

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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SIXTY-SIXTH DAY

Bismarck, April 9, 1987

The House convened at 8:00 a.m., with Speaker Kloubec presiding.

The prayer was offered by Ted Gall, Messiah Lutheran Church, Mandan, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Dalrymple, Knudson, Kretschmar, Kuchera, Lang, Martin, Stofferahn, and C. Williams.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

REP. THOMPSON, Chairman

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

MESSAGES TO THE SENATE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has amended, and subsequently passed:

SB 2547, SCR 4047

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 2230, SB 2314, SB 2510, SB 2520

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills recommends that the following be introduced:

HB 1684, HCR 3095

REP. STRINDEN, Chairman

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KINGSBURY MOVED that the House do concur in the Senate amendments to HB 1026 as printed on pages 2696-2697 of the House Journal, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1026 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act making an appropriation for defraying the expenses of the workmen's compensation bureau and the divisions thereof of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 92 YEAS, 7 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Dorso; Hanson, O.; Haugen; Larson; Melby; Schindler; Vander Vorst

ABSENT AND NOT VOTING: Dalrymple; Knudson; Kretschmar; Kuchera; Lang; Martin; Williams, C.

HB 1026 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1027 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1027:

Reps. Thompson, R. Hausauer, Nowatzki

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1674 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1674:

Reps. R. Hausauer, Peterson, Graba

FIRST READING OF HOUSE BILL

Reps. Winkelman, Smette, Myrdal, Schindler, O. Hanson introduced: (Approved by the Committee on Delayed Bills)

HB 1684: A BILL for an Act to prohibit the use of state funds for certain activities with respect to games of chance; and to provide a penalty.

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

MOTION

REP. STRINDEN MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

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

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on HB 1359:

Reps. Koland, Larson, Frey

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1016 as printed on pages 2691-2692 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1016:

Reps. Rice, Winkelman, Stofferahn

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1023 as printed on pages 2694-2696 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1023:

Reps. Winkelman, Wald, Opedahl

MOTION

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

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

**MESSAGE TO THE SENATE
HOUSE CHAMBER**

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1026 and subsequently passed the same but has refused to concur in the Senate amendments to HB 1027 and HB 1674 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1027: Reps. Thompson, R. Hausauer, Nowatzki

HB 1674: Reps. R. Hausauer, Peterson, Graba
ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1601, HCR 3007, HCR 3064

ROY GILBREATH, Chief Clerk

**MESSAGES TO THE SENATE
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 1601, HCR 3007, HCR 3064

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report on HB 1359 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1359: Reps. Koland, Larson, Frey

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1016 and HB 1023 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1016: Reps. Rice, Winkelman, Stofferahn

HB 1023: Reps. Winkelman, Wald, Opedahl

ROY GILBREATH, Chief Clerk

MESSAGES FROM THE SENATE

SENATE CHAMBER

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

HB 1539

PERRY GROTBORG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on HB 1388 and the President Pro Tem has appointed as a new conference committee to act with a like committee from the House on:

HB 1388: Sens. Richard, D. Meyer, Todd

PERRY GROTBORG, 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 1007: Sens. Waldera, Shea, Lips

PERRY GROTBORG, 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 1018: Sens. Tallackson, Stromme, Thane

HB 1021: Sens. Wogsland, Shea, Nelson

PERRY GROTBORG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on HB 1231 and the President Pro Tem has appointed as a new conference committee to act with a like committee from the House on:

HB 1231: Sens. Keller, Krauter, Reiten

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1038, HB 1192, HB 1535

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 2011, SB 2128, SB 2365, SB 2404

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on SB 2387 and the President Pro Tem has appointed as a new conference committee to act with a like committee from the House on:

SB 2387: Sens. Dotzenrod, Holmberg, Lodoen

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1062, HB 1121, HB 1131, HB 1161, HB 1167, HB 1176,
HB 1228, HB 1266, HB 1274, HB 1350, HB 1355, HB 1365,
HB 1369, HB 1416, HB 1561, HB 1643

PERRY GROTEBERG, Secretary

MOTIONS

REP. STRINDEN MOVED that the House reconsider its action whereby HB 1388 passed, which motion prevailed.

REP. STRINDEN MOVED that the House reconsider its action whereby the conference committee report on HB 1388 was adopted, which motion prevailed.

The question then was on the adoption of the conference committee report on HB 1388. The conference committee report on HB 1388 was not adopted.

REP. STRINDEN MOVED that a new conference committee be appointed on HB 1388, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on HB 1388:

Reps. R. Berg, Schindler, L. Hanson

MOTIONS

REP. STRINDEN MOVED that the House reconsider its action whereby HB 1231 passed, which motion prevailed.

REP. STRINDEN MOVED that the House reconsider its action whereby the conference committee report on HB 1231 was adopted, which motion prevailed.

The question then was on the adoption of the conference committee report on HB 1231. The conference committee report on HB 1231 was not adopted.

REP. STRINDEN MOVED that a new conference committee be appointed on HB 1231, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on HB 1231:

Reps. Dalyrmple, Vander Vorst, Scherber

MOTION

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

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

MESSAGE FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2319 and SB 2471 and subsequently passed the same but has refused to concur in the House amendments to SB 2005 and SB 2468 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2005: Sens. Yockim, Redlin, Lips

SB 2468: Sens. Maxson, Holmberg, Stenehjem

PERRY GROTBORG, Secretary

COMMUNICATION FROM GOVERNOR

State of North Dakota
EXECUTIVE OFFICE
Bismarck

April 9, 1987

The Honorable Richard Kloubec
Speaker of the House
House Chamber
State Capitol
Bismarck, North Dakota 58505

Dear Speaker Kloubec:

This is to inform you that on April 7, 1987, I signed the following:

HB 1068, HB 1156, HB 1506, HB 1560, HB 1615, HB 1331,
HB 1349, HB 1644, HB 1680

This is to inform you that on April 9, 1987, I signed the following:

HB 1072, HB 1303, HB 1474, HB 1571

Sincerely,

GEORGE A. SINNER
Governor

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1448 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2369 of the House Journal and that Engrossed HB 1448 be amended as follows:

On page 3 of the engrossed bill, line 17, delete the word "thirtieth" and insert in lieu thereof the word "thirty-first"

On page 11 of the engrossed bill, line 17, delete the words "so that the"

On page 11 of the engrossed bill, line 18, delete the words "material arrives at the designated"

On page 11 of the engrossed bill, line 19, delete the word "address"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. J. Meyer, Heinrich, Stenehjem
 For the House: Reps. Larson, Haugland, Schneider

Engrossed HB 1448 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1645 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2506 of the House Journal and that Engrossed HB 1645 be amended as follows:

- On page 1 of the engrossed bill, line 10, delete the words "incorporated in this state"
- On page 1 of the engrossed bill, line 12, delete the words "twelve and one-half" and insert in lieu thereof the word "eight" and delete the word "two" and insert in lieu thereof the words "one and one-half"
- On page 1 of the engrossed bill, line 14, delete the words "six and" and insert in lieu thereof the word "four"
- On page 1 of the engrossed bill, line 15, delete the word "one-fourth"
- On page 1 of the engrossed bill, line 16, delete the word "two" and insert in lieu thereof the words "one and one-half"
- On page 2 of the engrossed bill, line 5, after the period delete the remainder of the line and insert in lieu thereof the following: "In the case of a corporation which is a partner in a partnership, the credit allowed for the taxable year may not exceed an amount separately computed with respect to the corporation's interest in the trade, business, or entity equal to the amount of tax attributable to that portion of the corporation's taxable income which is allocable or apportionable to the corporation's interest in the trade, business, or entity."
- On page 2 of the engrossed bill, delete lines 6 through 13
- And renumber the lines, sections, and pages accordingly
- For the Senate: Sens. Maixner, Richard, Ingstad
- For the House: Reps. Anderson, Tollefson, W. Williams

Engrossed HB 1645 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2453 has had the same under consideration and

recommends by a vote of 14 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. PETERSON, Chairman

SB 2453 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MESSAGE TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it passed and adopted the conference committee report on HB 1231 and HB 1388 and has not adopted the conference committee report on HB 1231 and HB 1388, and the Speaker has appointed as a new conference committee to meet with a like committee from the Senate on the following:

HB 1231: Reps. Dalrymple, Vander Vorst, Scherber

HB 1388: Reps. R. Berg, Schindler, L. Hanson

ROY GILBREATH, Chief Clerk

MESSAGES FROM THE SENATE
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 2006, SB 2024, SB 2028, SB 2068, SB 2080, SB 2294,
SB 2303, SCR 4026

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: The Senate respectfully requests the return of HB 1539 for the purpose of reconsideration.

PERRY GROTEBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

REP. LARSON MOVED that the conference committee report on Engrossed HB 1448 be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that Engrossed HB 1448 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1448: A BILL for an Act to provide for the setting of rates to be paid for services provided to residents of nursing homes and to provide conditions for the receipt of medical assistance payments by nursing homes; to amend and reenact subsection 18 of section 54-12-01 of the North Dakota Century Code, relating to the duties of the attorney general regarding appointment of hearing officers; and to repeal subsection 21 of section 50-06-05.1 and section

50-24.1-09 of the North Dakota Century Code, relating to the powers and duties of the department of human services regarding administrative hearings and limitation on reimbursement of long-term care facilities.

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 96 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson; Rice; Riehl; Rydell; Scherber; Schneider; Shaft; Shaw; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Lang; Murphy; Payne; Schindler; Shide; Thompson; Whalen

ABSENT AND NOT VOTING: Klundt; Kretschmar; Olsen, D.

HB 1448 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on HB 1633 as printed on pages 2679-2690 of the House Journal be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1633 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Martin, Kretschmar, Stofferahn and Sens. Stromme, Holmberg, Maxson introduced:

(Approved by the Committee on Delayed Bills)

HCR 3095: A concurrent resolution directing the Legislative Council to establish a constitutional revision committee to study and make recommendations regarding revision of the Constitution of North Dakota.

Was read the first time.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3095 not be printed, not be referred to committee, be read in title only, not be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

REQUEST

REP. STRINDEN REQUESTED the unanimous consent of the House to amend HCR 3095 as follows:

On page 1, line 21, delete the words "composed of those legislators who"

On page 1, delete lines 22 through 24

On page 1, line 25, delete the words "interim committee,"

There being no objection, Rep. Strinden moved that the amendments be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended and that HCR 3095, as amended, be placed on the Eleventh order for second reading and final passage.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3095: A concurrent resolution directing the Legislative Council to establish a constitutional revision committee to study and make recommendations regarding revision of the Constitution of North Dakota.

Which has been read.

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

HCR 3095, as amended, was declared adopted on a voice vote.

REPORT OF CONFERENCE COMMITTEE

REP. ANDERSON MOVED that the conference committee report on Engrossed HB 1645 be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that Engrossed HB 1645 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1645: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for research and experimental expenditures; 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 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Klundt; Kretschmar

HB 1645 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2011 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1715-1716 of the House Journal and that Engrossed SB 2011 be amended as follows:

That the House recede from its amendments as printed on pages 1715-1716 of the House Journal and that engrossed Senate Bill No. 2011 be amended as follows:

On page 1 of the engrossed bill, line 15, delete the numerals "1,120,718" and insert in lieu thereof the numerals "1,103,508"

On page 1 of the engrossed bill, line 16, delete the numerals "398,158" and insert in lieu thereof the numerals "389,496"

On page 1 of the engrossed bill, line 18, delete the numerals "1,551,316" and insert in lieu thereof the numerals "1,525,444"

On page 1 of the engrossed bill, line 19, delete the numerals "1,183,593" and insert in lieu thereof the numerals "1,170,657"

On page 1 of the engrossed bill, line 20, delete the numerals "367,723" and insert in lieu thereof the numerals "354,787"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Division of Emergency Management

That the House recede from its amendments and that engrossed Senate Bill No. 2011 be amended as follows:

<u>Description</u>	Total All Funds Increase (Decrease)	General Fund	Federal Funds
<u>Salaries and Wages</u>			
Delete .5 clerk III position	\$(17,210)	\$(8,605)	\$(8,605)
<u>Operating Expenses</u>			
Reduce the following:	(8,662)	(4,331)	(4,331)
Telephone - \$3,226			
Employee travel - \$4,050			
State motor pool - \$1,386			
 Total increase (decrease)	 <u>\$(25,872)</u>	 <u>\$(12,936)</u>	 <u>\$(12,936)</u>

The House amendments would have reduced this appropriation by a total of \$52,246, of which \$26,123 was from the general fund and \$26,123 was from federal funds.

For the Senate: Sens. Yockim, Stromme, Lips

For the House: Reps. Payne, Kent, Hill

Engrossed SB 2011 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

REP. PAYNE MOVED that the conference committee report on Engrossed SB 2011 be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that Engrossed SB 2011 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act making an appropriation for defraying the expenses of the division of emergency management of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 98 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gertholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: Brokaw; Murphy; Sorensen; Winkelman

ABSENT AND NOT VOTING: Klundt; Kretschmar; Moore; Olsen, D.

SB 2011 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2128 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on

page 2040 of the House Journal and that Engrossed SB 2128 be further amended as follows:

That the Senate accede to the House amendments to engrossed Senate Bill No. 2128, as printed on page 1812 of the Senate Journal and page 2040 of the House Journal, and that engrossed Senate Bill No. 2128 be further amended as follows:

On page 3 of the engrossed bill, line 8, after the word "contract" insert the words "requiring a bond in excess of one thousand two hundred and fifty dollars"

On page 3 of the engrossed bill, line 11, after the period insert the following: "Upon completion of the contract requiring a bond of one thousand two hundred and fifty dollars or less, a contractor may receive a credit of ten percent of the total bond for every ten percent of the total wages which were paid to individuals who at the time of hire, were North Dakota residents."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Schoenwald, Krauter, Todd

For the House: Reps. Koland, Larson, Frey

Engrossed SB 2128 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

REP. KOLAND MOVED that the conference committee report on Engrossed SB 2128 be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that Engrossed SB 2128 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to incremental bonding of impact projects for unemployment compensation purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch;

Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Klundt; Kretschmar; Moore; Olsen, D.; Peterson

SB 2128 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2365 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 2213 of the House Journal and that Engrossed SB 2365 be amended as follows:

That the House recede from its amendments to engrossed Senate Bill No. 2365, as printed on page 2213 of the House Journal and pages 1868-1869 of the Senate Journal, and that engrossed Senate Bill NO. 2365 be amended as follows:

On page 1 of the engrossed bill, line 4, after the word "violence" insert the words "; and to provide a penalty"

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

On page 4 of the engrossed bill, line 5, delete the words "Limitation of liability. No peace officer may be held" and insert in lieu thereof the words "Penalty. A person who willfully violates a court order issued pursuant to section 4 of this Act is guilty of a class A misdemeanor."

On page 4 of the engrossed bill, delete lines 6 through 10

And renumber the lines, sections, and pages accordingly

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

For the House: Reps. Cleveland, Shaft, Ulmer

Engrossed SB 2365 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

REP. CLEVELAND MOVED that the conference committee report on Engrossed SB 2365 be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that Engrossed SB 2365 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to provide arrest procedures, guidelines, and training for law enforcement officers in handling incidents of domestic violence, and protection by judicial intervention for victims of domestic violence; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 87 YEAS, 13 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Knudson; Koland; Kolbo; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Meyer; Murphy; Myrdal; Nelson, C.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaw; Shide; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Gunsch; Hanson, O.; Kingsbury; Knell; Kuchera; Melby; Nelson, J.; Opedahl; Shaft; Shockman; Skjerven; Thompson; Whalen

ABSENT AND NOT VOTING: Cleveland; Klundt; Kretschmar; Moore; Olsen, D.; Peterson

SB 2365 passed and the title was agreed to.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred SB 2387 has had the same under consideration and recommends that your conference committee, having been unable to agree, be discharged and a new conference committee be appointed.

For the Senate: Sens. Dotzenrod, Satrom, Ingstad

For the House: Reps. Sorensen, Shaw, Skjerven

SB 2387 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REP. SORENSEN MOVED that the conference committee report on SB 2387 be adopted and that a new conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A NEW CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a new Conference Committee on SB 2387:

Reps. Gorman, Lindgren, Enget

MESSAGE FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HB 1005 which the Senate has amended, and subsequently passed:

On page 1 of the engrossed bill, line 5, after the semicolon insert the words "to provide for a transfer from the lignite research fund;"

On page 1 of the engrossed bill, line 21, delete the numerals "14,811,855" and insert in lieu thereof the numerals "15,343,035"

On page 1 of the engrossed bill, line 24, delete the numerals "18,568,760" and insert in lieu thereof the numerals "19,099,940"

On page 1 of the engrossed bill, line 26, delete the numerals "8,144,760" and insert in lieu thereof the numerals "8,675,940"

On page 2 of the engrossed bill, line 14, delete the numerals "289,761" and insert in lieu thereof the numerals "264,190"

On page 2 of the engrossed bill, line 15, delete the numerals "240,460" and insert in lieu thereof the numerals "266,031"

On page 2 of the engrossed bill, line 19, delete the numerals "115,066" and insert in lieu thereof the numerals "127,032"

On page 2 of the engrossed bill, line 20, delete the numerals "103,061" and insert in lieu thereof the numerals "137,988"

- On page 2 of the engrossed bill, line 21, delete the numerals "630,349" and insert in lieu thereof the numerals "677,242"
- On page 2 of the engrossed bill, line 23, delete the numerals "446,673" and insert in lieu thereof the numerals "493,566"
- On page 2 of the engrossed bill, line 26, delete the numerals "25,551,799" and insert in lieu thereof the numerals "26,901,496"
- On page 2 of the engrossed bill, line 30, delete the numerals "34,013,215" and insert in lieu thereof the numerals "35,362,912"
- On page 2 of the engrossed bill, line 32, delete the numerals "19,012,178" and insert in lieu thereof the numerals "20,361,875"
- On page 3 of the engrossed bill, line 4, delete the numerals "392,528" and insert in lieu thereof the numerals "418,732"
- On page 3 of the engrossed bill, line 5, delete the numerals "39,450" and insert in lieu thereof the numerals "78,900"
- On page 3 of the engrossed bill, line 6, delete the numerals "1,115,342" and insert in lieu thereof the numerals "1,180,996"
- On page 3 of the engrossed bill, line 8, delete the numerals "828,807" and insert in lieu thereof the numerals "894,461"
- On page 3 of the engrossed bill, line 9, delete the numerals "12,500" and insert in lieu thereof the numerals "25,000"
- On page 3 of the engrossed bill, line 10, delete the numerals "841,307" and insert in lieu thereof the numerals "919,461"
- On page 3 of the engrossed bill, line 14, delete the numerals "304,879" and insert in lieu thereof the numerals "332,550"
- On page 3 of the engrossed bill, line 15, delete the numerals "118,645" and insert in lieu thereof the numerals "148,645"
- On page 3 of the engrossed bill, line 16, delete the numerals "768,945" and insert in lieu thereof the numerals "826,616"
- On page 3 of the engrossed bill, line 18, delete the numerals "615,809" and insert in lieu thereof the numerals "673,480"
- On page 3 of the engrossed bill, line 20, delete the numerals "620,809" and insert in lieu thereof the numerals "678,480"
- On page 3 of the engrossed bill, line 23, delete the numerals "325,157" and insert in lieu thereof the numerals "333,157"

- On page 3 of the engrossed bill, line 24, delete the numerals "165,392" and insert in lieu thereof the numerals "173,392"
- On page 3 of the engrossed bill, line 25, delete the numerals "108,463" and insert in lieu thereof the numerals "121,600"
- On page 3 of the engrossed bill, line 26, delete the numerals "599,012" and insert in lieu thereof the numerals "628,149"
- On page 3 of the engrossed bill, line 28, delete the numerals "397,767" and insert in lieu thereof the numerals "426,904"
- On page 3 of the engrossed bill, line 29, delete the numerals "2,000" and insert in lieu thereof the numerals "10,000"
- On page 3 of the engrossed bill, line 30, delete the numerals "399,767" and insert in lieu thereof the numerals "436,904"
- On page 3 of the engrossed bill, line 34, delete the numerals "164,596" and insert in lieu thereof the numerals "187,764"
- On page 3 of the engrossed bill, line 35, delete the numerals "40,000" and insert in lieu thereof the numerals "40,200"
- On page 4 of the engrossed bill, line 1, delete the numerals "549,942" and insert in lieu thereof the numerals "573,310"
- On page 4 of the engrossed bill, after line 2, insert the following:

"Net operating budget	\$482,664
Capital improvements	<u>19,300"</u>

- On page 4 of the engrossed bill, line 3, delete the numerals "459,296" and insert in lieu thereof the numerals "501,964"
- On page 4 of the engrossed bill, line 6, delete the numerals "359,745" and insert in lieu thereof the numerals "361,745"
- On page 4 of the engrossed bill, line 7, delete the numerals "255,325" and insert in lieu thereof the numerals "272,923"
- On page 4 of the engrossed bill, line 8, delete the numerals "59,000" and insert in lieu thereof the numerals "61,000"
- On page 4 of the engrossed bill, line 9, delete the numerals "674,070" and insert in lieu thereof the numerals "695,668"
- On page 4 of the engrossed bill, after line 10, insert the following:

"Net operating budget	\$361,745
Capital improvements	<u>10,000"</u>

- On page 4 of the engrossed bill, line 11, delete the numerals "340,147" and insert in lieu thereof the numerals "371,745"
- On page 4 of the engrossed bill, line 16, delete the numerals "10,122" and insert in lieu thereof the numerals "59,500"
- On page 4 of the engrossed bill, line 17, delete the numerals "525,106" and insert in lieu thereof the numerals "574,484"
- On page 4 of the engrossed bill, line 18, delete the numerals "109,209" and insert in lieu thereof the numerals "119,209"
- On page 4 of the engrossed bill, line 19, delete the numerals "415,897" and insert in lieu thereof the numerals "455,275"
- On page 4 of the engrossed bill, line 21, delete the numerals "423,897" and insert in lieu thereof the numerals "463,275"
- On page 4 of the engrossed bill, line 25, delete the numerals "496,891" and insert in lieu thereof the numerals "539,748"
- On page 4 of the engrossed bill, line 26, delete the numerals "77,500" and insert in lieu thereof the numerals "107,500"
- On page 4 of the engrossed bill, line 27, delete the numerals "1,236,382" and insert in lieu thereof the numerals "1,309,239"
- On page 4 of the engrossed bill, after line 28, insert the following:

"Net operating budget	\$787,171
Capital improvements	<u>23,500"</u>

- On page 4 of the engrossed bill, line 29, delete the numerals "714,314" and insert in lieu thereof the numerals "810,671"
- On page 5 of the engrossed bill, line 4, delete the numerals "1,163,541" and insert in lieu thereof the numerals "1,263,002"
- On page 5 of the engrossed bill, line 5, delete the numerals "82,180" and insert in lieu thereof the numerals "83,535"
- On page 5 of the engrossed bill, line 6, delete the numerals "18,200" and insert in lieu thereof the numerals "3,600"
- On page 5 of the engrossed bill, delete lines 7 through 9 and insert in lieu thereof the following:

"Total special funds appropriation	\$1,350,137"
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- On page 5 of the engrossed bill, line 10, delete the numerals "32,264,503" and insert in lieu thereof the numerals "33,979,912"
- On page 5 of the engrossed bill, line 11, delete the numerals "33,370,715" and insert in lieu thereof the numerals "34,062,255"
- On page 5 of the engrossed bill, line 12, delete the numerals "65,635,218" and insert in lieu thereof the numerals "68,042,167"
- On page 8 of the engrossed bill, after line 16, insert the following new sections:

"SECTION 12. LEGISLATIVE INTENT - DETERMINATION OF PERSONNEL REDUCTIONS. It is the intent of the legislative assembly that, for the agencies and institutions named in this Act, including the main and branch experiment stations and cooperative extension division, the determination of personnel reductions required pursuant to salary and wage reductions approved by the fiftieth legislative assembly for the 1987-89 biennium shall be made by the administrators of the agencies and institutions incurring the reductions subject to board of higher education approval.

SECTION 13. LAND RECLAMATION RESEARCH CENTER APPROPRIATION - TRANSFER. The amount appropriated in subdivision 14 of section 1 of this Act includes \$707,111, or so much thereof as may be necessary, for the purpose of funding reclamation research projects, shall be transferred by the industrial commission from the lignite research fund as created by the fiftieth legislative assembly. Such funds shall be transferred at the direction of the office of management and budget from the lignite research fund to the land reclamation research center operating fund for the biennium beginning July 1, 1987, and ending June 30, 1989."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

The Senate restores \$25,571 in general fund moneys deleted by the House and reduces estimated income by \$25,571.

An analysis of the general fund and special fund changes is as follows:

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<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Operating expenses</u>			
Fund \$25,000 in operating expenses from the general fund rather than from estimated income	0	\$25,000	\$(25,000)
<u>Equipment</u>			
Fund \$571 in equipment from the general fund rather than from estimated income	0	571	(571)
Total increase(decrease)		\$25,571	\$(25,571)

COOPERATIVE EXTENSION DIVISION

The Senate restores \$531,180 of the \$623,023 general fund salary and wage amount reduced by the House. The administration shall determine the areas to be affected by the \$91,843 reduction.

NORTHERN CROPS INSTITUTE

An analysis of the general fund change is as follows:

<u>Description</u>	<u>General Fund Increase(Decrease)</u>
<u>Operating expenses</u>	
Restore operating expenses to the executive recommendation level	\$11,966
<u>Equipment</u>	
Restore \$34,927 of the \$45,000 reduction in equipment made by the House	34,927
Total increase(decrease)	\$46,893

MAIN EXPERIMENT STATION

The Senate restores \$1,349,697 of the \$1,358,000 general fund reduction made by the House to the salaries and wages line item. The administration shall determine the areas to be affected by the \$8,303 reduction.

An analysis of the branch experiment station changes is as follows:

<u>Description</u>	<u>General Fund Increase(Decrease)</u>
DICKINSON EXPERIMENT STATION	
<u>Operating expenses</u>	\$26,204
Restore operating expenses to executive recommendation level	
<u>Equipment</u>	39,450
Restore electronic weighing system, vehicle, grass drill and microcomputer deleted by the House	
<u>Capital improvements</u>	<u>12,500</u>
Total increase(decrease)	\$78,154
CENTRAL GRASSLAND EXPERIMENT STATION	
<u>Operating expenses</u>	\$27,671
Restore operating expenses to executive recommendation level	
<u>Equipment</u>	<u>30,000</u>
Restore a tractor deleted by the House	
Total increase(decrease)	\$57,671
HETTINGER EXPERIMENT STATION	
<u>Salaries and wages</u>	\$ 8,000
Restore funding for overtime and part-time employees deleted by the House	
<u>Operating expenses</u>	8,000
Restore operating expenses to executive recommendation level	
<u>Equipment</u>	13,137
<u>Capital improvements</u>	<u>8,000</u>
Restore funds for roofing, residing building deleted by the House	
Total increase(decrease)	\$37,137
LANGDON EXPERIMENT STATION	
<u>Operating expenses</u>	\$23,168
Restore operating expenses to executive recommendation level	
<u>Equipment</u>	200

<u>Capital improvements</u>	<u>19,300</u>
Restore funds for siding and roofing two buildings deleted by the House	

Total increase(decrease)	\$42,668
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NORTH CENTRAL EXPERIMENT STATION

<u>Salaries and wages</u>	\$ 2,000
Restore reductions made by House	

<u>Operating expenses</u>	17,598
Restore operating expenses to executive recommendation level	

<u>Equipment</u>	2,000
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<u>Capital improvements</u>	<u>10,000</u>
Restore funds for siding for wooden buildings deleted by the House	

Total increase(decrease)	\$31,598
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WILLISTON EXPERIMENT STATION

<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund Increase (Decrease)</u>	<u>Estimated Income Increase (Decrease)</u>
<u>Equipment</u>	<u>\$49,378</u>	<u>\$39,378</u>	<u>\$10,000</u>
Restore funds for equipment deleted by the House			

Total increase(decrease)	\$49,378	\$39,378	\$10,000
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CARRINGTON EXPERIMENT STATION

<u>Operating expenses</u>	\$12,857
Restore operating expenses to the executive recommendation level	

Senate adds funds for operating the research and extension staff facility	30,000
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<u>Equipment</u>	30,000
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<u>Capital improvements</u>	<u>23,500</u>
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Total increase(decrease)	\$96,357
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LAND RECLAMATION RESEARCH CENTER

An analysis of the general fund and other fund changes is as follows:

<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund Increase (Decrease)</u>	<u>Lignite Research Fund Increase (Decrease)</u>
<u>Salaries and wages</u>			
Restores funding for 2 FTE deleted by the House:	\$99,461	\$99,461	
1 Assistant Soil Scientist - \$65,981			
1 Agriculture Technician III - \$33,480			
<u>Operating expenses</u>	1,355	1,355	
Restore to executive recommendation level			
<u>Equipment</u>			
Delete funding for a pickup, irrigation equipment and laboratory and field equipment added by the House	(14,600)	(14,600)	
<u>Estimated Income</u>	0	(707,111)	707,111
Delete funding from the general fund - corresponding increase in estimated income - lignite research fund			
<u>Total increase(decrease)</u>	<u>\$ (86,216)</u>	<u>\$ (620,895)</u>	<u>\$ 707,111</u>

The legislative intent section provides that the areas and extent to which personnel reductions are required, because of salary and wage reductions made by the 50th Legislative Assembly, are to be determined by the administrators of the agencies and institutions subject to Board of Higher Education approval.

The Land Reclamation Research Center will be funded primarily from the lignite research fund established by the 50th Legislative Assembly rather than from the general fund. A new section transfers \$707,111 from the lignite research fund for this purpose.

SUMMARY OF SENATE AMENDMENTS TO 1987 ENGROSSED HOUSE BILL NO. 1005

	<u>Salaries and Wages</u>	<u>Operating Expenses</u>	<u>Equipment</u>	<u>Capital Improvements</u>	<u>Total Increase (Decrease)</u>	<u>Estimated Income Increase (Decrease)</u>	<u>Total General Fund Increase (Decrease)</u>
Cooperative Extension Division	\$ 531,180				\$ 531,180	\$ 0	\$ 531,180
Upper Great Plains Transportation Institute		25,000 <u>(25,000)</u> \$ 0	\$ 571 <u>(571)</u> \$ 0		0	(25,571)	25,571
Northern Crops Institute		11,966	36,927		48,893		48,893
Main Experiment Station	1,349,697				1,349,697		1,349,697
Branch experiment stations:							
Dickinson		26,204	39,450	12,900	78,554		78,554
Central Grassland		27,671	30,000		57,671		57,671
Hettinger	8,000	8,000	13,137	8,000	37,137		37,137
Logan		23,168	200	19,200	42,668		42,668
North Central	2,000	17,598	2,000	10,000	31,598		31,598
Williston			49,378		49,378	10,000	39,378
Carrington		42,857	30,000	23,500	96,357		96,357
Lead Reclamation Research Center	99,461	1,355	(14,600)		86,216		86,216
Fund from lignite research fund rather than general fund					0	707,111	(707,111)
Total amendments to engrossed House Bill No. 1005	<u><u>11,290,338</u></u>	<u><u>\$ 158,818</u></u>	<u><u>\$284,422</u></u>	<u><u>273,300</u></u>	<u><u>12,406,943</u></u>	<u><u>1691,540</u></u>	<u><u>11,215,409</u></u>

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1005 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1005:

Reps. R. Hausauer, Thompson, Nowatzki

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2005:

Reps. Kuchera, Peterson, Kelly

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2468:

Reps. Aas, Shaft, C. Williams

MESSAGES FROM THE SENATE**SENATE CHAMBER**

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2548 and subsequently passed the same but has refused to concur in the House amendments to SB 2036 and SB 2038 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2036: Sens. J. Meyer, Mathern, Stenehjem

SB 2038: Sens. Heinrich, Mathern, Nalewaja

PERRY GROTBORG, Secretary

SENATE CHAMBER

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

HB 1002

PERRY GROTBORG, 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 1548: Sens. Yockim, Wogsland, Thane

PERRY GROTBORG, Secretary

SPECIAL ORDER OF BUSINESS

REP. HAMERLIK MOVED that the Assembly go into a Special Order of Business, and that U.S. District Judge Patrick Conmy be appointed to preside, which motion prevailed.

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

SPEAKER KLOUBEC APPOINTED Reps. Sorensen and Rydell to such committee and Judge Conmy was escorted to the rostrum to preside.

JUDGE CONMY was recognized and addressed the Assembly.

JUDGE CONMY: I want you to know the last time I sat up here the computer moved back into the twilight zone. During the 1985 session, the computer decided that the 1983 seating chart and voting list would be appropriate and glorious; uncontrolled pandemonium broke loose resulting in recessing, as I recall, while they totally reprogrammed the computer and the school child who did it all to us probably is laughing to this day.

People have asked me if I have missed not being in this session and I pointed out to them how much I dearly loved having my own microphone. Now I am the only one with a microphone and it is far more enjoyable than previously. Basically, I have said to them, no. I have not missed this session because you people have had facing you a series of unsolvable problems and solutions partial to those problems which can only alienate each and every person in the state. Yet, you have, as has always been in the past, carried that responsibility. You are, at the moment, attempting to put together a final package that blends that responsibility which you have for budget, for income, for economics, for substantive law, in such a way that there are no winners. Everyone is a slight loser and, in that context, perhaps you have done good because everyone will hate you, except me, and I will understand.

I want you to know people ask me how I like being on the bench and I say to them, "I enjoy the check I get every month." I do not have to put the money in the bank first. It is there and if that check does not clear, I figure there is no point in worrying because we are all done anyway.

The job is not as difficult as I thought it would be because I have been forced to come to some conclusions about what my role is as opposed to what your role and what the role of Congress is. You are fond of saying that the judges and the judiciary are responsible for justice. I am going to say to you that is not true. I do not pass a single law. I do not work on a single bill that determines the rights and priorities of people to each other. I do

not have the authority to enact a single law that says who is entitled to what or who carries what obligation. It is that relationship between people and their usage of their property and each other that defines justice. That is what you do every day in what you do. All I try to do is apply your concepts of right, your concepts of legality, and your concepts of justice to the individual fact patterns that come before me. I am finding that is pretty easy to do because of the job you have done over the course of many years.

There are some judiciary bills I still do not understand but I wrote them. Congress can be a bit obtuse at times, but then I understand that, considering. Never mind. Remember we need an ag man, that is all I have to say to you on that point.

Seriously, you make my job easy. You are the ones involved in the business of justice. I am simply an administrator in that area and I want you to know that I appreciate you more now. I hated you before, now I appreciate you, and I hope that we can continue to keep our roles in the proper perspective and that I will continue to have the opportunity through diversity jurisdiction which Congress is threatening to take away from me to apply North Dakota law because I understand it, I respect it, and I respect those of you who have been responsible for it. Most all of it.

It is my understanding that we have reached that moment in your program where you put aside all that petty bickering and rancorous display that you have been so fond of during the past months and you pretend now to like each other. Let us now enter into pretense with a warm, open feeling. First we will call on Representative Hill to present a gift to Bill Clerk Jeane Marschke.

REP. HILL: Jeane, would you please come forward. Jeane, you are such a delightful gal to have up front here and I am sure that she, more than anybody else, is hoping that the Committee on Delayed Bills will soon be dissolved so that she will not have to record any more bills. We appreciate all your work, Jeane.

REP. HILL presented a gift to Bill Clerk Jeane Marschke. Bill Clerk Jeane Marschke thanked the members of the assembly.

REP. HILL: Now, Barb gets hungry some days, I understand, and I have seen her have food brought in from Taco John's on occasion. I have seen her tip her chair up here and she gets a little excited, I guess. She keeps a pretty good record of everything that is going on here. We have some pretty eventful happenings here in the House and we

appreciate everything she does for us. Thank you very much.

REP. HILL presented a gift to Desk Reporter Barbara Middaugh. Desk Reporter Barbara Middaugh expressed her thanks and appreciation to the Members of the Assembly.

REP. R. BERG presented a gift to Representative Nicholas.

REP. R. BERG: First of all, it was kind of lonely coming down here to this session with Pat, Representative Conmy, not being here and I felt kind of bad because he had not been down here and I appreciate that he did come and speak to us. You are leaving when it's done, aren't you?

A lot of us come out here to Bismarck and we leave things back home. A lot of the ranchers leave their pickups back home, they leave their boots back home, and they are a little bit, well it is kind of like when you lose your watch, you are a little bit uncomfortable. It is the same way with farmers and accountants without calculators.

I served on the ag committee two years ago and I could never put my finger on why Representative Nicholas was always bouncing around so much. I can see that he is busy bouncing around right now. I think we have a solution. We have got a portable cellular phone, which he can tape or carry inside his coat and he will not have to worry about missing committee meetings, missing testimony on the floor, or anything like that. Is Gene here? I will just tape it to his books.

Page Tony Gross presented a gift to Chief Page Tove Mandigo.

Page Tony Gross: Several times during this session, I have heard Representatives comment on how smoothly things have run and how amazing it is that we are able to keep track of the amendments. The person who is responsible for keeping everything running smoothly and keeping the pages in line is Tove Mandigo. Tove, would you come forward please. Now we realize what she really wanted was to completely remodel her home. We could not quite handle that, but we are happy to present her with a small token of our appreciation.

Chief Page Tove Mandigo thanked the Assembly.

REPS. WENTZ AND RYDELL presented a gift to Assistant Chief Clerk Skip Sjothun.

REP. WENTZ: It is our great pleasure to make a special presentation today to Skip for all his very hard work as assistant chief clerk.

- REP. RYDELL: You do your job so efficiently, Skip, and it makes a big difference in helping us to do our job well.
- REP. WENTZ: We are indebted to you for your dedication to your job and we do not often take the time to tell you how much we really do appreciate you.
- REP. RYDELL: We want you to know of our gratitude. You worked so efficiently behind the scenes and we take for granted all of the backup work that you do and it makes our job so much easier.
- REP. WENTZ: We could maybe get along without some of the legislators in the assembly; of course, we will not mention any names, but we do realize that we could not get along without you, Skip, and also we could not get along without the job that you do for us.
- REP. RYDELL: You do it so pleasantly and well, Skip, so we have a gift that we would like to present to you as a token of our appreciation on behalf of the entire assembly.
- REP. WENTZ: I am so embarrassed, Cathy. It is not here, you must have it.
- REP. RYDELL: I do not have it. You have it.
- REP. WENTZ: Cathy, I do not have it.
- REP. RYDELL: You have to have it.
- REP. WENTZ: No, I do not.
- REP. RYDELL: Oh, I know. I bet it is over in the Senate.
- REP. WENTZ: It was in the Senate, Cathy, but we asked them to return it.
- REP. RYDELL: I know. I bet it is up in the Speaker's office.
- REP. WENTZ: It is not in the Speaker's office.
- REP. RYDELL: It has got to be around here someplace at the desk.
- REP. WENTZ: Well, let us look again. The drawer is locked.
- REP. RYDELL: Skip, do you think you could get the key. Ask the Speaker for permission to unlock the desk. It is our gift, we bought it. We should be able to have it. Mike, do you have it there with the other gifts.
- MIKE: There is one here, but the name on it has been whited out.

REP. RYDELL: They sure put it on thick. It looks like house paint.

REP. WENTZ: This is our gift to you, Skip, presented on behalf of the entire House of Representatives with our appreciation for a job semiwell done.

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

REP. KOLAND presented a gift to Sergeant-at-Arms David Hillesland.

REP. KOLAND: Mr. Speaker, Members of the Assembly: Would our Sergeant-at-Arms please come forward? David has always been a man of few words. He is not too good at spelling either one of them, but he is a man whom thousands of people call friend. Mostly because they can never remember his name. It is with a great deal of pleasure that we honor our Sergeant-at-Arms David Hillesland. He has worked long and hard in serving this body. His chief duty is to protect us from the Senate and he has done that reasonably well. It is with a great deal of pleasure, I give you this token of our appreciation.

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

REP. KOLBO presented a gift to Chief Clerk Roy Gilbreath.

REP. KOLBO: That's what I call an escort committee. When Representative Hamerlik asked me to do this, to use a proper grammatical language and I got to thinking back to the human services committee and every now and then we'd have a little trouble with a bill and, of course, we would consult Professor Hamerlik on proper grammatical usage. He got a little tired of the misuse of the English language and so he decided to conduct a few classes. Every day after committee hearings, we had a little five-minute session on the proper use of the English language. We would start out real basic with nouns, verbs, whatever, and really got into, as the session progressed, some of the more difficult parts of the English language, participles, modifiers, and so forth. Each day he would give us an assignment for the next day. He would say we will take up such and such tomorrow. On the final day, he really thought he would take a chance and see how much we had learned. He said, "Well, tomorrow we are going to take up syntax." Our sweet law student, Connie Cleveland, said "Oh, my God, if they start collecting a tax on that I will never be able to afford tuition next year." I really have a delightful job today. I have been chosen to present flowers and kisses to all the pretty pages here in the assembly. Now I could not have asked for. . .

JUDGE CONMY: Representative Kolbo, my notes say it's a gift to Chief Clerk Roy Gilbreath.

REP. KOLBO: Roy Gilbreath, what you talking about, judge? I get stuck with Roy Gilbreath. You know, Roy got picked for speeding the other night. He had a lady friend with him and they got in a little argument with the highway patrolman over how fast he was going. The highway patrolman says, "Roy, I have got you clocked at 70." Roy said, "No way, I was going 55." The patrolman said, "No, you were going 70." Roy says, "No." And it was just a violent argument and, all of a sudden, Roy's lady friend was going to come to his defense. She says, "Officer, do not argue with Roy when he is drunk."

I do not know how many of you know about Roy's past military service, maybe Art Melby does, probably the only one. Roy was in intelligence. Believe it or not. Intelligence. While he was in the service, he decided to let a few of the boys back home know where he was. He had to be real secretive about it. He could not just come right out and say. He wrote back home one night and he said, "Well, I cannot tell you where I am, but one thing I can tell you, last night I shot a polar bear." Well, about two weeks later, the boys got a postcard and Roy wrote: "I cannot tell you where I am, but one thing I can tell you is, last night, I danced with a hula girl." Well, about two weeks later, the boys back home got another postcard and Roy says, "Well, I cannot really tell you where I am. I can tell you that I am in a hospital. One other thing I can tell you is I sure wished I would have danced with that polar bear and shot that hula girl."

I guess I have to present a gift to Roy. I do not really know where you are and I do not really care. Roy, you have made our job very, very, well, I will not say easy, but a lot, I guess, easier to handle, from the freshmen right on through the veterans. There is no doubt when we hear, "Mr. Speaker," and it is our pleasure to present this to you, Roy.

Chief Clerk Roy Gilbreath thanked the Members of the Assembly.

REP. GATES presented a gift to Representative Halmrast.

REP. GATES: I think Representative Kolbo has got something going. Here about two weeks ago and, I brought this up to him already, there was a camera standing right over here, one of the TV cameras. Representative Kolbo got up to speak, the camera pointed in that direction, Representative Kolbo did not look towards the Speaker, he did not look to the side, he was facing directly into that TV camera. Now, he has two young ladies escorting him up here. He's got

something going. I think he is pulling the wool over our eyes.

Judge Conmy it is a pleasure to have you here. I started out my first session up in the old Supreme Court room where the judiciary meets. Representative Conmy at that time was the chairman of the judiciary committee. I had an excellent start. It is good to see you back here again.

On with my little part of the program. We have a member of the House and the education committee that has untiringly tried his best to achieve one goal during the current and past legislative sessions. He has always had amendments prepared for every bill possible to try to get his goal achieved, but without avail in these past sessions and the current session also. The hearts and flowers committee prevailed upon itself to present this House member with a small memento for his many trys. I would like to, at this time, have Representative Halmrast come forward, please. As you all know, Representative Halmrast lives in Bismarck. He has a small transportation problem. He has been trying to take care of this for this session and during the past sessions also. Representative Halmrast, just one second. I forgot part of it. They gave me this, too. It says: "Official bill from the hearts and flowers committee. North Dakota House of Representatives. Representative Jerry Halmrast. The hearts and flowers committee of the House of Representatives request the payment of 61.1 percent of the purchase price of this bus. Signed Mike Hamerlik, Chairman."

REP. C. WILLIAMS presented a gift to Assistant Majority Leader Bill Goetz.

REP. C. WILLIAMS: Earl, is it okay if Bill comes up here? Yesterday, Mike Hamerlik approached me and he said, "Clark, I would like you to give a gift today to Bill Goetz." I asked him for procedure and he said, "Just do not say anything nice." That would be a bit out of character for me anyway. It is really difficult in this situation. I have an impossible task. It is difficult to say something about nothing.

I told Mike, I said, "Well, what do I do?" He said, "Make a few humorous comments." I went to Marshall Moore. Marshall recalls yesterday. I said, "Can you tell me something humorous that I might say about Bill?" Marshall looked at me like I was an absolute retard. I went over to Moine and Moine just ignored me.

Finally, in desperation, I was looking for something and I asked Earl. I said, "You've worked with him the whole session, what is it like to work with Bill?" He said, "Bill who?"

I thought, in desperation, that maybe I would try to talk in a complimentary, if not a humorous, fashion about Bill. I thought I could say, "Bill, you are nicer than Earl." That would not be very pertinent. We could make that statement about every legislator in here.

I was going to suggest that Bill is one who measures his words carefully. Moine Gates told me, "Clark, there is this very fine line between brevity and being a mute."

Finally, I thought I might say, somewhat facetiously, he is vibrant and outgoing. We took a poll in here yesterday. Of the 107 members, you came in 106. Verdine Rice was 105. You got 106 because you sit up straight. Ace was 107.

In total frustration, I thought maybe I can evaluate his job performance up here today and put it in historical perspective. It occurs to me that 132 years ago, Andrew Jackson, this is fact, stood up and said when he took the presidency that any job can be made simple enough so that any man can handle it. I think, Bill, he was talking about your job.

I always get a kick out of it. Everyday he gets up here and he turns to Kloubec and he says, "Mr. Speaker, might we be on the fifth order?" and, like a mockingbird, Kloubec says, "yes". Then he goes through, "at the conclusion of fifth order, I move to the seventh order," or, "at the conclusion of the seven order, I move to the ninth order, at the conclusion of the ninth, we move to the thirteenth and then to the sixteenth." He screwed that up the first time he did it. Do you remember? I learned this last night in five minutes in spite of having Dagne help me.

He is doing a good job, however, he is getting better every day. He excuses the absent members. That is important. Sometimes he helps Roy out by suspending the reading of the bills. You will know when you have really accomplished this job. You become accomplished because when you get to the point where you can suspend half the rules that we live by then you have made it. I have seen that happen in here.

One last point. Bill is very impressionable. Earl, he thinks that you walk on water. He does. He is absolute clay in your hands. One night after Francis Wald had gotten all over me for my vote on comparable worth, I went through a real soul searching at home. I sat there and finally in my frustration, I got an answer. It was just like the Lord was talking. The next day I was telling Bill. I was telling him about this and he actually got upset. Then he got a little incensed and I said, "Bill, what is the matter?" He said, "What in the hell was Earl doing in a democratic bedroom?" With all due respect and all of the jesting aside, anyone that sits here in

leadership earns the respect of everyone else in the chamber. It is my privilege, Bill, to give you this gift as a token of our appreciation.

REP. GOETZ: Thank you, Clark. I would like to let you know that I think you have missed your calling. I appreciate it very much. I look at this as being symbolic of the many friendships that have been created this session once again. Thank you all very much.

REP. D. OLSEN presented a gift to Assistant Minority Leader Serenus Hoffner.

REP. D. OLSEN: Mr. Speaker, Judge Conmy, and Members of the House: I had many of the same problems that Representative Clark Williams did in looking for information about the individual that I am going to present to you in just a few moments. I think he mentioned something about simple and brief and I do not know if Clark Williams understands the English language too well yet.

What are some of the words and phrases which describe our next hearts and flowers person. Unbelievably meticulous, someone told me. Organized and neat. I want all of you after this to go over and check that desk, open the middle drawer. I mean neat, organized, meticulous - right! I do not think anyone else has their desk in the shape that his is. I do not know if it helps the voting or anything like that, but he does have things shaped up.

The other words are he is a teacher, a wrestler, a principal. He believes in alternate schools. He is on the Education Commission of the States.

He is married. His wife Janet teaches remedial reading. He has two children, one is wrestling at the University, that could mean anything, and one is married. I am not making any announcement for him, but, at least, he has taken the first step now to being a grandfather someday.

His image on several issues, however, has been tarnished this session. Have you noticed how he has voted for stud poker, for wine and beer on Sundays, for parimutuel betting? He reads a lot and he likes to talk a lot, however, he has not been talking so much lately. Maybe he knows what simple and brief is. We are not sure if he thinks his new voting record will help or hinder but he is running for lieutenant governor.

Serenus Paul Hoffner, will you come forward? Thank you for your efforts in serving as assistant minority leader during this 1987 Legislative Session. You are nice to people of both parties, well, at least, most of the time.

REP. HOFFNER: Thank you, Dagne. I was pretty apprehensive after Clark got done with Representative Goetz. I thought I was really going to get raked over the coals. I appreciate all those comments. It is a pleasure to serve here in the legislature and certainly in the leadership position. I appreciate it. It has been a great experience and, as Bill said, the friendships that one makes last a long, long time. Thank you very much.

REP. W. WILLIAMS presented a gift to Representative Kingsbury.

REP. W. WILLIAMS: Thank you, judge. I am sure we have all seen the show "Hardcastle and McCormick". They patterned Hardcastle after Judge Conmy. I am still wondering what Judge Conmy wears underneath his black robe after seeing some of the outfits he wore in 1983.

I have been asked to give an award to one of the most conservative members of this House, Representative Harley Kingsbury. It was a little tough. Harley is such a fair and unselfish kind of a person that it really gets my goat. You know which goat I am talking about. It is the one that died a natural death and almost killed Earl before he finished the story. Harley is so unselfish that when he finds a revenue bill that taxes himself instead of other people he is always in favor of it. He is an avid opponent of higher property taxes.

Harley, because you are such an unselfish and, would you please start forward, kind person we have given you this certificate. This is to "hereby certify that Representative Harley Kingsbury is given tax exempt status on all duties, payments, attorney fees, charges, bail bonds, medical costs, and gambling debts incurred while sampling the great pleasures of life."

REP. KINGSBURY: Judge Conmy and Members of the Assembly: Thank you very much for this prestigious award. It is going to go up in my den along with some other things that I have there. I still think that, while I may be a little worried about property tax, I would like to get back to that game of strip poker. Thank you very much.

REP. CLEVELAND presented a gift to Minority Leader Charles Mertens.

REP. CLEVELAND: Mr. Speaker and Members of the Assembly: I have the honor to say a few words about the House Minority Leader Charlie Mertens. Charlie, would you come up here please. Preparing for this has been a rare opportunity and an educational experience for me as I have discovered some things about a man who has been a leader for most of his life. Most of you might be thinking I have the wrong person, because Charlie has only been leader of the

Democratic caucus for two short sessions. He has been honing these skills since he was a very young man.

You see, in his other life, Charlie is a dairy man. And that is where true leaders are made. It is amazing to realize the similarities between a caucus and a dairy herd. I have to stress to you that this is dairy herding because most people in the House are involved with beef so they really probably do not understand Charlie's methods. Others may say, "Feed them and milk them, that is what is important," but Charlie uses a different approach to increase the quality of the product. If, along the way, that results in a little higher fat content, well, that is okay, too.

There are some simple methods that Charlie transfers from herd to caucus and from caucus to herd. First of all, call each one by name; secondly, treat all with kindness and love; and, finally, do not push any member to produce too much too fast.

Charlie also pays special attention to the new members of the fold. He makes sure to teach them the three cardinal rules. First of all, always turn the "udder" cheek. Secondly, stay on the correct side of the fence and, finally, only get involved with the bull when it will increase productivity.

Charlie, from the members of the House to you, thank you for teaching us there are different styles for achieving the goal which we all would like to get to.

REP. MERTENS: Thank you, Connie. Mr. Speaker. Is it Mr. Chairman or Your Honor, Pat?

JUDGE CONMY: Fatty is good enough.

REP. MERTENS: We miss Pat for his wisdom and advice and humor that he used when he was here, but I noticed, by the papers, that with his decisions, he is still giving out the sometimes controversial situations.

I wish to thank all the members of the entire body here. This, the 50th Legislative Session, is amazing. After 50 sessions, how much easier the problems are then it must have been that first session of North Dakota. This has not been an ordinary session. I do not know whether there is such a thing as an ordinary session, but you people that have served in the 50th session have had a special session and this is, in my nine terms, the toughest I have ever served. As I travel around and visit the legislators from other states, I am always very, very proud. I think North Dakota has the finest legislators of any state in the Union and that goes for either side of the political aisle. You

do your work with dignity and honor and respect and I think the people of North Dakota should be proud of you. Thank you.

REP. SCHNEIDER presented a gift to Majority Leader Earl Strinden.

REP. SCHNEIDER: Mr. Speaker, Members of the North Dakota House of Representatives; excuse me, may it please the court: It is nice, for a change, to stand here in front of Judge Conny and know that any objections that may be made to what I have to say will not be sustained.

I do not know how the particular honor fell to me to present this gift to the House Majority Leader. I know I got it two years ago because I was the only one on our caucus who could carry it off without swearing. I thought what had happened this time, and I thought it was probably that I was given this honor out of sympathy to me because you have heard that the lieutenant governor list has been cut down from 106 to 105 and I did not make the first cut.

What actually happened is, Representative Strinden presented six options to his caucus and I lost. I know what he is going to do when he gets up here, he is going to get up here because he has followed me many times when I have spoken and he is going to tell me of the great respect he has for Representative Schneider, how much he appreciates what I had to say and then to precede to tell you how wrong and stupid I am. You know, more than any other person, it hurts coming from Representative Strinden because of the military kinship that we have together.

I often wonder how two people with so much in common could so often disagree. We both live in homes nestled in the lovely Red River Valley, we both have a strong kinship to our two great universities in this state. Neither one of us was against putting the sales tax on barbers. We were both officers in the United States Marine Corp. But, more important, we were both Marines who never exchanged our nation's secrets for foreign favors. No matter how great the temptation. I did run that by Representative Jeremy Nelson, the only other former Marine here in this Assembly and I asked him if he ever succumbed to such temptations and he said, "Well, of course, several times, but I did not know any secrets."

Let us talk about how we can agree, coming from Grand Forks and Fargo, where we both agree about the greatness and the problems of our two universities and we agree that there are curriculum problems and overlapping, such as in home economics and engineering between UND and NDSU. And I have a compromise to offer. NDSU will not attempt to start an aerospace program if UND doesn't try to start a football

team. I think that's terrible though. We have to stop this sports bashing between our two great universities so I want to put to rest once and for all the rumor that Bear Bryant's widow is moving to Grand Forks to get as far away from football as possible.

We have all enjoyed Representative Strinden, we hear him during the day and, of course, we hear him all evening and read about him in the paper. He is an ever present politician. It calls to mind the politicians of our earlier years in the prairies who did not have the mass communications or electronic media to carry their message so they showed up at public hangings and executions because it always drew a great crowd.

Local politicians would show there and there was one incident in the northern part of Nebraska in the latter part of the last century that I recall that reminds me of Representative Strinden. They hauled a poor condemned man out onto the gallows and the mayor came up upon the gallows because the mayor was traditionally given the giddy, delightful task of being the executioner and, as tradition would be, asked the condemned man if he had any last words. And the condemned man said, "No, I don't have anything to say," and the mayor went, "Hey, you have got five minutes. It is your last five minutes on earth; you can say anything you want. You can berate me, berate the society that led you up to these gallows." And the man stood there and he thought about it and he said, "Nothing comes to mind." Well, about then from the back of the crowd, a politician jumped up and said, "Say, say, will the gentleman yield his five minutes?" The mayor said; "This is highly unusual," but he turned to the condemned man and he said, "Will you yield your five minutes to the local politician?" And he said, "Well, I guess so, but hang me first."

Representative Strinden, again, I have sat here and watched with great awe and admiration at the brilliance of how you run this House. Those of us in the minority all respect you for the honesty, the integrity, and the great expertise you bring to this assembly. Thank you and come and get your gift.

REP. STRINDEN: Thank you. Thank you, Mr. Chairman. Your honor. Thank you, Mr. Speaker. Thank you very much, John. I am not going to even begin to take the unusual amount of time that you took in saying all the nice things you said about me. As always it's a pleasure and honor to serve with each and every one of you.

When we think about it, there are only some 5,000 Americans out of some 280 million plus who have the opportunity to serve the citizens of this great nation as a member of the state legislature and that is a high calling. It truly is.

I am very proud of the North Dakota Legislature for all of us. The memories made, the friends that will last over a lifetime, make all of this worthwhile. Thank you for the privilege and honor again of serving with you.

REP. KELLY presented a gift to Speaker Richard Kloubec.

REP. KELLY: Judge Patrick, Mr. Speaker, Representative Mike Hamerlik: Mr. Speaker, on behalf of all your House colleagues and in the time-honored tradition and that pun is fully intended, I would like to present this gift to you. In addition, Representative Peterson, Representative Hausauer, and I would like to give you a special invitation to take a seat in the back of the Legislative chamber and speaker's alley.

SPEAKER KLOUBEC: Members of the House, it has been my honor and privilege to serve as your Speaker to this point. I presume the honor and privilege will extend a few more days as we wrap up the Session. It's been a very interesting afternoon. I had no idea that I was presiding over the tryouts for Saturday Night Live. But I see a lot of talent and, now that I am retired, I have signed up as a talent agent for some Broadway producers and I am going to be interviewing some of you, most particularly, you, Representative Williams, and you, Representative Kolbo, for your abilities that will also hold and enhance my ability as a Republican legislator to reduce your ranks by two by sending both of you to New York. Thank you very much, members of the House. I certainly have appreciated working as the Speaker of the House. I trust I have merited the confidence that you accorded to me when you elected me Speaker. Thank you again.

JUDGE CONMY: On behalf of Representative Kelly and myself, let us close our proceedings with an Irish toast: "May those who love us, love us. May the good Lord turn the hearts of those who don't love us and may those whose hearts will not turn, may He turn their ankles so by their limp we can recognize the bleep."

MOTION

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

MOTIONS

REP. GOETZ MOVED that the House stand in recess for ten minutes, which motion prevailed.

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

REP. GATES MOVED that the House do not accede to the request of the Senate to return HB 1539, which motion prevailed.

RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Ralph Hickle, and Representative Hickle was thereupon introduced to the House.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2404 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 1689-1690 of the House Journal and that Engrossed SB 2404 be further amended as follows:

In addition to the House amendments to engrossed Senate Bill No. 2404 as printed on page 1463 of the Senate Journal, engrossed Senate Bill No. 2404 is amended as follows:

On page 1 of the engrossed bill, line 19, after the numerals "12.1-16-03" insert an underscored semicolon and remove the overstrike over the word "and"

On page 1 of the engrossed bill, line 20, delete the words "driving while license or driving"

On page 1 of the engrossed bill, delete line 21

On page 1 of the engrossed bill, line 22, delete the words and numerals "39-06-42, or an equivalent ordinance;"

On page 1 of the engrossed bill, line 24, delete the word "reckless"

On page 1 of the engrossed bill, delete lines 25 through 27

On page 1 of the engrossed bill, line 28, delete the words and numerals "39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances"

On page 2 of the engrossed bill, line 19, after the underscored semicolon insert the word "or"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Maxson, Stenehjem, Holmberg

For the House: Reps. Wentz, Sorensen, Ulmer

Engrossed SB 2404 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

REP. WENTZ MOVED that the conference committee report on Engrossed SB 2404 be adopted, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that Engrossed SB 2404 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2404: A BILL for an Act to amend and reenact subsection 9 of section 27-20-02 and section 27-20-31 of the North Dakota Century Code, relating to the jurisdiction of the juvenile court over traffic offenses committed by a child and the disposition of a delinquent child.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 95 YEAS, 4 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Gunsch; Hanson, O.; Haugen; Melby

ABSENT AND NOT VOTING: Klundt; Kretschmar; Martin; Murphy; Nicholas; Peterson; Whalen

SB 2404 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do concur in the Senate amendments to HB 1028, which motion prevailed.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1028 be deemed properly reengrossed and placed on the calendar, as

amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1028: A BILL for an Act making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; to provide for authorization to accept and expend income; to provide legislative intent regarding deinstitutionalization court monitor expenses; and declaring 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 98 YEAS, 3 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Dorso; O'Connell; Schindler

ABSENT AND NOT VOTING: Klundt; Kretschmar; Meyer; Nicholas; Whalen

HB 1028 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1544 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE
THE SPEAKER APPOINTED as a Conference Committee on HB 1544:

Reps. Gunsch, Wald, Hill

APPOINTMENT OF CONFERENCE COMMITTEE
THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2038:

Reps. Larson, Haugland, J. DeMers

MESSAGES TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1005 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1005: Reps. R. Hausauer, Thompson, Nowatzki
ROY GILBREATH, Chief Clerk

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 2005: Reps. Kuchera, Peterson, Kelly
SB 2468: Reps. Aas, Shaft, C. Williams
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report on SB 2387 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2387: Sens. Gorman, Lindgren, Enget
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 1448, HB 1645
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 2011, SB 2128, SB 2365
ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILL

HB 1633: A BILL for an Act to provide for the establishment of a North Dakota venture capital corporation; to create and enact a new subsection to section 7-02-10, a new subsection to section 10-04-05, a new subsection to section 10-04-06, a new subdivision to subsection 1 of section 57-38-01.2, and a new subdivision to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to legal investments of savings and loan associations, exempt securities and transactions, and adjustments to taxable income for income tax purposes; to amend and reenact sections 6-03-38 and 6-09.2-01, subsection 1 of section 6-09.2-03, sections 6-09.2-04, 6-09.2-05, 6-09.2-07, 6-09.2-08, 6-09.2-09, 6-09.2-10, 6-09.2-11, and 10-30.1-05, subsection 14 of section 15-03-04 as amended by section 1 of House Bill No. 1031, as approved by the fiftieth legislative assembly, subsection 14 of section 21-10-07, and subsection 30 of section 26.1-05-19 of the North Dakota Century Code, relating to the industrial development revenue bond guarantee program, venture capital corporations, the board of university and school lands, and legal investments of banks, the state investment board, and insurance companies; and to repeal section 6-09.2-06 of the North Dakota Century Code, relating to the industrial development revenue bond fund.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 95 YEAS, 4 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Gates; Gertholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Frey; Haugland; Murphy; O'Shea

ABSENT AND NOT VOTING: Hausauer, A.; Klundt; Kretschmar;
Meyer; Nicholas; Schneider; Whalen

HB 1633 passed and the title was agreed to.

MESSAGES FROM THE SENATE
SENATE CHAMBER

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

SCR 4069

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1601, HCR 3007, HCR 3064

PERRY GROTEBERG, Secretary

MESSAGES TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1028 and subsequently passed the same but has refused to concur in the Senate amendments to HB 1544 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1544: Reps. Gunsch, Wald, Hill

ROY GILBREATH, Chief Clerk

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 2038: Reps. Larson, Haugland, J. DeMers

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 2404

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2006, SB 2024, SB 2028, SB 2068, SB 2080, SB 2294,
SB 2303, SCR 4026

ROY GILBREATH, Chief Clerk

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

SB 2006, SB 2024, SB 2028, SB 2068, SB 2080, SB 2294,
SB 2303, SCR 4026

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 1633

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House does not accede to the Senate's request for the return of HB 1539.

ROY GILBREATH, Chief Clerk

MOTIONS

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

REP. GOETZ MOVED that the House stand adjourned until 8:00 a.m., Friday, April 10, 1987, which motion prevailed.

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

ROY GILBREATH, Chief Clerk