher education may prescribe. The state board of higher education and the board of university and school lands shall enter into an agreement for the latter to manage the property and supervise the sale and lease of all lands described in this section. Any rents, profits, or proceeds received from the lease, sale, or other disposition of the property described in this section must be used first to pay the expenses of managing the property and then to make principal and interest payments on the amounts owed to the

board of university and school lands by the state board of higher education in addition to the payments authorized in section 5. Upon payment of the total principal and interest on moneys borrowed by the state board of higher education, any additional rents, profits, and proceeds as may be received must be deposited in the general fund.

SECTION 20. LOAN AUTHORIZATION - STATE BOARD OF HIGHER EDUCATION. The state board of higher education is authorized to borrow from the board of university and school lands \$5,221,980 for the purpose of paying principal and interest accrued to July 1, 1987, on the outstanding notes from the state board of higher education to the board of university and school lands. The loan from the board of university and school lands must be for a term not to exceed eight years and must be at an interest rate of eight and three-fourths percent per annum. The loan must be repaid in eight equal annual payments of principal and interest.

SECTION 21. INVESTMENT AUTHORIZATION - BOARD OF UNIVERSITY AND SCHOOL LANDS. The board of university and school lands may invest an amount not to exceed \$5,221,980 from the funds under its control as a loan to the state board of higher education for the purposes and under the terms and conditions set forth in section 20.

SECTION 22. AMENDMENT. Subsection 4 of section 15-10-01 of the 1985 Supplement to the North Dakota Century Code and subsection 6 of 15-10-01 of the North Dakota Century Code as contained in section 1 of House Bill No. 1300, as approved by the fiftieth legislative assembly, are hereby amended and reenacted to read as follows:

4. The state normal schools and teachers colleges at Valley City state university, Mayville state university, Minot state university, and Dickinson state university.
6. The following junior colleges and off-campus educational center: Bismarck state college, university of North Dakota - Lake Region community college, and the university of North Dakota - Williston center.

SECTION 23. AMENDMENT. Subdivision d of subsection 13 of section 15-10-17 of the North Dakota Century Code as contained in House Bill No. 1300, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

- d. Employees of Bismarck state college and university of North Dakota - Lake Region community college coming under the

jurisdiction of the board who are members of the teachers' fund for retirement may elect prior to July 1, 1985, to continue membership in the teachers' fund for retirement in lieu of the alternate retirement program. If an employee does not elect to continue membership in the teachers' fund for retirement, membership in that fund will terminate and the employee will become a member of the alternate retirement program established by the board effective July 1, 1985. An employee of the above-named colleges who becomes a member of the alternate retirement program may elect prior to July 1, 1985, to have the employee's assessments and employer's contributions in the teachers' fund for retirement with interest transferred by the board of trustees of the teachers' fund for retirement to the employee's account in the alternate retirement program. If an employee elects to transfer the employee's assessment and employer's contributions together with interest to the alternate retirement program, the employee relinquishes all rights the employee or the employee's beneficiary may have to benefits provided in chapters 15-39, 15-39.1, and 15-39.2.

SECTION 24. A new section to chapter 15-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

Supervision of the junior college located at Devils Lake. The junior college located at Devils Lake is a branch of the university of North Dakota subject to the supervision of the administrative authorities of the university of North Dakota in compliance with chapter 15-18 regarding junior colleges and off-campus educational centers and is titled the university of North Dakota - Lake Region. The administrative authorities of the university of North Dakota shall adopt, subject to the rules the state board of higher education may establish, the necessary rules for the government of the university of North Dakota - Lake Region.

SECTION 25. AMENDMENT. Section 15-13-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-13-01. Normal schools - Location - Names. The state normal schools established at Valley City in the county of Barnes, at Mayville in the county of Traill, at Minot in the county of Ward, and at Dickinson in the county of

Stark, and any other normal schools which that may be established by law, shall be are the normal schools of the state; and at such time as any such school shall offer curriculums leading to both the bachelor of science and bachelor of arts degrees; such school may be referred to as "state college", prefixed by the name of the applicable city. The name of the normal school at Valley City is Valley City state university, the name of the normal school at Mayville is Mayville state university, the name of the normal school at Minot is Minot state university, and the name of the normal school at Dickinson is Dickinson state university.

SECTION 26. AMENDMENT. Subsection 2 of section 15-62.2-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. To determine the amount of individual grants, but not to exceed five hundred seven hundred fifty dollars per recipient per academic year.

SECTION 27. REPEAL. Section 15-55-21 of the North Dakota Century Code, section 6 of chapter 208 of the 1979 Session Laws of North Dakota, chapter 88 of the 1983 Session Laws of North Dakota, and sections 1 and 2 of chapter 203 of the 1985 Session Laws of North Dakota are hereby repealed.

SECTION 28. EMERGENCY. Sections 6, 22, 23, 24, and 25 of this Act are declared to be emergency measures and are in effect upon filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The following is a summary of the Senate amendments by institution:

| | Operating Expenses | | | Increase | | Change | | | |
|--|--|------------------------|-------------------|--------------------------|---|---|---|-----------------------------|-------------|
| | Adjustment to Allow 100% of 1985-87 Increase for General Liability Insurance | Adjusted Appropriation | Reduce Board Pool | Other Adjustments | Student Financial Assistance to \$2,600,000 From the General Fund and Reduces Merit Scholarship | Subtotal General Fund Increase (Decrease) | Budget Adjustment Line Item to Provide a Total Adjust-ment of \$6,500,000 | Total General Fund Increase | Other Funds |
| North Dakota State University | \$110,116 | \$ 88,446 | | | | \$ 198,562 | \$1,117,292 | \$1,315,854 | |
| University of North Dakota | 144,260 | (569,366) | | | | (425,106) | 1,291,114 | 866,008 | |
| SUND-Minot | 29,000 | 10,282 | | | | 39,282 | 305,754 | 345,036 | |
| SUND-Dickinson | 20,608 | 92,252 | | | | 112,860 | 187,347 | 300,207 | |
| SUND-Valley City | 19,724 | 101,152 | | | | 120,876 | 161,908 | 282,784 | |
| SUND-Mayville | 13,552 | 11,224 | | | | 24,776 | 128,437 | 153,213 | |
| North Dakota College of Science | 54,650 | 129,103 | | | | 183,753 | 393,131 | 576,884 | |
| NDSU-Devils Lake | 12,282 | 1,628 | | \$ 155,000 ^{1/} | | 168,910 | 41,629 | 210,539 | |
| Bismarck State College | 21,024 | 122,027 | | | | 143,051 | 123,693 | 266,744 | |
| UND-Williston | 8,010 | 48,646 | | | | 56,656 | 41,931 | 98,587 | |
| NDSU-Bottineau | 6,910 | 55,613 | | (60,426) ^{2/} | | 2,097 | 60,071 | 62,168 | |
| UND Medical Center | | | | | | | 616,672 | 616,672 | |
| State Toxicologist | | 20,950 | | (9,000) ^{3/} | | 11,950 | 9,642 | 21,592 | \$9,000 |
| Forest Service | | 39,900 | | | | 39,900 | 21,379 | 61,279 | |
| Medical Center Rehabilitation Hospital | | | | | | | | | |
| Board of Higher Education | | \$ (1,000,000) | 3,936,179 | ^{4/} | \$1,562,400 | 4,498,579 | | 4,498,579 | |
| Total | \$440,136 | \$151,857 | \$ (1,000,000) | \$4,021,753 | \$1,562,400 | \$5,176,146 | \$4,500,000 | \$9,676,146 | \$9,000 |

^{1/} Represents an increase of \$155,000 from the general fund for faculty salary increases at UND-Lake Region.

^{2/} Faculty adjustment to 142 percent of formula.

^{3/} Represents an increase in estimated income and a reduction in the general fund appropriation for fees collected.

^{4/} Deletes \$110,000 from the general fund for an attorney position to be funded in Senate Bill No. 2523 in the Attorney General's office, adds \$1,361,389 from the general fund for the Experimental Program to Stimulate Competitive Research (EPSCoR) funding, adds \$815,330 for special assessments on the old Dickinson Experiment Station, of which \$283,895 is to be paid before July 1, 1987, and adds \$1,869,460 from the general fund for loan payments to the Land Department, relating to the purchase of the Dickinson Experiment Station. The agreement provides for a \$5,221,979 loan for eight years at 8.75 percent interest. The total 1987-89 payment of \$1,869,460 consists of \$997,422 in principal and \$872,038 in interest. It is the intent of the Legislative Assembly that the Board of Higher Education include in future budget requests the amounts necessary to pay principal and interest payments until the loan is repaid.

In addition, these amendments add \$18,949,000 in bonding authority for the following projects:

| | | |
|-------------------------------|--|---------------------|
| North Dakota State University | Computer Center | \$ 4,860,000 |
| University of North Dakota | Abbott Hall addition | 3,300,000 |
| University of North Dakota | Purchase of United Hospital - North Unit | 1,900,000 |
| State College of Science | Agricultural mechanics building | 2,589,000 |
| SUND-Minot | Library | <u>6,300,000</u> |
| Total projects | | <u>\$18,949,000</u> |

In addition, these amendments repeal North Dakota Century Code Section 15-55-21, relating to the payment of expenses from gross revenues on higher education revenue projects; add sections of legislative intent regarding the use of the student financial assistance grants line item, North Dakota membership in the University Center for Atmospheric Research, and the Board of Higher Education requesting funds for future biennial payments of the loan relating to the Dickinson Experiment Station; add new law to provide that the University of North Dakota supervise the junior college at Devils Lake; amend current law to statutorily change the names of the state institutions at Minot, Valley City, Mayville, and Dickinson to state universities; amend current law to increase the maximum student financial assistance grant from \$500 to \$750; and add new law authorizing the Board of University and School Lands to lend the Board of Higher Education \$5,221,980 relating to the old Dickinson Experiment Station.

SEN. TALLACKSON, Chairman

MOTION

SEN. MAIXNER MOVED that Rule 601, subdivisions a through e of subsection 2, be suspended and that HB 1003 be placed on the Sixth order of business.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1003 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

SEN. WALDERA REQUESTED that the Senate divide the proposed amendments to HB 1003, which request was granted.

DIVISION I. Institution and agency budgets; policies related to transfer, appropriation, and allocations of private and public funds; student assistance; UND membership in UCAR.

Section 1 (subdivisions 1-16)
Section 2
Section 3
Section 8
Section 9
Section 10
Section 11
Section 12
Section 13
Section 14
Section 26
Section 27 (15-55-21)

DIVISION II. Building Projects (Bonding)

Abbott Hall, UND
United Hospital, UND
Ag. Mech. Building NDSCS-W
Library, SUND-Minot

The question being on the motion to adopt Division I of the proposed amendments to HB 1003.

Division I of the proposed amendments to HB 1003 were adopted on a verification vote.

REQUEST

SEN. MAIXNER REQUESTED that Division II of the proposed amendments to HB 1003 be further divided into the following, which request was granted:

Abbott Hall, UND
United Hospital, UND
Ag. Mech. Building, NDSCS-W
Library, SUND-Minot

REQUEST

SEN. FREBORG REQUESTED a recorded roll call vote on the motion to adopt all divisions of Division II of the proposed amendments to HB 1003, which request was granted.

ROLL CALL

The question being on the motion to adopt Abbott Hall of Division II of the proposed amendments to HB 1003, the roll was called and there were 29 YEAS, 23 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Heigaard; Holmberg; Ingstad; Krauter; Lashkowitz; Lips; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjøm; Streibel; Stromme; Tallackson; Thane; Tweten; Waldera; Yockim

NAYS: Axtman; David; Dotzenrod; Freborg; Heinrich; Hilken; Keller; Kelly; Kelsh; Langley; Lodoen; Maixner; Moore; Mutch; Naaden; Nelson; Olson; Peterson; Tennefos; Todd; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: Nothing

Abbott Hall of Division II of the proposed amendments to HB 1003 was adopted.

ROLL CALL

The question being on the motion to adopt United Hospital of Division II of the proposed amendments to HB 1003, the roll was called and there were 13 YEAS, 39 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Lashkowitz; Lips; Mathern; Maxson; Redlin; Satrom; Schoenwald; Shea; Stromme; Tallackson; Tweten; Yockim

NAYS: Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Reiten; Richard; Stenehjøm; Streibel; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: Nothing

United Hospital of Division II of the proposed amendments to HB 1003 lost.

ROLL CALL

The question being on the motion to adopt the Ag. Mech. Building of Division II of the proposed amendments to HB 1003, the roll was called and there were 27 YEAS, 25 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Heigaard; Holmberg; Ingstad; Lashkowitz; Lips; Mathern; Maxson; Meyer, J.; Mushik; Nalewaja; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Thane; Tweten; Waldera; Wright; Yockim

NAYS: Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Keller; Kelly; Kelsh; Krauter; Langley; Lodoen; Maixner; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Richard; Streibel; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: Nothing

The Ag. Mech. Building of Division II of the proposed amendments to HB 1003 was adopted.

ROLL CALL

The question being on the motion to adopt the Library of Division II of the proposed amendments to HB 1003, the roll was called and there were 28 YEAS, 24 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Heigaard; Holmberg; Ingstad; Krauter; Lashkowitz; Lips; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Axtman; Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Keller; Kelly; Kelsh; Langley; Lodoen; Maixner; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Peterson; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Nothing

The Library of Division II of the proposed amendments to HB 1003 was adopted.

RULING

THE PRESIDENT PRO TEM RULED, without objection from the Senate, that the proposed floor amendment to HB 1003 would be altered to fit HB 1003 as already amended by the Senate.

MOTION

SEN. TWETEN MOVED that HB 1003 be further amended as follows:

On page 1 of the engrossed bill, line 4, after the word "Dakota" insert the words "; to provide for a financial assistance program for students majoring in elementary or secondary education; and to provide an appropriation"

On page 7 of the engrossed bill, after line 26, insert the following new sections:

"SECTION 9. Financial assistance for teachers program - Administration - Powers and duties of board of higher education. The board of higher education and the institutions named herein shall administer the financial assistance for teachers program and shall adopt the procedures and guidelines necessary to carry out the purposes of this Act. The board of higher education shall:

1. Adopt rules regarding the eligibility and selection of student recipients.
2. Determine the amount of individual loans.
3. Establish appropriate procedures for fiscal control, fund accounting, and necessary reports.
4. Establish interest rates, payment schedules, deferment and waiver procedures, and other terms or conditions of the loans.

SECTION 10. Eligible students - Application. Any third or fourth year student majoring in elementary or secondary education at the state university of North Dakota-Dickinson, state university of North Dakota-Mayville, state university of North Dakota-Minot, or the state university of North Dakota-Valley City who has maintained a 3.25 grade point average based upon a 4.0 grading system and who intends to teach elementary or secondary education including special education upon graduation, may receive up to one thousand five hundred dollars per year in financial assistance from the institution that the student is attending provided the institution has funds available. To receive financial assistance, the student must apply in writing on a form prescribed by the board of higher education. The student must be a full-time student carrying a course of study which is "full-time" as defined by the institution that the student is attending.

SECTION 11. Institutions eligible for funds - Matching funds required. The state university of North Dakota-Dickinson, state university of North Dakota-Mayville, state university of North Dakota-Minot, and the state university of North Dakota-Valley City are the only institutions eligible to a share of the funds appropriated for the purpose of providing financial assistance to students majoring in elementary or secondary education pursuant to sections 9 through 12 of this Act, provided the institution receiving the funds provides fifty percent matching funds from other sources. The board of higher education may prorate the funds available based on the number of applications approved and the matching funds available at the

institutions. Any funds not allocated prior to July 1, 1988, may be allocated during the second year of the 1987-89 biennium to any of the four institutions, provided the institution receiving the funds provides fifty percent matching funds.

SECTION 12. Waiver - Repayment. The institutions must waive the repayment of any loan made to a student pursuant to sections 9 through 12 of this Act if the student who received the financial assistance has taught elementary or secondary education for three years in this state after graduation. Any student who has received financial assistance under this Act and who is teaching elementary or secondary education may apply to the institution to defer repayment of the loan during the three-year period. Any student who has received financial assistance pursuant to sections 9 through 12 of this Act and who teaches less than three years in this state must repay the financial assistance received in full.

SECTION 13. APPROPRIATION. There is hereby appropriated out of any moneys in the state school construction fund, not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, to the state board of higher education for the purpose of providing financial assistance to students majoring in elementary and secondary education pursuant to sections 9 through 12 of this Act for the biennium beginning July 1, 1987, and ending June 30, 1989."

And renumber the lines, sections, and pages accordingly

MOTIONS

SEN. TWETEN MOVED that the proposed amendments be adopted, which motion lost on a verification vote.

SEN. OLSON MOVED that HB 1003, which is on the Fourteenth order, be rereferred to the **Committee on Appropriations**, which motion failed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act to provide an appropriation for defraying the expenses of the state board of higher education and the various institutions of higher learning under the supervision of the state board of higher education; to provide legislative intent regarding student financial assistance grants, membership in the university center for atmospheric research, and relating to loan repayments relating to the old Dickinson experiment station; to provide authority to issue evidences of indebtedness; to provide authorization for a loan from the board of university and school lands to the state board of higher education relating to the old Dickinson experiment station; to create and enact a new section to chapter 15-11

of the North Dakota Century Code, relating to the supervision of the junior college located at Devils Lake; to amend and reenact subsections 4 and 6 of section 15-10-01, subdivision d of subsection 13 of section 15-10-17, section 15-13-01, and subsection 2 of section 15-62.2-02 of the North Dakota Century Code, relating to the names of the institutions of higher education at Devils Lake, Dickinson, Mayville, Minot, and Valley City and the amount of grants awarded under the student financial assistance program; to repeal section 15-55-21 of the North Dakota Century Code, section 6 of chapter 208 of the 1979 Session Laws of North Dakota, chapter 88 of the 1983 Session Laws of North Dakota, and sections 1 and 2 of chapter 203 of the 1985 Session Laws of North Dakota, relating to the payment of expenses from the gross revenues of higher education revenue bond projects and the old Dickinson experiment station; and to declare an emergency.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 30 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Krauter; Lashkowitz; Lips; Mathern; Maxson; Meyer, D.; Meyer, J.; Nalewaja; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Dotzenrod; Freborg; Hilken; Kelsh; Langley; Lodoen; Maixner; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Streibel; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: Mushik; Nething

HB 1003 passed, the title was agreed to, but the emergency clause lost.

MOTION

SEN. HEIGAARD MOVED that the vote by which HB 1003 and HB 1006 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

EXPLANATION OF VOTE

SEN. MAIXNER: Mr. President, I'd like to explain my vote. Mr. President, I voted against this bill. The reason that I voted against it is not because I object to the level of funding, but rather because I believe that the bonding and

construction of buildings by this process is draining funds from the proper maintenance of buildings that we now have in the system.

MOTION

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1003 and HB 1006 be messaged to the House immediately, which motion prevailed.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. 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 2013: Reps. Gunsch, Kingsbury, Graba

SB 2030: Reps. Kent, Payne, Hill

ROY GILBREATH, Chief Clerk

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2561 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 18, after the word "identify" insert the word "operating"

On page 1, line 25, delete the word "A" and insert in lieu thereof the words "An operating"

On page 2, delete lines 10 through 15

On page 2, line 18, delete the word "diverting" and insert in lieu thereof the word "divesting"

On page 2, line 20, delete the words "copies of the sale contract, market and"

On page 2, line 21, delete the words "feasibility studies, and full"

On page 2, line 23, delete the word "outside" and insert in lieu thereof the word "any"

On page 2, line 24, delete the word "parties" and insert in lieu thereof the word "party"

On page 2, delete lines 31 through 35

On page 3, delete lines 1 through 5

And renumber the lines, sections, and pages accordingly
SEN. LANGLEY, Chairman

SB 2561 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2560 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. W. MEYER, Chairman

SB 2560 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that the Senate be on the Fourth order of business, and at the conclusion of the Fourth order of business, be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Seventh order of business, and at the conclusion of the Seventh order of business, be on the Sixteenth order of business, and at the conclusion of the Sixteenth order of business, and after the reading of SB 2560, the Senate adjourn and convene at 8:00 a.m., Wednesday, April 15, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary