

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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SIXTY-EIGHTH DAY

Bismarck, April 13, 1987

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

The prayer was offered by Reverend Tom Shaffer, First Baptist Church, Bismarck.

God of our Fathers and our God, keep strong our faith in You as we pause together with our petitions and personal needs. May we each be more helpful and trusting in accord with our most famous and handled phrase, "In God We Trust."

May we be honest with each other as we seek Your guidance in the difficult and urgent issues facing us this day and week. May we be courageous in our leadership and inspired by each other's sincere concern for our people.

Forgive us for ever thinking that You are unwilling to help us in our dilemmas. Encourage each side of the aisle by knowing that "with God nothing is impossible." It remains for every one of us to just believe You.

Work in us and through us to do Your will. Favor and bless each of our homes and families for we ask the same for all the citizens of our districts.

During this special week of love, may every decision and product of our work be handled with servant hands which have themselves been inspired by the love of the nail-pierced hands of Your servant, even Your Son, the Savior of the world. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators Keller, W. Meyer, Reiten, and Todd.

A quorum was declared by the President Pro Tem.

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it passed HB 1026 and whereby it did concur in the Senate amendments to HB 1026, and consequently did not concur in the Senate amendments to HB 1026, and the Speaker has appointed as a conference committee to meet with a like committee from the Senate, the following:

HB 1026: Reprs. Kingsbury, Gunsch, Solberg  
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 2021: Reprs. Kingsbury, Peterson, Graba

SB 2022: Reprs. Kingsbury, Peterson, Graba

SB 2339: Reprs. Martinson, Gorman, Hokana

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2002 which the House has amended and subsequently passed:

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

On page 1 of the engrossed bill, line 1, delete the word "making" and insert in lieu thereof the words "to provide"

On page 1 of the engrossed bill, line 3, delete the word "providing" and insert in lieu thereof the words "to provide"

On page 1 of the engrossed bill, line 4, delete the word "and" and insert in lieu thereof the words "to provide an appropriation for establishing electronic media instruction in school districts and to provide for a transfer of funds from the interest income of the state school construction fund; to provide an appropriation for developing computer software to promote the study of North Dakota and to provide for a transfer from the interest income of the state school construction fund; to provide for a legislative council study of education finance issues; to create and enact a new section to chapter 15-21 and a new subsection to section 15-60-03 of the North Dakota Century Code, providing for an adult basic and secondary education fund and a continuing appropriation and relating to use of interest income from the state school construction fund;"

On page 1 of the engrossed bill, line 6, after the comma insert the words and numerals "and section 15-40.1-16 of the North Dakota Century Code,"

On page 1 of the engrossed bill, line 7, after the word "pupil" insert the words "and state transportation aid payments to schools; and to provide an expiration date"

On page 1 of the engrossed bill, line 19, delete the numerals "4,746,723" and insert in lieu thereof the numerals "4,712,629"

- On page 1 of the engrossed bill, line 20, delete the numerals "3,017,767" and insert in lieu thereof the numerals "2,986,752"
- On page 1 of the engrossed bill, line 23, delete the numerals "361,621,126" and insert in lieu thereof the numerals "349,300,704"
- On page 1 of the engrossed bill, line 26, delete the numerals "1,260,000" and insert in lieu thereof the numerals "1,116,000"
- On page 1 of the engrossed bill, line 27, delete the numerals "216,000" and insert in lieu thereof the numerals "400,000"
- On page 2 of the engrossed bill, delete line 3
- On page 2 of the engrossed bill, line 7, delete the numerals "501,956,944" and insert in lieu thereof the numerals "490,261,413"
- On page 2 of the engrossed bill, line 8, delete the numerals "110,730,300" and insert in lieu thereof the numerals "111,413,253"
- On page 2 of the engrossed bill, line 9, delete the numerals "391,226,644" and insert in lieu thereof the numerals "378,848,160"
- On page 2 of the engrossed bill, after line 27, insert the following new sections:

"SECTION 4. APPROPRIATION - TRANSFER. There is hereby appropriated, and shall be transferred, out of any interest income in the state school construction fund, not otherwise appropriated, the sum of \$400,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of making grants to school districts for electronic media instruction for the biennium beginning July 1, 1987, and ending June 30, 1989.

SECTION 5. APPROPRIATION - TRANSFER. There is hereby appropriated, and shall be transferred, out of any interest income in the state school construction fund, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of developing computer software to promote the study of North Dakota in light of the 1989 centennial celebration for the biennium beginning July 1, 1987, and ending June 30, 1989."

- On page 3 of the engrossed bill, after line 8, insert the following new section:

"SECTION 8. A new section to chapter 15-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

Adult basic and secondary education fund - Continuing appropriation. The superintendent of public instruction may receive and accept any grant, gift, devise, or bequest of any money from any private or public source for adult basic and secondary education programs. Any money received for adult basic and secondary education programs by grant, gift, devise, or bequest not specifically appropriated by the legislature must be deposited in the adult basic and secondary education fund in the state treasury. All moneys in the fund, and any interest upon moneys in the fund, are hereby appropriated to the superintendent of public instruction for the purpose of administering and implementing adult basic and secondary education programs. Any funds appropriated under this section are not subject to section 54-44.1-11."

On page 3 of the engrossed bill, line 15, overstrike the word "four" and insert immediately thereafter the word "three" and delete the word "thirteen" and insert in lieu thereof the words "eighty-two"

On page 3 of the engrossed bill, line 18, delete the word "forty"

On page 3 of the engrossed bill, after line 27, insert the following sections:

"SECTION 10. AMENDMENT. Section 15-40.1-16 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16. Aid for transportation. There shall be paid from state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city, the following amounts:

1. For schoolbuses and school vehicles transporting pupils who live outside the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to ~~thirty-eight~~ thirty-six cents during each year of the ~~1985-87~~ 1987-89 biennium for vehicles having a capacity of nine or fewer pupils and ~~seventy-six~~ sixty-nine cents per mile [1.61 kilometers] for each year of the ~~1985-87~~ 1987-89 biennium for schoolbuses having a capacity of ten or more pupils. In addition, those school districts qualifying for payments for buses having a

capacity of ten or more pupils shall be entitled to an amount equal to nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses.

2. For pupils who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to nine and one-half cents per pupil per one-way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1.

The mileage payments provided for in this section shall be made to each school district for transporting pupils to and from school. Such payments shall be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to the compliance with the laws of this state in regard to schoolbuses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section. The superintendent of public instruction shall do an onsite audit of the books and records, regarding transportation cost, pupils transported and miles traveled, of at least ten school districts each fiscal year to verify compliance with section 15-40.1-16.

**SECTION 11.** A new subsection to section 15-60-03 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Interest income from the state school construction fund may be used to promote the study of North Dakota and to make grants to school districts within the limits of legislative appropriations to enable school districts to establish electronic media instruction. The state board of public school education shall establish the criteria for making grants to school districts. No grant may exceed fifty percent of the cost of implementing electronic media instruction. To be eligible to receive a grant, a school district must provide fifty percent matching funds. The superintendent of public instruction shall administer the grants.

**SECTION 12. LEGISLATIVE COUNCIL STUDY OF EDUCATION FINANCE ISSUES.** An interim legislative council committee, consisting of six members of the legislative assembly and

three professional educators to be selected by the legislative council, shall conduct a study during the 1987-88 interim of education finance issues, including the issues of adequate funding for school districts, the amount of money spent by school districts for noninstructional purposes, inequities in the distribution of transportation aid to schools, local effort in support of schools, other funding sources including federal programs and energy taxes revenue, and the special needs of schools in sparsely populated areas of the state.

**SECTION 13. FOUNDATION AID PAYMENTS.** Notwithstanding the provisions of chapter 15-40.1 of the North Dakota Century Code relating to school aid, no school district shall receive an amount in total from foundation aid per-pupil and transportation payments for each year of the 1987-89 biennium that is less than the school district received for per-pupil and transportation payments for the 1986-87 school year.

**SECTION 14. EXPIRATION DATE.** Section 11 of this Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Department of Public Instruction

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
<u>Salaries and wages</u>			
Delete funding for one FTE clerical position	\$ (17,047)	\$ (17,047)	\$ (34,094)
<u>Operating expenses</u>			
Delete funding for the printing and distribution of the North Dakota School Code Supplement	\$ (11,700)		\$ (11,700)
Delete funding for an enhancement to the review of college teacher education programs for teacher certification	\$ (19,315)		\$ (19,315)
Total operating expenses	\$ (31,015)		\$ (31,015)
<u>Grants - foundation aid</u>			
Reduce funding to provide per-pupil payments of \$1382 and \$1400 and	\$(12,320,422)		\$(12,320,422)

transportation payments  
of 36¢ and 69¢

Grants - school food program

Reduces funding for school food service grants based on revised matching estimates	\$ (144,000)	\$ (144,000)
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Grants - adult basic education

Increase funding	\$ 184,000	\$ 184,000
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Grants - educational broadcasting

Deletes funds to contract with Educational Broadcasting Council for instructional television. The funds were restored in the educational broadcasting councils appropriation.	\$ (50,000)	\$ (50,000)
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Total	\$(12,378,484)	\$ (17,047)	\$(12,395,531)
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A section is added that appropriates \$400,000 for electronic media instruction from state school construction fund interest. The \$400,000 is to be used for matching grants.

A section is added that appropriates \$100,000 from state school construction fund interest for public instruction's development of computer software to promote the study of North Dakota in light of the 1989 centennial.

A section is added authorizing the receipt of and appropriating any funds received for adult basic and secondary education programs.

A section is added providing that school districts per-pupil and transportation aid payments received for each year of the 1987-89 biennium must at least equal the amount received from these payments during 1986-87.

Also, a section is added requiring a Legislative Council interim study of educational finance issues.

A comparison of the amended grants - foundation aid line item to the executive budget recommendation and Senate version is as follows:

<u>Grants - foundation aid</u>	<u>Executive Budget and Senate Version</u>	<u>House Amendments</u>	<u>Difference</u>
Executive budget - Senate version <u>per-pupil payments</u>			
1987-88 1,413	\$321,552,316		
1988-89 1,440			
House Amendments - <u>per-pupil payments</u>			
1987-88 1,382		\$312,573,454	\$ (8,978,862)
1988-89 1,400			
Executive budget - Senate version <u>transportation</u>			
Small buses - 38¢ per mile	\$ 40,068,810		
Large buses - 76¢ per mile			
House Amendments - <u>transportation</u>			
Small buses - 36¢ per mile		\$ 36,727,250	\$ (3,341,560)
Large buses - 69¢ per mile			
Total	\$361,621,126	\$349,300,704	\$(12,320,422)

ROY GILBREATH, Chief Clerk

#### MOTION

SEN. HEIGAARD MOVED that HB 1019 be moved to the head of the Sixth order on the calendar, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1019 as recommended by the Committee on Appropriations as printed on page 2332 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands of the state of North Dakota.

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

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

**NAYS:** None

**ABSENT AND NOT VOTING:** Keller; Meyer, W.; Reiten; Richard; Todd

HB 1019 passed and the title was agreed to.

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#### MOTIONS

**SEN. HEIGAARD MOVED** that the vote by which HB 1019 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

**SEN. HEIGAARD MOVED** that the rules be suspended and that HB 1019 be messaged to the House immediately, which motion prevailed.

**SEN. HEIGAARD MOVED** that the Senate stand in recess until 10:00 a.m., which motion prevailed.

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

#### MESSAGES TO THE HOUSE SENATE CHAMBER

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

HB 1683

PERRY GROTBORG, Secretary

#### SENATE CHAMBER

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

HCR 3095

PERRY GROTBORG, Secretary

#### SENATE CHAMBER

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

HB 1682

PERRY GROTBORG, Secretary

## SENATE CHAMBER

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

HB 1019

PERRY GROTEBERG, Secretary

## SIGNING OF BILLS AND RESOLUTIONS

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

SB 2018, SB 2230, SB 2314, SB 2520

PERRY GROTEBERG, Secretary

## MESSAGE TO THE HOUSE

## SENATE CHAMBER

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

SB 2018, SB 2230, SB 2314, SB 2520

PERRY GROTEBERG, Secretary

## SIGNING OF BILLS AND RESOLUTIONS

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

HB 1002, HB 1028, HB 1038, HB 1062, HB 1121, HB 1131,  
 HB 1161, HB 1167, HB 1176, HB 1192, HB 1228, HB 1266,  
 HB 1274, HB 1350, HB 1355, HB 1365, HB 1369, HB 1416,  
 HB 1535, HB 1561, HB 1643

PERRY GROTEBERG, Secretary

## MESSAGE TO THE HOUSE

## SENATE CHAMBER

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

HB 1002, HB 1028, HB 1038, HB 1062, HB 1121, HB 1131,  
 HB 1161, HB 1167, HB 1176, HB 1192, HB 1228, HB 1266,  
 HB 1274, HB 1350, HB 1355, HB 1365, HB 1369, HB 1416,  
 HB 1535, HB 1561, HB 1643

PERRY GROTEBERG, Secretary

## CORRECTION AND REVISION OF THE JOURNAL

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

SEN. J. MEYER, Chairman

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

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TALLACKSON MOVED** that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1026, which motion prevailed.

**THE PRESIDENT PRO TEM APPOINTED** as a Conference Committee on HB 1026:

Sens. Shea, Yockim, Lips

**REPORTS OF CONFERENCE COMMITTEES**

**SEN. W. MEYER MOVED** that the conference committee report on Engrossed SB 2113 as printed on page 2317 of the Senate Journal be adopted, which motion prevailed.

**SEN. DOTZENROD MOVED** that the conference committee report on Engrossed SB 2387 as printed on page 2321 of the Senate Journal be adopted, which motion prevailed.

**SEN. LIPS MOVED** that the conference committee report on HB 1009 as printed on pages 2180-2181 of the Senate Journal be adopted, which motion prevailed.

**REQUEST**

**SEN. WOGSLAND REQUESTED** a verification vote, which request was granted.

The motion to adopt the conference committee report on HB 1009 lost on a verification vote.

**REPORTS OF CONFERENCE COMMITTEES**

**SEN. DOTZENROD MOVED** that the conference committee report on Engrossed HB 1233 as printed on pages 2341-2342 of the Senate Journal be adopted, which motion prevailed.

**SEN. SCHOENWALD MOVED** that the conference committee report on Engrossed HB 1247 as printed on page 2342 of the Senate Journal be adopted, which motion prevailed on a verification vote.

**SECOND READING OF HOUSE BILL**

**HB 1247:** A BILL for an Act to amend and reenact section 47-30.1-22, subsection 3 of section 47-30.1-24, sections 47-30.1-26 and 47-30.1-35 of the North Dakota Century Code, relating to abandoned property under the Uniform Unclaimed Property Act.

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 27 YEAS, 23 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Redlin; Satrom; Schoenwald; Shea; Stromme; Tallackson; Todd; Tweten; Wogsland; Yockim

**NAYS:** Adams; Bakewell; David; Freborg; Kelly; Lashkowitz; Lodoen; Meyer, D.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Streibel; Tennefos; Thane; Vosper; Wright

**ABSENT AND NOT VOTING:** Richard; Stenehjøm; Waldera

HB 1247 passed and the title was agreed to.

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**MESSAGES FROM THE HOUSE  
HOUSE CHAMBER**

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

SB 2018, SB 2230, SB 2314, SB 2520

**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 2477: Reprs. Nicholas, Trautman, Starke

**ROY GILBREATH, Chief Clerk**

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. LANGLEY MOVED** that the President Pro Tem appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2480, which motion prevailed.

**THE PRESIDENT PRO TEM APPOINTED** as a Conference Committee on SB 2480:

Sens. Langley, Heigaard, Nething

**MOTIONS**

**SEN. HEIGAARD MOVED** that the vote by which SB 2113, SB 2387, HB 1233, and HB 1247 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

**SEN. HEIGAARD MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

**MESSAGE TO THE HOUSE  
SENATE CHAMBER**

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

**HB 1026:** Sens. Shea, Yockim, Lips

**PERRY GROTEBERG, Secretary**

**REPORT OF STANDING COMMITTEE**

**MR. PRESIDENT:** Your Committee on Appropriations to which was referred Engrossed HB 1003 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

**HOUSE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003**

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide an appropriation for defraying the expenses of the state board of higher education and the various institutions of higher learning under the supervision of the state board of higher education; to provide legislative intent regarding student financial assistance grants, membership in the university center for atmospheric research, and relating to loan repayments relating to the old Dickinson experiment station; to provide authority to issue evidences of indebtedness; to provide authorization for a loan from the board of university and school lands to the state board of higher education relating to the old Dickinson experiment station; to create and enact a new section to chapter 15-11 of the North Dakota Century Code, relating to the supervision of the junior college located at Devils Lake; to amend and reenact subsections 4 and 6 of section 15-10-01, subdivision d of subsection 13 of section 15-10-17, section 15-13-01, and subsection 2 of section 15-62.2-02 of the North Dakota Century Code, relating to the names of the institutions of higher education at Devils Lake, Dickinson, Mayville, Minot, and Valley City and the amount of grants awarded under the student financial assistance program; to repeal section 15-55-21 of the North Dakota Century Code, section 6 of chapter 208 of the 1979 Session Laws of North Dakota, chapter 88 of the 1983 Session Laws of North Dakota, and sections 1 and 2 of chapter 203 of the 1985 Session Laws of North Dakota, relating to the payment of expenses from the gross revenues of higher education revenue bond projects and the old Dickinson experiment station; and to declare an emergency.

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

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

## Subdivision 1.

## STATE BOARD OF HIGHER EDUCATION

Salaries and wages	\$ 882,074
Operating expenses	320,032
Data processing	48,665
Equipment	11,000
Reciprocal agreements	2,541,800
National direct student loans	125,245
Title II grant	192,000
Merit scholarship program	100,000
Student financial assistance grants	3,400,000
Board pool	500,000
Total all funds	<u>\$ 8,120,816</u>
Less federal funds	592,000
Total general fund appropriation	<u>\$ 7,528,816</u>

## Subdivision 2.

## BISMARCK STATE COLLEGE

Salaries and wages	\$ 10,125,278
Operating expenses	2,423,051
Equipment	272,700
Capital improvements	204,845
Total all funds	<u>\$ 13,025,874</u>
Less budget adjustment	130,500
Less estimated income	7,177,417
Total general fund appropriation	<u>\$ 5,717,957</u>

## Subdivision 3.

## NORTH DAKOTA STATE COLLEGE OF SCIENCE - DEVILS LAKE

Salaries and wages	\$ 2,760,599
Operating expenses	868,910
Equipment	83,021
Capital improvements	101,921
Total all funds	<u>\$ 3,814,451</u>
Less budget adjustment	42,000
Less estimated income	1,852,741
Total general fund appropriation	<u>\$ 1,919,710</u>

## Subdivision 4.

## UNIVERSITY OF NORTH DAKOTA - WILLISTON

Salaries and wages	\$ 3,285,373
Operating expenses	816,656
Equipment	116,685

Capital improvements	69,439
Total all funds	<u>\$ 4,288,153</u>
Less budget adjustment	43,800
Less estimated income	<u>2,305,995</u>
Total general fund appropriation	\$ 1,938,358

## Subdivision 5.

## UNIVERSITY OF NORTH DAKOTA

Salaries and wages	\$ 66,515,795
Operating expenses	19,064,894
Equipment	1,466,770
Capital improvements	<u>1,467,265</u>
Total all funds	\$ 88,514,724
Less budget adjustment	1,468,100
Less estimated income	<u>27,363,039</u>
Total general fund appropriation	\$ 59,683,585

## Subdivision 6.

NORTH DAKOTA STATE UNIVERSITY  
OF AGRICULTURE AND APPLIED SCIENCE

Salaries and wages	\$ 57,983,724
Operating expenses	16,348,562
Equipment	1,353,031
Capital improvements	<u>1,415,027</u>
Total all funds	\$ 77,100,344
Less budget adjustment	1,239,500
Less estimated income	<u>24,212,487</u>
Total general fund appropriation	\$ 51,648,357

## Subdivision 7.

## NORTH DAKOTA STATE COLLEGE OF SCIENCE

Salaries and wages	\$ 18,838,342
Operating expenses	5,338,785
Equipment	718,864
Capital improvements	<u>410,700</u>
Total all funds	\$ 25,306,691
Less budget adjustment	429,900
Less estimated income	<u>6,703,725</u>
Total general fund appropriation	\$ 18,173,066

## Subdivision 8.

## STATE UNIVERSITY OF NORTH DAKOTA - DICKINSON

Salaries and wages	\$ 8,852,950
Operating expenses	2,801,860
Equipment	139,186
Capital improvements	<u>150,263</u>
Total all funds	\$ 11,944,259
Less budget adjustment	203,500
Less estimated income	<u>3,080,372</u>
Total general fund appropriation	\$ 8,660,387

## Subdivision 9.

## STATE UNIVERSITY OF NORTH DAKOTA - MAYVILLE

Salaries and wages	\$ 5,894,888
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Operating expenses	1,777,776
Equipment	86,175
Capital improvements	104,533
Total all funds	<u>\$ 7,863,372</u>
Less budget adjustment	142,400
Less estimated income	<u>1,783,749</u>
Total general fund appropriation	<u>\$ 5,937,223</u>

## Subdivision 10.

## STATE UNIVERSITY OF NORTH DAKOTA - MINOT

Salaries and wages	\$ 18,233,521
Operating expenses	2,975,282
Equipment	299,678
Capital improvements	339,553
Total all funds	<u>\$ 21,848,034</u>
Less budget adjustment	339,800
Less estimated income	<u>7,374,289</u>
Total general fund appropriation	<u>\$ 14,133,945</u>

## Subdivision 11.

## STATE UNIVERSITY OF NORTH DAKOTA - VALLEY CITY

Salaries and wages	\$ 7,779,683
Operating expenses	2,035,876
Equipment	113,163
Capital improvements	191,891
Total all funds	<u>\$ 10,120,613</u>
Less budget adjustment	174,700
Less estimated income	<u>2,461,612</u>
Total general fund appropriation	<u>\$ 7,484,301</u>

## Subdivision 12.

## NORTH DAKOTA STATE UNIVERSITY - BOTTINEAU

Salaries and wages	\$ 2,962,161
Operating expenses	721,957
Equipment	70,329
Capital improvements	94,246
Total all funds	<u>\$ 3,848,693</u>
Less budget adjustment	63,800
Less estimated income	<u>1,007,977</u>
Total general fund appropriation	<u>\$ 2,776,916</u>

## Subdivision 13.

## NORTH DAKOTA STATE UNIVERSITY - STATE TOXICOLOGIST

Salaries and wages	\$ 458,668
Operating expenses	99,160
Equipment	18,000
Total all funds	<u>\$ 575,828</u>
Less budget adjustment	10,100
Less estimated income	<u>120,000</u>
Total general fund appropriation	<u>\$ 445,728</u>

## Subdivision 14.

## NORTH DAKOTA FOREST SERVICE

Salaries and wages	\$ 1,244,306
Operating expenses	340,978
Equipment	56,035
Capital improvements	30,100
Total all funds	\$ 1,671,419
Less budget adjustment	21,800
Less estimated income	661,367
Total general fund appropriation	\$ 988,252

## Subdivision 15.

## UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

Salaries and wages	\$ 36,849,940
Operating expenses	12,799,820
Equipment	715,068
Psychiatric nursing	436,000
Total all funds	\$ 50,800,828
Less budget adjustment	690,100
Less estimated income	21,604,127
Total general fund appropriation	\$ 28,506,601

## Subdivision 16.

## MEDICAL CENTER REHABILITATION HOSPITAL

Salaries and wages	\$ 13,443,965
Operating expenses	5,058,009
Equipment	208,191
Total appropriation from institutional income	\$ 18,710,165
Grand total general fund appropriation	\$219,589,381
H.B. 1003	
Grand total special funds appropriation	\$145,960,062
H.B. 1003	
Grand total all funds appropriation	\$365,549,443
H.B. 1003	

**SECTION 2. APPROPRIATION TRANSFER.** The board pool in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 14 of section 1 as determined by the state board of higher education. The board shall notify the office of management and budget of the allocation of general fund authority from the board pool, to the various institutions and which line items in the various institutions and entities shall be adjusted.

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

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

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

**SECTION 6. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$283,895, or so much thereof as may be necessary, beginning January 1, 1987, and for the period ending June 30, 1987, to the state board of higher education for the purpose of paying the city of Dickinson for special assessments due on March 1, 1987.

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

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

**SECTION 9. TRANSFER.** The state board of higher education may make such transfers between line items in subdivision 1 of section 1, other than reciprocal agreements and student financial assistance grants, as may be necessary and manageable to provide for board or

institutional budget requirements. The board shall notify the office of management and budget of each transfer.

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

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

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

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

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

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

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

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

The industrial commission shall first offer the evidences of indebtedness authorized under this section for sale to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for comparable securities purchased by the Bank of North Dakota, taking into consideration in the determination of price the costs of issuance including future administrative and other costs associated with credit enhancements. If the price at which the evidences of indebtedness are offered for sale to the Bank of North Dakota including the consideration of all costs of issuance including future administrative fees and other costs associated with credit enhancements is higher than the price available for the sale of evidences of indebtedness offered for sale with the same terms and conditions at public sale or through private negotiated sale under prevailing market conditions for comparable evidences of indebtedness, the industrial commission may not sell the evidences of indebtedness to the Bank of North Dakota, but shall sell the evidences of indebtedness at either public sale or through a private negotiated sale under whatever terms and conditions are authorized for the sale of evidences of indebtedness under North Dakota Century Code chapter 54-17.2.

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

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

**SECTION 19. AUTHORIZATION - SALE OR LEASE OF THE OLD DICKINSON EXPERIMENT STATION.** The state board of higher education may sell or lease the property previously referred to as the old Dickinson experiment station located in section five, township one hundred thirty-nine north, range ninety-six west, including the property currently known as state addition and state second addition. Notwithstanding the provisions of North Dakota Century Code sections 54-01-05.2, 54-01-05.5, and chapter 15-07, the land may be conveyed for the terms and under the conditions necessary to obtain the best possible return to the state of North Dakota upon the terms the state board of higher education may prescribe. The state board of higher education and the board of university and school lands shall enter into an agreement for the latter to manage the property and supervise the sale and lease of all lands described in this section. Any rents, profits, or proceeds received from the lease, sale, or other disposition of the property described in this section must be used first to pay the expenses of managing the property and then to make principal and interest payments on the amounts owed to the board of university and school lands by the state board of higher education in addition to the payments authorized in section 5. Upon payment of the total principal and interest on moneys borrowed by the state board of higher education, any additional rents, profits, and proceeds as may be received must be deposited in the general fund.

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

and three-fourths percent per annum. The loan must be repaid in eight equal annual payments of principal and interest.

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

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

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

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

- d. Employees of Bismarck state college and university of North Dakota - Lake Region community college coming under the jurisdiction of the board who are members of the teachers' fund for retirement may elect prior to July 1, 1985, to continue membership in the teachers' fund for retirement in lieu of the alternate retirement program. If an employee does not elect to continue membership in the teachers' fund for retirement, membership in that fund will terminate and the employee will become a member of the alternate retirement program established by the board effective July 1, 1985. An employee of the above-named colleges who becomes a member of the alternate retirement program may elect prior to July 1, 1985, to have the employee's assessments and employer's contributions in

the teachers' fund for retirement with interest transferred by the board of trustees of the teachers' fund for retirement to the employee's account in the alternate retirement program. If an employee elects to transfer the employee's assessment and employer's contributions together with interest to the alternate retirement program, the employee relinquishes all rights the employee or the employee's beneficiary may have to benefits provided in chapters 15-39, 15-39.1, and 15-39.2.

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

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

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

15-13-01. Normal schools - Location - Names. The state normal schools established at Valley City in the county of Barnes, at Mayville in the county of Traill, at Minot in the county of Ward, and at Dickinson in the county of Stark, and any other normal schools which that may be established by law, shall be are the normal schools of the state, and at such time as any such school shall offer curriculums leading to both the bachelor of science and bachelor of arts degrees, such school may be referred to as "state college", prefixed by the name of the applicable city. The name of the normal school at Valley City is Valley City state university, the name of the normal school at Mayville is Mayville state university, the name of the normal school at Minot is Minot state university, and the name of the normal school at Dickinson is Dickinson state university.

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

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

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

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

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	<u>Operating Expenses</u>		Reduce Board Pool	Other Adjustments	Increase		Change		Total General Fund Increase	Other Funds Increase
	Increase for General Liability Insurance	Adjustment to Allow 100% of 1985-87 Adjusted Appro- priation			Student Financial Assistance to \$3,000,000 From the Gen- eral Fund and Scholarship	Subtotal General Fund Increase (Decrease)	Budget Adjustment Line Item to Provide a Total Adjust- ment of \$5,000,000	Total General Fund Increase		
North Dakota State University	\$110,116	\$ 88,446				\$ 198,562	\$1,490,800	\$ 1,689,362		
University of North Dakota	144,260	(569,366)			(425,106)	1,722,800	1,297,694			
SUND-Minot	29,000	10,282			39,282	408,000	447,282			
SUND-Dickinson	20,608	92,252			112,860	250,000	362,860			
SUND-Valley City	19,724	101,152			120,876	215,900	336,776			
SUND-Mayville	13,552	11,224			24,776	171,400	196,176			
North Dakota College of Science	54,650	129,103			183,753	524,600	708,353			
NDGCS-Devils Lake	12,282	1,628		\$ 155,000 <sup>1/</sup>	168,910	50,900	219,810			
Bismarck State College	21,024	122,027			143,051	165,100	308,151			
UND-Williston	8,010	48,646			56,656	56,000	112,656			
NDSU-Bottineau	6,910	55,613			62,523	80,200	142,723			
UND Medical Center						822,900	822,900			
State Toxicologist		20,950		(9,000) <sup>2/</sup>	11,950	12,900	24,850		\$9,000	
Forest Service		39,900			39,900	28,500	68,400			
Medical Center Rehabilitation Hospital										
Board of Higher Education			\$(700,000)	3,936,179 <sup>3/</sup>	\$1,962,400	5,198,579		5,198,579		
<b>Total</b>	<b>\$440,136</b>	<b>\$151,857</b>	<b>\$(700,000)</b>	<b>\$4,082,179</b>	<b>\$1,962,400</b>	<b>\$5,936,572</b>	<b>\$6,000,000</b>	<b>\$11,936,572</b>	<b>\$9,000</b>	

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

<sup>2/</sup> Represents an increase in estimated income and a reduction in the general fund appropriation for fees collected.

<sup>3/</sup> Deletes \$110,000 from the general fund for an attorney position to be funded in Senate Bill No. 2523 in the Attorney General's office, adds \$1,361,389 from the general fund for the Experimental Program to Stimulate Competitive Research (EPSCoR) funding, adds \$815,330 for special assessments on the old Dickinson Experiment Station, of which \$283,895 is to be paid before July 1, 1987, and adds \$1,869,460 from the general fund for loan payments to the Land Department, relating to the purchase of the Dickinson Experiment Station. The agreement provides for a \$5,221,979 loan for eight years at 8.75 percent interest. The total 1987-89 payment of \$1,869,460 consists of \$997,422 in principal and \$872,028 in interest. It is the intent of the Legislative Assembly that the Board of Higher Education include in future budget requests the amounts necessary to pay principal and interest payments until the loan is repaid.

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

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

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

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2183 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 2038 of the Senate Journal and that Engrossed SB 2183 be amended as follows:

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

On page 4 of the engrossed bill, delete lines 3 through 12

On page 5 of the engrossed bill, line 8, after the word "commission" insert the words ", after notice and hearing,"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Maixner, Richard, Moore

For the House: Reps. A. Olson, Kretschmar, J. Nelson

Engrossed SB 2183 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## DELIVERY OF ENROLLED BILLS

THE PRESIDENT PRO TEM ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 12:10 p.m., April 13, 1987:

SB 2018, SB 2230, SB 2314, SB 2520

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2013 which the House has amended and subsequently passed. I also have the honor to return herewith SB 2523 which the House has amended and subsequently passed, but the emergency clause failed:

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2013

In lieu of the amendments to engrossed Senate Bill No. 2013 adopted by the House as printed on pages 2259-2261 of the House Journal, Senate Bill No. 2013 is amended as follows:

On page 1 of the engrossed bill, line 2, delete the word "providing" and insert in lieu thereof the words "to provide"

On page 1 of the engrossed bill, line 4, delete the words "to provide for a transfer of the proceeds from"

On page 1 of the engrossed bill, delete line 5

On page 1 of the engrossed bill, line 6, delete the word "and"

- On page 1 of the engrossed bill, line 8, after the word "fund" insert the words "; and to declare an emergency"
- On page 1 of the engrossed bill, line 18, delete the numerals "1,029,455" and insert in lieu thereof the numerals "952,455"
- On page 1 of the engrossed bill, line 20, delete the numerals "43,300" and insert in lieu thereof the numerals "38,300"
- On page 1 of the engrossed bill, line 21, delete the numerals "540,712" and insert in lieu thereof the numerals "600,712"
- On page 1 of the engrossed bill, line 22, delete the numerals "3,400" and insert in lieu thereof the numerals "1,750"
- On page 1 of the engrossed bill, line 23, delete the numerals "61,500" and insert in lieu thereof the numerals "30,000"
- On page 1 of the engrossed bill, line 27, delete the numerals "9,566,956" and insert in lieu thereof the numerals "9,511,806"
- On page 2 of the engrossed bill, line 1, delete the numerals "3,131,856" and insert in lieu thereof the numerals "3,076,706"
- On page 3 of the engrossed bill, delete lines 10 through 15 and insert in lieu thereof the following new sections:

"SECTION 7. LEGISLATIVE INTENT - NATIONAL GUARD ARMORIES. It is the intent of the legislative assembly that the adjutant general not relocate any units prior to July 1, 1987, and that the adjutant general receive the approval of the budget section of the legislative council prior to relocating any units during the period beginning July 1, 1987, and ending June 30, 1989.

SECTION 8. EMERGENCY - LEGISLATIVE INTENT. Section 7 of this Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state."

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Adjutant General

An analysis of \$55,150 general fund decrease is as follows:

General  
Fund  
Increase  
(Decrease)

Salaries and wages

The intent of this amendment is to decrease salaries and wages and not to decrease FTE positions permanently, but to allow the Adjutant General to employ the number of employees deemed necessary within the limits of legislative appropriations

\$(77,000)

Equipment

Reduces equipment purchases for the new armory or limits replacement of state equipment

(5,000)

Grants

Restores grants to local armories at a level \$40,000 less than the requested amount; thereby allowing most armories to remain open

60,000

Inauguration

Reduces inauguration funding

(1,650)

Recruiting and retention

Reduces recruiting and retention programs

(31,500)

Total increase (decrease) \$(55,150)

Section 7 pertaining to the sale of the Bismarck National Guard Armory to Bismarck State Community College is deleted.

A new Section 7 is added stating the intent of the Legislative Assembly that the Adjutant General not relocate any units prior to July 1, 1987, and that the Adjutant General receive the approval of the Budget Section prior to relocating any units during the 1987-89 biennium.

Section 8 is added. This section is an emergency measure, necessary to prevent the relocation of units prior to July 1, 1987.

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2523

On page 1 of the engrossed bill, line 3, delete the words "to create and enact a new section to"

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

On page 1 of the engrossed bill, line 6, delete the words "the department of human services and;" and delete the word "section" and insert in lieu thereof the word and numerals "sections 49-05-05, 49-18-32,"

- On page 1 of the engrossed bill, line 7, after the numerals "49-18-41.1" insert the numerals and word "54-03-10, 60-02-07, and 64-02-10" and after the comma insert the words and numerals "and section 51-05.1-01.1 of the North Dakota Century Code as created by section 3 of House Bill No. 1223 and section 54-03-20 of the North Dakota Century Code as contained in House Bill No. 1575, as approved by the fiftieth legislative assembly"
- On page 1 of the engrossed bill, line 8, after the word "commission" insert the words "and to compensation of certain subcommittee chairmen and to reimbursement for expenses for members of the legislative assembly; and to declare an emergency"
- On page 1 of the engrossed bill, line 22, delete the numerals "950,749" and insert in lieu thereof the numerals "873,749"
- On page 1 of the engrossed bill, line 23, delete the numerals "310,253" and insert in lieu thereof the numerals "285,253"
- On page 1 of the engrossed bill, delete line 24
- On page 1 of the engrossed bill, line 25, delete the numerals "6,720" and insert in lieu thereof the numerals "5,720"
- On page 1 of the engrossed bill, line 27, delete the numerals "15,000" and insert in lieu thereof the numerals "13,000"
- On page 1 of the engrossed bill, line 28, delete the numerals "10,000" and insert in lieu thereof the numerals "8,000"
- On page 2 of the engrossed bill, line 2, delete the numerals "1,300,722" and insert in lieu thereof the numerals "1,191,322"
- On page 2 of the engrossed bill, line 6, delete the numerals "11,878" and insert in lieu thereof the numerals "7,042"
- On page 2 of the engrossed bill, delete line 7
- On page 2 of the engrossed bill, line 8, delete the numerals "6,893" and insert in lieu thereof the numerals "3,000"
- On page 2 of the engrossed bill, line 9, delete the numerals "181,424" and insert in lieu thereof the numerals "171,695"
- On page 2 of the engrossed bill, line 13, delete the numerals "332,133" and insert in lieu thereof the numerals "300,133"
- On page 2 of the engrossed bill, line 15, delete the numerals "404,114" and insert in lieu thereof the numerals "379,114"

- On page 2 of the engrossed bill, line 17, delete the numerals "1,904,183" and insert in lieu thereof the numerals "1,847,183"
- On page 2 of the engrossed bill, line 18, delete the numerals "722,880" and insert in lieu thereof the numerals "717,308"
- On page 2 of the engrossed bill, line 19, delete the numerals "1,181,303" and insert in lieu thereof the numerals "1,129,875"
- On page 2 of the engrossed bill, line 26, delete the numerals "7,109,959" and insert in lieu thereof the numerals "6,804,571"
- On page 2 of the engrossed bill, line 27, delete the numerals "1,542,861" and insert in lieu thereof the numerals "1,421,359"
- On page 2 of the engrossed bill, delete line 29
- On page 2 of the engrossed bill, line 30, delete the numerals "191,380" and insert in lieu thereof the numerals "126,518"
- On page 2 of the engrossed bill, delete line 31
- On page 2 of the engrossed bill, line 33, delete the numerals "107,000" and insert in lieu thereof the numerals "50,000"
- On page 2 of the engrossed bill, line 35, delete the numerals "10,279,769" and insert in lieu thereof the numerals "9,657,097"
- On page 3 of the engrossed bill, line 1, delete the numerals "3,531,342" and insert in lieu thereof the numerals "3,449,312"
- On page 3 of the engrossed bill, line 2, delete the numerals "6,784,427" and insert in lieu thereof the numerals "6,207,785"
- On page 3 of the engrossed bill, line 5, delete the numerals "3,271,649" and insert in lieu thereof the numerals "3,150,141"
- On page 3 of the engrossed bill, line 6, delete the numerals "433,074" and insert in lieu thereof the numerals "416,505"
- On page 3 of the engrossed bill, line 9, delete the numerals "3,760,723" and insert in lieu thereof the numerals "3,622,646"

- On page 3 of the engrossed bill, line 11, delete the numerals "3,399,707" and insert in lieu thereof the numerals "3,261,630"
- On page 3 of the engrossed bill, line 14, delete the numerals "504,655" and insert in lieu thereof the numerals "490,758"
- On page 3 of the engrossed bill, line 15, delete the numerals "71,393" and insert in lieu thereof the numerals "67,393"
- On page 3 of the engrossed bill, line 18, delete the numerals "603,856" and insert in lieu thereof the numerals "585,959"
- On page 3 of the engrossed bill, line 21, delete the numerals "8,371,243" and insert in lieu thereof the numerals "7,750,965"
- On page 3 of the engrossed bill, line 22, delete the numerals "1,910,171" and insert in lieu thereof the numerals "1,688,676"
- On page 3 of the engrossed bill, line 23, delete the numerals "1,250,713" and insert in lieu thereof the numerals "1,195,713"
- On page 3 of the engrossed bill, line 25, delete the numerals "11,568,472" and insert in lieu thereof the numerals "10,671,699"
- On page 3 of the engrossed bill, line 28, delete the numerals "428,719" and insert in lieu thereof the numerals "435,452"
- On page 3 of the engrossed bill, line 29, delete the numerals "140,980" and insert in lieu thereof the numerals "82,425"
- On page 3 of the engrossed bill, line 30, delete the numerals "320" and insert in lieu thereof the numerals "3,665"
- On page 3 of the engrossed bill, line 31, delete the numerals "570,019" and insert in lieu thereof the numerals "521,542"
- On page 3 of the engrossed bill, line 33, delete the numerals "484,769" and insert in lieu thereof the numerals "436,292"
- On page 4 of the engrossed bill, line 4, delete the numerals "4,018,086" and insert in lieu thereof the numerals "3,973,391"
- On page 4 of the engrossed bill, line 7, delete the numerals "167,895" and insert in lieu thereof the numerals "143,530"
- On page 4 of the engrossed bill, line 8, delete the numerals "8,559,190" and insert in lieu thereof the numerals "8,490,130"

- On page 4 of the engrossed bill, line 10, delete the numerals "4,055,415" and insert in lieu thereof the numerals "3,986,355"
- On page 4 of the engrossed bill, line 13, delete the numerals "1,870,583" and insert in lieu thereof the numerals "1,791,368"
- On page 4 of the engrossed bill, line 14, delete the numerals "1,380,905" and insert in lieu thereof the numerals "1,323,543"
- On page 4 of the engrossed bill, line 16, delete the numerals "270,000" and insert in lieu thereof the numerals "50,000"
- On page 4 of the engrossed bill, line 21, delete the numerals "1,000,000" and insert in lieu thereof the numerals "1,100,000"
- On page 4 of the engrossed bill, line 22, delete the numerals "4,693,308" and insert in lieu thereof the numerals "4,436,731"
- On page 4 of the engrossed bill, line 23, delete the numerals "1,561,958" and insert in lieu thereof the numerals "1,461,958"
- On page 4 of the engrossed bill, line 24, delete the numerals "3,131,350" and insert in lieu thereof the numerals "2,974,773"
- On page 4 of the engrossed bill, line 25, delete the numerals "32,942,848" and insert in lieu thereof the numerals "30,954,788"
- On page 4 of the engrossed bill, line 26, delete the numerals "11,416,221" and insert in lieu thereof the numerals "11,389,619"
- On page 4 of the engrossed bill, line 27, delete the numerals "44,359,069" and insert in lieu thereof the numerals "42,344,407"
- On page 5 of the engrossed bill, line 8, after the word "APPROPRIATION" insert the words "- AGRICULTURE COMMISSIONER"
- On page 5 of the engrossed bill, line 34, delete the numerals "483,329" and insert in lieu thereof the numerals "475,742"
- On page 6 of the engrossed bill, line 5, delete the words "The tax"

- On page 6 of the engrossed bill, delete lines 6 through 9 and insert in lieu thereof the words "Notwithstanding section 57-01-02.1 or any other provision to the contrary, income of up to \$400,000 received from administrative fees generated through tax collection agreements with counties or other political subdivisions initiating taxes during the biennium ending June 30, 1989, will be deposited in the tax commissioner's operating fund. All fees collected over \$400,000 will be deposited in the general fund. Funds under this section are hereby appropriated for purposes of this section."
- On page 6 of the engrossed bill, line 13, delete the numerals "\$844,000" and insert in lieu thereof the numerals "835,300"
- On page 6 of the engrossed bill, line 17, delete the numerals "1,000,000" and insert in lieu thereof the numerals "1,100,000"
- On page 6 of the engrossed bill, line 18, delete the words "the credit review board determines is" and insert in lieu thereof the words "may be"
- On page 6 of the engrossed bill, delete line 21 and insert in lieu thereof the words "agriculture from the home-quarter fund in quarterly installments of \$100,000, or so much thereof as is determined by"
- On page 6 of the engrossed bill, line 22, delete the words "credit review board" and insert in lieu thereof the words "commissioner of agriculture to be necessary" and after the word "providing" insert the words "farm credit counseling and"
- On page 6 of the engrossed bill, line 23, delete the words "to the credit review board"
- On page 6 of the engrossed bill, line 24, after the period insert the words "Transfers in excess of \$100,000 per quarter, not to exceed the total of \$1,100,000, may be authorized by the credit review board."
- On page 6 of the engrossed bill, delete lines 25 through 35 and insert in lieu thereof the following sections:

"SECTION 12. AMENDMENT. Section 49-05-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-05-05. Changes in tariff rates - Notice to commission - Filing fee. No change shall be made by any public utility in any tariffs, rates, joint rates, fares, tolls, schedules, classifications, or service which have been filed and published by any public utility, except after

thirty days' notice to the commission. Such The notice shall state plainly the changes proposed and must be accompanied by a fifty dollar filing fee. The commission for a good cause shown, may allow changes upon less than the notice herein specified, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

**SECTION 13. AMENDMENT.** Section 49-18-32 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**49-18-32. Fees - Common or contract motor carrier.** Every common motor carrier and every contract carrier of property or passengers now operating, or which hereafter shall operate, as such common or contract carrier in this state, at the time of making application for a certificate of public convenience and necessity or permit, and annually thereafter, on or before April fifteenth of each calendar year, shall pay a fee of not less than ~~fifteen~~ eighty-five dollars nor more than ~~one~~ two hundred fifty dollars, to be fixed by the commission in each instance. Miscellaneous nonrefundable fees shall be as follows:

1. Application for transfer of certificate of public convenience and necessity ~~\$50-00~~ 100.00
2. Application for the mortgaging of a certificate of public convenience and necessity . . . . . 10.00
3. Application for the issuance of a duplicate certificate of public convenience and necessity . . . . . 5.00
4. Copy of all records of the commission pertaining to auto transportation companies, per one hundred words or portion thereof . . . . . .50

On page 7 of the engrossed bill, line 5, delete the word "six" and insert in lieu thereof the word "seven"

On page 7 of the engrossed bill, after line 10, insert the following sections:

**"SECTION 15. AMENDMENT.** Section 51-05.1-01.1 of the North Dakota Century Code as created by Section 3 of House Bill No. 1223, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

**51-05.1-01.1. Auctioneer's license - Clerk's license - Fees - Bonds.** Application for an annual auctioneer's or clerk's

license must be in writing, verified, and must show the name, residence, and address of the applicant. An application must be filed at least ten days prior to the first auction sale the applicant is to conduct or clerk. Application for renewal of an annual license must be on forms designated by the commission. The fee for the annual license or renewal is ~~twenty-five~~ thirty-five dollars and must accompany the application. The name and license number must appear on all advertising of sales conducted by an auctioneer or clerk.

When filing an application an auctioneer or clerk must file a corporate surety bond of three thousand dollars for an auctioneer and ten thousand dollars for a clerk with the state of North Dakota as obligee for the benefit of any person injured by the licensee's improper conduct.

**SECTION 16. AMENDMENT.** Section 54-03-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**54-03-10. Compensation of speaker, majority and minority leaders, committee chairmen, and employees.** The speaker of the house, the house majority leader, the senate majority leader, the house minority leader, and the senate minority leader shall each receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of ten dollars per day for each calendar day during any regular, special, or organizational session. Chairmen of the substantive standing committees and chairmen of permanent subcommittees of the house appropriations committee shall receive additional compensation of five dollars for each calendar day during any regular, special, or organizational session. The additional compensation provided by this section shall be paid in the manner provided in section 54-03-20. The legislative assembly, by concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed. The provisions of this section shall be retroactive to January 1, 1985 1987.

**SECTION 17. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code as contained in section 1 of House Bill No. 1575, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

**54-03-20. Compensation and expense reimbursement of members of the legislative assembly.** Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of ninety dollars for each calendar day, and is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred dollars per calendar month for lodging in

state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees for travel by motor vehicle or as otherwise provided by this section. Members of the legislative assembly who do not receive reimbursement for lodging and who do not live in a legislative district completely or partially within the city of Bismarck are entitled to reimbursement at the rate provided for state employees for travel by motor vehicle or as otherwise provided by this section for necessary travel for not to exceed one round trip taken per day between their residences and the place of meeting of the legislative assembly when it is in session, provided that this reimbursement may not exceed six hundred dollars per month. If members travel by nonchartered private aircraft, reimbursement for travel is to be at the rate for state employees for travel by nonchartered private aircraft; except when two or more members travel in the same aircraft, reimbursement of each member is to be at the rate for travel by motor vehicle, but not to exceed the shared cost of air travel. The amount to which each legislator is entitled shall be paid following the organizational session in December and following each month during a regular or special session.

A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session shall be included as a calendar day during a legislative session for the purposes of this section.

In addition, each member shall receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of one hundred eighty dollars a month, which is payable every six months. If a member dies or resigns from office during the member's term, the member shall be paid only the allowances provided for in this section for the period for which the member was actually a member.

Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances shall be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)]. The provisions of this section shall be retroactive to January 1, 1987.

SECTION 18. AMENDMENT. Section 60-02-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-02-07. Public warehouse license - How obtained - Fee. A license must be obtained through the commission for each public warehouse in operation in this state. No license so issued shall describe more than one public warehouse nor grant permission to operate any public warehouse other than the one described therein. The annual license fee for a public warehouse shall be one hundred thirty dollars for a warehouse of a bushel capacity of two hundred thousand [7047.8 cubic meters] or less, two hundred sixty dollars for a warehouse of a bushel capacity of two hundred thousand and one to and including five hundred thousand [7047.83 to and including 17,619.54 cubic meters], and ~~two~~ three hundred ~~fifty~~ forty dollars for a warehouse of a bushel capacity of five hundred thousand and one [17,619.57 cubic meters] or more. The fees collected under this section shall be paid into the state treasury and credited to the general fund of the state. If a public warehouseman operates two or more warehouses in the same city or siding, in conjunction with each other and with the same working force, and where but one set of books and records is kept for all such warehouses, and scale tickets, warehouse receipts, checks, and credit-sale contracts of but one series are issued for the grain stored and purchased therein, only one license shall be required for the operation of all such warehouses. Where two or more warehouses are operated under one license, the license fee shall be based upon the combined bushel capacity of said warehouses.

SECTION 19. AMENDMENT. Section 64-02-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

64-02-10. Fee schedule for inspection of weighing and measuring devices. The director or other employee of the department of weights and measures shall charge and collect fees in accordance with the following schedule:

1. For inspecting railroad track scales . . . . . ~~\$75-00~~ 80.00
2. For inspecting livestock and vehicle scales eight thousand pounds [3628.74 kilograms] capacity and under . . . . . 35.00
3. For inspecting livestock and vehicle scales over eight thousand pounds [3628.74 kilograms] capacity ~~75-00~~ 80.00

4. For inspecting livestock scales under the jurisdiction of Packers and Stockers Act of the federal department of agriculture . . . . . 75-00 80.00
5. For inspecting livestock scales under the jurisdiction of Packers and Stockers Act of the federal department of agriculture, where in the discretion of the director of weights and measures or his employee, the sales ring or buying station scale owner transports to the scale and furnishes all test weights and manpower needed to properly test the scale . . . . . 45.00
6. For inspecting auxiliary beam on livestock, motor truck, motor truck dump scales . . . . . 15.00
7. For inspecting road construction truck scales . . . . . 75-00 80.00
8. For inspection of road construction hopper scales, six thousand and one pounds [2722.01 kilograms] capacity and over . . . . . 35.00
9. For inspecting overhead track scales, hopper scales, dormant scales, and hanging scales six thousand pounds [2721.55 kilograms] capacity and over . . . . . 35.00
- For inspecting overhead track scales, dormant scales, hanging scales, and hopper scales five thousand nine hundred ninety-nine pounds [2721.10 kilograms] and less capacity, each . . . . . 20.00
10. For inspecting movable platform scales . . . . . 6.00
11. For inspecting all counter and computing scales . . . . . 5-00 6.00
12. For inspecting every patent

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	balance, beam steel yard, or other instrument used for weighing other than the above enumerated, each . . . . .	5-00	<u>6.00</u>
13.	For inspecting any two-bushel [70.48 liter] or one-bushel [35.24 liter] measure . . . . .	5-00	<u>6.00</u>
14.	For inspecting any other dry measure, each . . . . .	5-00	<u>6.00</u>
15.	For inspecting any board of cloth measure, each . . . . .	5-00	<u>6.00</u>
16.	For inspecting any liquid measure or computing pump . . . . .	5-00	<u>6.00</u>
17.	For each inspection of any liquid measure or computing pump in addition to the regularly scheduled annual inspection, including inspections made for new equipment which replaces a rejected measuring device . . . . .	5-00	<u>6.00</u>
18.	For inspecting liquid measures of five gallons [18.93 liters] or less capacity, each . . . . .	5-00	<u>6.00</u>
19.	For inspecting gasoline and fuel oil meters . . . . .	<del>12-00</del>	<u>15.00</u>
20.	For inspecting gasoline and fuel oil meters on common carrier pipelines, and any other meters used in loading railway cars, transports, or other conveyances . . . . .	<del>30-00</del>	<u>35.00</u>
21.	For inspecting propane and liquid fertilizer meters . . . . .	<del>20-00</del>	<u>25.00</u>
22.	For calibrating truck tanks of one thousand gallons [3785.41 liters] capacity and under . . . . .		30.00
	Truck tanks between one thousand and one gallons [3789.10 liters] and six thousand gallons		

[22,712.47 liters] . . . . .	40.00
Truck tanks above six thousand gallons [22,712.47 liters] . . . . .	50.00
23. For inspection of Crane scales six thousand pounds [2721.55 kilograms] and less capacity, each . . . . .	30.00
For inspection of Crane scales six thousand and one pounds [2722.01 kilograms] capacity and over, each . . . . .	50.00

Where a rejected weighing and measuring device has been reconditioned or replaced by new equipment, the same must be reinspected and a certificate issued before being put into use, and except as otherwise provided above, the fee charged for such reinspection and certification shall be the same as for the first inspection and certification. When the director or other employee of the department of weights and measures finds any of the instruments or articles used in weighing or measuring to be out of allowable tolerance set by the commission, the director or other employee shall inform the owner or operator that his weighing or measuring equipment is out of tolerance and to instruct him that a competent serviceman is to be called to service the device and bring said device to allowable tolerance.

Whenever a special inspection of any measuring device is required, in addition to the regularly scheduled annual inspection made by the department, a charge of fifty cents per mile [1.61 kilometers] will be made unless the motor vehicle, including the testing equipment necessary to perform such special inspection, weighs less than ten thousand pounds [4535.92 kilograms] gross. If the motor vehicle weighs less than ten thousand pounds [4535.92 kilograms] gross, a charge of twenty-five cents per mile [1.61 kilometers] will be made, and all such mileage charges shall be in addition to the regular inspection fee to cover the costs of the additional travel by the director or employee occasioned by such special inspection. Where a special inspection has been requested and the person requesting such special inspection fails to appear at the arranged hour, or fails to have the weighing or measuring device in readiness for inspection or for repair or maintenance work at the arranged hour, there shall be a charge of thirty dollars an hour for the time interval between the arranged hour and the hour at which the inspection can be commenced.

SECTION 20. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to the secretary of state for the preparation, printing, and distribution of the North Dakota Blue Book, for the period beginning with the effective date of this Act and ending June 30, 1989.

SECTION 21. DUTIES OF THE SECRETARY OF STATE.

1. In organizing and preparing the content of the Centennial edition of the North Dakota Blue Book, the secretary of state shall consult with representatives from the North Dakota library community.
2. Printing and binding of the North Dakota Centennial edition of the Blue Book must be let as a special class of printing upon competitive bidding to the lowest bidder.
3. The North Dakota Centennial edition of the Blue Book must include color photograph reproductions where appropriate including one of Representative Haugland, and it may not contain more than six hundred pages and the number to be printed may not exceed four thousand volumes.
4. The secretary of state shall print, furnish, and distribute the North Dakota Blue Book as follows:
  - a. One copy to each member of the legislative assembly.
  - b. Three copies to the state historical society.
  - c. Two copies to the state law library.
  - d. Two copies to each of the college and university libraries in the state.
  - e. Ten copies to the legislative council.
  - f. One copy to each public institution maintained by the state.
  - g. One copy to each elective and appointive state officer.
  - h. One copy to each public library in the state.
  - i. One copy to each county auditor.

- j. One copy to each public high school and junior high school in the state.
  - k. One copy to each supreme court justice.
  - l. One copy to each district judge.
5. After making the distribution required by subsection 4, the secretary of state shall provide for the sale of the Blue Book through state agencies and may negotiate with North Dakota licensed private vendors and state agencies to allow for sales at various locations throughout the state. The secretary of state shall establish the price of the Blue Book. All proceeds received by the state must be deposited in the state general fund.

SECTION 22. LEGISLATIVE INTENT CONCERNING REPUBLICATION OF BLUE BOOK. The fiftieth legislative assembly dedicates this republication of the North Dakota Blue Book in the honor of the North Dakota Centennial to be observed in 1989. The fiftieth legislative assembly wishes to recognize the following:

- 1. The Centennial is a most appropriate time to recognize the accomplishments of North Dakota citizens by reviewing:
  - a. Events of historic significance in the continuing evolution of the state.
  - b. The relationship of the state to its political subdivisions and to the federal government.
  - c. Functions of the executive, legislative, and judicial branches of state government including the place of past and present leaders.
  - d. The development of counties, cities, townships, and special districts.
  - e. The diversity of the state's social and cultural heritage.
  - f. The basis for the primary components of the state's economy.
  - g. The condition of the state's physical environment.

- h. Places, emblems, symbols, and awards unique to North Dakota.
2. The Centennial is a most appropriate time to celebrate the pride North Dakotans harbor for their state.
3. The Centennial is a time to reflect on the good and sometimes difficult times that North Dakota citizens have had in the past 100 years.
4. The Centennial is "a people celebration".

**SECTION 23. SPECIAL RECOGNITION.** The fiftieth legislative assembly hereby directs that this republication of the North Dakota Blue Book give special recognition to the Honorable Brynhild Haugland. Representative Haugland has served in the North Dakota legislative assembly continuously since 1939, in twenty-five consecutive legislative sessions, and is the senior state legislator in the United States.

**SECTION 24. ADDITIONAL INCOME - APPROPRIATION - STATE TREASURER.** There is hereby appropriated to the state treasurer, upon approval of the emergency commission, for the biennium beginning July 1, 1987, and ending June 30, 1989, the sum of \$11,000, or so much thereof as may be necessary, from funds received from nongeneral fund sources for the purpose of defraying the expenses of participating in organizations benefiting the state of North Dakota.

**SECTION 25. EMERGENCY.** Sections 16, 17, 20, 21, 22, and 23 of this Act are declared to be emergency measures and are in effect upon their filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The amendments reduce the bill appropriation amount by \$2,014,662, of which \$1,988,060 is from the general fund and \$26,602 is from other funds. An analysis of changes by each agency is as follows:

Governor's Office

The Governor's office general fund appropriation is decreased by \$109,400, analyzed as follows:

	<u>Total General Fund (Decrease)</u>
<u>Salaries and wages</u>	
Reduce funding for temporary salaries	\$ (37,000)
Savings through reduced salary and wages including vacancies	(40,000)
<u>Operating expenses</u>	
Reduce funding for Governor's associations	(25,000)
<u>Governor's Office contingency</u>	
Reduce funding	(1,000)
<u>Equipment</u>	
Delete funding for equipment	(2,400)
<u>Governor's transition - in</u>	
Reduce funding	(2,000)
<u>Governor's transition - out</u>	
Reduce funding	<u>(2,000)</u>
Total change	\$(109,400)

Lieutenant Governor

An analysis of the \$9,729 general fund reduction is as follows:

	<u>General Fund Increase (Decrease)</u>
<u>Operating expenses</u>	
Reduce operating expenses from \$11,878 to \$7,042	\$(4,836)
<u>Equipment</u>	
Delete funds for equipment purchases	(1,000)
<u>Lieutenant Governor contingency</u>	
Reduce contingency appropriation from \$6,893 to \$3,000	(3,893)
Total increase (decrease)	<u>\$(9,729)</u>

Secretary of State

The amount of funding from the general fund is reduced by \$57,000 relating to funding provided for the central notice system. Operating expenses are reduced by \$32,000, and the data processing line item is reduced by \$25,000.

Attorney General

The amendment reduces the general fund appropriation by \$651,389 and the other funds appropriation by \$82,030 as follows:

	<u>General Fund</u> <u>(Decrease)</u>	<u>Other Funds</u> <u>(Decrease)</u>
<u>Salaries and wages</u>		
Delete funds for one attorney position	\$(109,476)	
Delete funds for one gaming auditor	(79,804)	
Delete funds for two positions in the Criminal Justice and Training Statistics Division	(67,496)	
Delete funds for one new Deputy Fire Marshal position - relating to licensure of human service provider facilities		\$(48,612)
<u>Operating expenses</u>		
Reduce travel funds	(34,752)	
Reduce funds for office space rental	(54,320)	
Delete funds for one new Deputy Fire Marshal position		(32,430)
<u>Equipment</u>		
Reduce funds for equipment purchases	(63,874)	
Delete funds for one new Deputy Fire Marshal position		(988)
<u>Controlled Substance Board</u>		
Delete all funding	(4,800)	
<u>Arrest and return of fugitives</u>		
Delete all funding	(69,120)	
<u>ARC legal fees</u>		
Reduce funding to \$50,000	<u>(57,000)</u>	
Total	\$(540,642)	\$(82,030)

Also these amendments reduce the transfer from the fire and tornado fund to the Attorney General for the expenses of the State Fire Marshal from \$483,329 to \$475,742, a reduction of \$7,587 as a result of the deletion of the compensation increase package.

These amendments delete the section which allowed the Fire Marshal to inspect institutions under the Department of Human Services, charge fees for the inspections and deposit the fees in the Attorney General's operating fund. This section would have provided funds for a new Deputy Fire Marshal position which is also deleted in these amendments.

State Auditor

The general fund appropriation is reduced by \$138,077 analyzed as follows:

	General Fund <u>(Decrease)</u>
<u>Salaries and wages</u>	
Delay filling of two vacant positions	\$(121,508)
<u>Operating expenses</u>	
Reduce expenses related to vacant positions	<u>(16,569)</u>
Total	\$(138,077)

State Treasurer

An analysis of the \$17,897 general fund reduction is as follows:

	General Fund Increase <u>(Decrease)</u>
<u>Salaries and wages</u>	
Reduce salaries and wages to reflect savings from employee turnover	\$(13,897)
<u>Operating expenses</u>	
Reduce operating expenses	<u>(4,000)</u>
Total increase (decrease)	\$(17,897)

Also a section is added allowing the State Treasurer to accept and spend up to \$11,000 of other funds for participation in organizations beneficial to North Dakota.

State Tax Commissioner

The amendment deletes \$896,773 from the general fund which is summarized as follows:

	<u>Salaries and Wages</u>	<u>Operating Expenses</u>	<u>Data Processing</u>	Total General Fund <u>Change</u>
Reduction relating to vacancies, employee turnover, and possible employee compensation reductions	\$(100,632)			\$(100,632)

Reduce funding for the taxpayer assistance program including \$21,445 of temporary salaries, \$21,000 of postage costs, \$28,840 of telephone costs, and \$10,500 of printing costs	(21,445)	\$ (63,840)	(85,285)
Reduce funding for Multistate Tax Commission including \$3,500 of travel costs, \$10,364 of dues, and \$98,000 of professional fees		(111,994)	(111,994)
Reduction relating to mandatory leave without pay for each employee	(202,046)		(202,046)
Reduce fair share reduction proposal of Tax Commissioner	(296,155)	(45,661)	(341,816)
Reduce Data Processing because of rate change		\$ (55,000)	(55,000)
<b>Total changes</b>	<b>\$ (620,278)</b>	<b>\$ (221,495)</b>	<b>\$ (896,773)</b>

In addition, Section 9 is amended to provide that up to \$400,000 received during the biennium from tax collection agreements with counties or other political subdivisions initiating a sales tax during the 1987-89 biennium will be deposited in the Tax Commissioner's operating fund to pay the cost of administering the agreements. Any funds collected in excess of \$400,000 will be deposited in the general fund.

Also, the transfer in Section 10 from the motor vehicle fuel tax fund is reduced \$8,700 relating to the deletion of funding for the compensation increase of two percent plus \$50/month.

#### Labor Commissioner

An analysis of the changes are as follows:

<u>Description</u>	<u>Total Increase/ (Decrease)</u>	<u>General Fund</u>	<u>Federal Funds</u>
Salaries and wages Savings through reduced salaries and wages including vacancies	\$(48,477)	\$(48,477)	

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Add one Equal Employment Opportunity Commission position currently on a contract basis	55,210		\$55,210
<u>Operating expenses</u>			
Delete Equal Employment Opportunity Commission work currently on contract basis	(58,555)		(58,555)
<u>Equipment</u>			
Equipment associated with additional position	3,345		3,345
Total Increase/(Decrease)	\$(48,477)	\$(48,477)	\$ 0

Public Service Commission

An analysis of the \$69,060 general fund reduction is as follows:

	<u>General Fund Increase (Decrease)</u>
<u>Operating expenses</u>	
Reduces Transportation Division's operating expenses	\$ (8,595)
Adds motor pool expenses for the Weights and Measures Division	13,900
Other operating expenses	<u>(50,000)</u>
Total operating expenses	\$(44,695)
<u>Equipment</u>	
Delete funds for:	
Meeting room furniture	\$ (8,865)
2 utility truck bodies (\$4,000 each)	(8,000)
Van body	<u>(7,500)</u>
Total equipment	\$(24,365)
Total general fund reduction	\$(69,060)

An analysis of additional general fund revenue generated through increased fees is as follows for the biennium beginning July 1, 1987, and ending June 30, 1989:

<u>Description</u>	<u>General Fund Revenues in Addition to the Executive Recommendation</u>
Filing fee for changes in tariff rates (\$0 to \$50)	\$ 27,500
Increase in motor carrier fees:	

Special certificate renewal (\$75 to \$115)*	17,600
Contract carrier renewal (\$50 to \$85)*	2,800
Contract permit application (\$75 to \$100)*	625
Special certification application (\$100 to \$125)*	1,000
Transfer of special certification (\$50 to \$100)	3,000
Increase in auctioneer's license fee (\$25 to \$35)	15,340
Increase in public warehouse license fees (Less than 200,000 bushels: \$100 to \$130; 200,000 bushels to 500,000 bushels: \$200 to \$260; and over 500,000 bushels: \$250 to \$340)	64,620
Increase in fees for inspecting of weighing devices (LP Meter: \$20 to \$25; Counter scale: \$5 to \$6; Gas pump: \$5 to \$6; Vehicle and livestock scales: \$75 to \$80; Pipeline meter: \$30 to \$35; and Gasoline truck: \$12 to \$15)	38,319
Increase in interstate carrier registration and identification fees (\$6 to \$7)	500,000

Total \$ 670,804

\* These fees are set in North Dakota Administrative Code Chapter 69-03-03 as authorized in North Dakota Century Code Section 49-18-32. It is anticipated that the Public Service Commission will increase these fees by amending the administrative code.

#### Department of Agriculture

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

<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Salaries and wages</u>			
Savings through reduced salary and wage expenditures including vacancies	\$ (79,215)	\$ (79,215)	
<u>Operating expenses</u>			
Reduce funding	(57,362)	(57,362)	
<u>Grants</u>			
Delete funding for leafy spurge (220,000) control		(220,000)	

Farm credit counseling

Provide funding for anticipated demand for services	100,000		\$ 100,000
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Estimated income

Reduce estimated income, increase general fund amount for Marketing Division	0	200,000	(200,000)
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Total increase (decrease)	\$(256,577)	\$(156,577)	\$(100,000)
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The farm credit counseling line item is increased by \$100,000 to \$1,100,000 to more accurately reflect the anticipated demand for services. The purpose for the transfer for the home-quarter fund is changed to provide that quarterly installments of up to \$100,000 may be transferred upon determination of the Commissioner of Agriculture for the farm credit counseling program and for negotiation services rather than determined by the Credit Review Board. Transfers in excess of \$100,000 per quarter must be authorized by the Credit Review Board.

Also, \$50,000 is appropriated from the general fund to the Secretary of State for preparation and distribution of a Centennial Edition of the North Dakota Blue Book. The republication is dedicated to the North Dakota Centennial in 1989 with special recognition given to Representative Brynhild Haugland.

A section is added that provides the chairmen of the House Appropriations subcommittees to receive an additional \$5 of compensation for each calendar day of a session retroactive to January 1, 1987. A section is added that provides that legislators traveling by nonchartered aircrafts will be reimbursed at 35¢ rather than 20¢ per mile retroactive to January 1, 1987.

ROY GILBREATH, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEES

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

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1009:

Sens. Shea, Redlin, Lips

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1010, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1010:

Sens. Stromme, Redlin, Streibel

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1015, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1015:

Sens. Waldera, Shea, Tweten

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1016, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1016:

Sens. Tallackson, Shea, Streibel

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

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1023:

Sens. Shea, Mushik, Lips

SEN. SATROM MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1258, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1258:

Sens. Satrom, Dotzenrod, Moore

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

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1446:

Sens. D. Meyer, Bakewell, Lodoen

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1674, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1674:

Sens. Shea, Stromme, Streibel

MOTION

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

CONSIDERATION OF AMENDMENTS

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

REQUEST

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

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

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

DIVISION II. EPSCoR

- Section 4

DIVISION III. Experiment Station Assessments

- Section 6
- Section 7

DIVISION IV. Purchase of Dickinson Experiment Station

- Section 5
- Section 15
- Section 18
- Section 19
- Section 20
- Section 21

## Section 27 (Section 6 plus following)

## DIVISION V.

SUND Name Changes

Section 22 (subsection 4)  
Section 25

## DIVISION VI.

NDSCS - Devils Lake with UND

Section 22 (subsection 6)  
Section 23  
Section 24

## DIVISION VII.

Building Projects (Bonding)

Section 16  
Section 17  
And these additional divisions:

- a. Computer Center, NDSU
- b. Abbott Hall, UND
- c. United Hospital, UND
- d. Ag. Mech. Building NDSCS-W
- e. Library, SUND-Minot

## DIVISION VIII. Emergency Clause

Section 28

## REQUEST

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

## ROLL CALL

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

YEAS: Heinrich; Holmberg; Ingstad; Kelly; Krauter; Lashkowitz; Lips; Maixner; Mathern; Maxson; Mushik; Nalewaja; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Tweten; Waldera; Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Keller; Kelsh; Langley; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Streibel; Tennefos; Todd; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: Richard

Division I of the proposed amendments to HB 1003 lost.

## ROLL CALL

The question being on the motion to adopt Division II of the proposed amendments to HB 1003, the roll was called and there were 42 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; Dotzenrod; Heigaard; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wright

NAYS: Adams; David; Freborg; Heinrich; Hilken; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Wogsland; Yockim

ABSENT AND NOT VOTING: None

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

## ROLL CALL

The question being on the motion to adopt Division III of the proposed amendments to HB 1003, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David

Division III of the proposed amendments to HB 1003 was adopted.

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1388

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 2036: Reps. Larson, Gates, Oban

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 1231

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

HB 1017, HB 1020, HB 1052, HB 1183, HB 1242, HB 1448,  
HB 1465, HB 1634, HB 1645, HB 1666, HCR 3029

ROY GILBREATH, Chief Clerk

## ROLL CALL

The question being on the motion to adopt Division IV of the proposed amendments to HB 1003, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

Division IV of the proposed amendments to HB 1003 was adopted.

## MESSAGE FROM THE HOUSE

## HOUSE CHAMBER

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

HB 1009: Reps. Winkelman, Wald, Stofferahn

ROY GILBREATH, Chief Clerk

**MESSAGES TO THE HOUSE  
SENATE CHAMBER**

**MR. SPEAKER:** I have the honor to inform you that the Senate has not adopted the conference committee report on SB 2480 and the President Pro Tem has appointed as a new conference committee to act with a like committee from the House on:

**SB 2480:** Sens. Langley, Heigaard, Nething  
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 on SB 2113 and SB 2387.

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 1247

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 1233

PERRY GROTEBERG, Secretary

**SENATE CHAMBER**

**MR. SPEAKER:** I have the honor to inform you that the Senate has not adopted the conference committee report on HB 1009 and the President Pro Tem has appointed as a new conference committee to act with a like committee from the House on:

**HB 1009:** Sens. Shea, Redlin, Lips

PERRY GROTEBERG, Secretary

**SENATE CHAMBER**

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

**HB 1010:** Sens. Stromme, Redlin, Streibel  
**HB 1015:** Sens. Waldera, Shea, Tweten  
**HB 1016:** Sens. Tallackson, Shea, Streibel  
**HB 1023:** Sens. Shea, Mushik, Lips  
**HB 1258:** Sens. Satrom, Dotzenrod, Moore  
**HB 1446:** Sens. D. Meyer, Bakewell, Lodoen  
**HB 1674:** Sens. Shea, Stromme, Streibel

PERRY GROTEBERG, Secretary

## ROLL CALL

The question being on the motion to adopt Division V of the proposed amendments to HB 1003, the roll was called and there were 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Lashkowitz; Lips; Maixner; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; Freborg; Langley; Lodoen; Mathern; Meyer, W.; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: None

Division V of the proposed amendments to HB 1003 was adopted.

## ROLL CALL

The question being on the motion to adopt Division VI of the proposed amendments to HB 1003, the roll was called and there were 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nething; Redlin; Reiten; Richard; Schoenwald; Shea; Streibel; Stromme; Tallackson; Thane; Tweten; Wogsland; Wright

NAYS: Adams; Bakewell; David; Freborg; Ingstad; Kelly; Lodoen; Moore; Nalewaja; Nelson; Olson; Peterson; Satrom; Stenehjem; Tennefos; Todd; Vosper; Waldera; Yockim

ABSENT AND NOT VOTING: None

Division VI of the proposed amendments to HB 1003 was adopted.

MESSAGE FROM THE HOUSE  
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 1633

ROY GILBREATH, Chief Clerk

## RULING

THE PRESIDENT PRO TEM RULED, without objection from the Senate, that Division VII of the proposed amendments to HB 1003 would

become automatically passed should any of the divisions within Division VII pass.

#### ROLL CALL

The question being on the motion to adopt the Computer Center of Division VII of the proposed amendments to HB 1003, the roll was called and there were 42 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Dotzenrod; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Krauter; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, W.; Moore; Mushik; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright

NAYS: Adams; Axtman; David; Freborg; Heinrich; Kelsh; Langley; Meyer, D.; Meyer, J.; Mutch; Yockim

ABSENT AND NOT VOTING: None

The Computer Center of Division VII of the proposed amendments to HB 1003 was adopted.

#### ROLL CALL

The question being on the motion to adopt Abbott Hall of Division VII of the proposed amendments to HB 1003, the roll was called and there were 19 YEAS, 34 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heigaard; Holmberg; Ingstad; Lashkowitz; Lips; Mathern; Maxson; Nalewaja; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Waldera

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Keller; Kelly; Kelsh; Krauter; Langley; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Richard; Tennefos; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: None

Abbott Hall of Division VII of the proposed amendments to HB 1003 lost.

#### ROLL CALL

The question being on the motion to adopt United Hospital of Division VII of the proposed amendments to HB 1003, the roll was called and there were 17 YEAS, 36 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** Heigaard; Holmberg; Ingstad; Lashkowitz; Lips; Mathern; Maxson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjøm; Stromme; Tallackson; Thane; Waldera

**NAYS:** Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Keller; Kelly; Kelsh; Krauter; Langley; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Richard; Streibel; Tennefos; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

**ABSENT AND NOT VOTING:** None

United Hospital of Division 7 of the proposed amendments to HB 1003 lost.

#### ROLL CALL

The question being on the motion to adopt the Ag. Mech. Building of Division VII of the proposed amendments to HB 1003, the roll was called and there were 24 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** Dotzenrod; Heigaard; Holmberg; Ingstad; Lashkowitz; Lips; Mathern; Maxson; Mushik; Nalewaja; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjøm; Stromme; Tallackson; Tennefos; Thane; Tweten; Waldera; Wright

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

**ABSENT AND NOT VOTING:** None

The Ag. Mech. Building of Division VII of the proposed amendments to HB 1003 lost.

#### ROLL CALL

The question being on the motion to adopt the Library of Division VII of the proposed amendments to HB 1003, the roll was called and there were 24 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** Heigaard; Holmberg; Ingstad; Keller; Kelsh; Krauter; Lashkowitz; Lips; Mathern; Maxson; Mushik; Nalewaja; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjøm; Stromme; Tallackson; Thane; Waldera; Wright

**NAYS:** Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Kelly; Langley; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden;

Nelson; Nething; Olson; Peterson; Streibel; Tennesfos;  
Todd; Tweten; Vosper; Wogsland; Yockim

**ABSENT AND NOT VOTING:** None

The Library of Division VII of the proposed amendments to HB 1003 lost.

#### ROLL CALL

The question being on the motion to adopt Division VIII of the proposed amendments to HB 1003, the roll was called and there were 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Moore

**ABSENT AND NOT VOTING:** None

Division VIII of the proposed amendments to HB 1003 was adopted.

#### MOTION

**SEN. HEIGAARD MOVED** that HB 1003, which is on the Fourteenth order, be rereferred to the **Committee on Appropriations**, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed HB 1231 has had the same under consideration and recommends that the **HOUSE ACCEDE** to the amendments as found on page 1362 of the Senate journal.

**For the Senate:** Sens. Keller, Krauter, Reiten

**For the House:** Reps. Dalrymple, Vander Vorst, Scherber

Engrossed HB 1231 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed SB 2035 has had the same under consideration and recommends that the **HOUSE RECEDE** from its amendments as found on pages 1859-1861 of the Senate Journal and that Engrossed SB 2035 be amended as follows:

That the House recede from its amendments to Senate Bill No. 2035, as printed on pages 2199-2201 of the House Journal and pages 1859-1861 of the Senate Journal, and that engrossed Senate Bill No. 2035 be amended as follows:

On page 1 of engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act relating to wetlands; to amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to the composition of and duties of the Garrison overview committee; to repeal section 61-16.1-52 of the North Dakota Century Code and section 61-16.1-41 of the North Dakota Century Code, as amended by section 5 of chapter 665 of the 1985 Session Laws, relating to drainage permits and closing drains; to provide a penalty; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 54-35-02.7 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**54-35-02.7. Garrison diversion overview committee - Duties.** The legislative council shall create a legislative council committee entitled the Garrison diversion overview committee. The committee shall consist of the majority and minority leaders and their assistants from the house and senate, the speaker of the house, the president pro tempore of the senate selected at the end of the immediately preceding legislative session, and the chairmen of the house and senate standing committees on natural resources, and the chairmen of the house and senate standing committees on agriculture. If a member of the committee named in this section is unable to serve on the committee, the chairman of the legislative council may appoint another member of the legislative assembly to fill the vacancy. The committee shall be responsible for legislative overview of the Garrison diversion project and related matters; and for any necessary discussions with adjacent states on water-related topics. Staff services for the committee shall be provided by the legislative council staff. The committee shall report to the legislative council in the same manner as do other interim legislative council committees.

**SECTION 2. Legislative policy and intent.** It is the policy of the legislative assembly that water is one of North Dakota's most important natural resources, and the protection, development, and management of North Dakota's water resources is essential for the long-term public health, safety, general welfare, and economic security of North Dakota and its citizens.

The legislative assembly finds that agriculture is the most important industry in North Dakota and that agricultural concerns must be accommodated in the protection of wetlands. Wetlands can be hindrance to farming practices. Even though property taxes are generally paid on such lands, wetlands provide limited economic return to the landowner. Wetland policies can obstruct water development and water management projects, and can affect other developments.

The legislative assembly finds that the primary reason wetlands are considered important is because wetlands provide the habitat base for the production and maintenance of waterfowl. The legislative assembly also finds that wetlands can moderate the water flow and have value as natural flood control mechanisms, can aid in water purification by trapping, filtering, and storing sediment and other pollutants and by recycling nutrients, and can serve as ground water recharge and discharge areas. Wetlands also function as nursery areas for numerous aquatic animal species and are habitat for a wide variety of plant and animal species, and provide vital habitat for resident wildlife. Wetlands also can provide scientific, aesthetic, and recreational benefits. The legislative assembly therefore concludes that wetlands should be protected and preserved.

In view of the legislative findings and conclusions of the importance of wetlands, water development and management, and agriculture in North Dakota, it is hereby declared to be the wetlands policy of this state that:

1. Water development and wetland preservation activities should be balanced to protect and accommodate agriculture, water, and wetland interests and objectives.
2. Programs protecting and preserving wetlands shall provide adequate compensation to the landowner and must provide periodic reevaluation of compensation to the landowner. Annual payments are encouraged as an option for landowners.
3. Land, wetland, or water acquisition for waterfowl production areas, wildlife refuges, or other wildlife, waterfowl, or wetland protection purposes may not be acquired through the exercise of the right of eminent domain.
4. When land is removed from the tax base to protect wetlands, replacement payments must be made by the entity which purchases the land so that the amount of money that would otherwise be received

in taxes if such land was not removed from the tax base is not diminished.

SECTION 3. Definitions. In sections 2 through 12 of this Act, unless the context or subject matter otherwise provides:

1. "Commission" means the state water commission.
2. "Commissioner" means the commissioner of the game and fish department.
3. "Department" means the game and fish department.
4. "District" means a water resource district.
5. "Manmade wetland" means new or expanded water areas, or any portion thereof, created by excavation, diking, damming, or diversion, and determined by the state engineer and the game and fish commissioner to have material wildlife values.
6. "Person" means any person, firm, partnership, association, corporation, agency, or any other private or governmental organization which includes, but is not limited to, any agency of the United States, a state agency, or any political subdivision of the state.
7. "Replacement wetland" means either restoration of previously drained natural wetland or manmade wetlands which are not used for mitigation for any other project.
8. "Sheetwater" means shallow water from any source that floods land not normally subject to standing water.
9. "State engineer" means the state engineer appointed by the state water commission pursuant to section 61-03-01.
10. "Water resource board" means the water resource district's board of managers.
11. "Wetland" means a natural depression area that is capable of holding shallow, temporary, intermittent, or permanent water. It shall not include sheetwater.

SECTION 4. Permit to drain waters required - Replacement of wetlands - Downstream impacts - Penalty. Any person, before draining water from a wetland, or any

series thereof, which has a watershed area comprising eighty acres [32.37 hectares] or more, shall first secure a permit to do so. The permit application shall be submitted to the state engineer. The state engineer shall refer the application to the water resource district or districts within which is found a majority of the watershed or drainage area of the wetland for consideration and approval, but the state engineer may require that applications proposing drainage of statewide or interdistrict significance be returned to the state engineer for final approval. A permit may not be granted until the state water resources policy has been considered and an investigation discloses that the water which will be drained from the wetland, or any series thereof, will not flood or adversely affect downstream lands. If the investigation shows that the proposed drainage will flood or adversely affect lands of downstream landowners, the water resource board may not issue a permit until flowage easements are obtained. The flowage easements must be filed for record in the office of the register of deeds of the county or counties in which the lands are situated. An owner of land proposing to drain shall undertake and agree to pay the expenses incurred in making the required investigation. In addition to the above requirements of this section, the state engineer and the commissioner must jointly find that the wetland acres proposed to be drained will be replaced by an equal acreage of replacement wetlands, or through debits to the wetland bank as provided in section 6 of this Act, before any permit for drainage can be approved by the state engineer or water resource board. The provisions of this section do not apply to the construction or maintenance of any existing or prospective drain constructed under the supervision of a state or federal agency, as determined by the state engineer, for which mitigation is required as part of such project.

Any person draining, or causing to be drained, water of a wetland, or any series thereof, which has a watershed area comprising eighty acres [32.37 hectares] or more, without first securing a permit to do so, as provided by this section, is liable for all damage sustained by any person caused by the draining, is guilty of an infraction, and shall be required to restore the wetland so drained in accordance with sections 2 through 12 of this Act. The state engineer may adopt rules for temporary permits for emergency drainage.

SECTION 5. Administration - Rulemaking authority - Guidelines. The state engineer and, where specified, the commissioner shall adopt rules to implement sections 2 through 12 of this Act, including rules for procedure. The rules must be consistent with the following guidelines and the other provisions of sections 2 through 12 of this Act:

1. The requirement that wetlands proposed to be drained must be replaced by an equal acreage of replacement wetlands is not applicable to sheetwater, regardless of the area covered by sheetwater.
2. Purchase, easement, lease, or other acquisition that is necessary to comply with sections 2 through 12 of this Act shall be limited to willing sellers. When land is removed from the tax base to protect wetlands, replacement payments shall be made by the entity which purchases the land so that the amount of money that would otherwise be received in taxes if such land was not removed from the tax base is not diminished.
3. The state engineer and the commissioner shall jointly determine whether the number of replacement wetland acres comply with the replacement requirements of sections 2 through 12 of this Act. The area of a wetland must be jointly determined by the normal water level. It is not necessary to replace wetlands proposed to be drained with restored wetlands of the same type or classification.
4. Any person who proposes to drain a wetland for which a permit is required shall pay ten percent of the cost of acquisition, easement, lease, and construction of replacement wetlands. The other ninety percent must be paid by either federal, state, or private interests, or any combination thereof. Any person may pay more than ten percent if that person desires. The cost of acquisition for replacement acres must be determined by average costs of wetland acres placed in the wetlands bank, as prescribed by the state engineer and the commissioner. Federal, state, and private wildlife and water entities shall cooperate and work together to locate, make contacts with landowners, do appraisals, and perform other tasks necessary for lease, purchase, or other acquisition to meet the replacement requirements of sections 2 through 12 of this Act.
5. In order to satisfy the replacement of wetlands requirement, manmade wetlands with material wildlife values, or any portion thereof, as determined by the state engineer and the commissioner, are eligible along with restoration of drained natural wetlands to comply with the replacement of wetlands requirement.

6. The replacement of wetlands requirement for each drainage proposal or project must be accomplished with approximately fifty percent of the replacement wetlands being located in the county or contiguous counties in which the proposed drainage is located, and with the other approximately fifty percent of replacement wetlands being located anywhere in this state. If the state engineer and the commissioner jointly find that replacement wetland acres are not available in the county or contiguous counties where the proposed drainage is located, replacement wetlands may be obtained anywhere in the same biotic area.
7. Any purchase, easement, lease, or other acquisition under sections 2 through 12 of this Act may not obstruct the natural or existing flow of water of any natural watercourse or artificial channel to the detriment of any upstream or downstream landowner.

SECTION 6. Wetlands bank. The state engineer and the commissioner shall jointly establish a wetlands bank. The records of acreages of replacement wetlands debited from and credited to such bank must be maintained by the state engineer. The acreages of all replacement wetlands constructed after January 1, 1987, must be carried as a credit in such bank. However, any unauthorized drainage constructed after July 1, 1975, which is closed or restored as a result of final enforcement action pursuant to section 8 of this Act, may not be credited to the wetlands bank. The acreages of all wetlands drained after January 1, 1987, except those projects for which permits were applied for prior to January 1, 1987, must be charged as a debit against acreage credit balances. No more than two thousand five hundred acres may be carried as a debit balance to the wetlands bank, except for drainage of wetlands for which a permit is not required. Wetlands drained during surface coal mining operations may not be charged as a debt against acreage credit balances.

SECTION 7. Uniform wetlands classification. The state engineer and the commissioner shall establish a uniform classification system of wetlands. All federal, state, and local entities shall follow this classification system when referring to wetlands in this state.

SECTION 8. Closing a noncomplying drain - Notice and hearing - Appeal - Injunction. Only a landowner experiencing flooding or adverse effects from an unauthorized drain constructed before January 1, 1975, may file a complaint with the water resource board. Any person may file a complaint about an unauthorized drain

constructed after January 1, 1975. A complaint must be filed on a form made available by the state engineer. Upon receipt of a complaint of unauthorized drainage, the water resource board shall promptly investigate and make a determination of the facts with respect to the complaint. If the board determines that a drain, lateral drain, or ditch has been opened or established by a landowner or tenant contrary to the provisions of this title or any rules or regulations promulgated by the board, the board shall notify the landowner by registered or certified mail at the landowner's post-office address of record. A copy of the notice must also be sent to the tenant, if known. The notice must specify the nature and extent of the noncompliance and shall state that if the drain, lateral drain, or ditch is not closed or filled within such reasonable time as the board shall determine, but not less than thirty days, the board shall procure the closing or filling of the drain, lateral drain, or ditch and assess the cost thereof, or such portion as the board shall determine, against the property of the landowner responsible. The notice must also state that the affected landowner may, within fifteen days of the date the notice is mailed, demand, in writing, a hearing on the matter. Upon receipt of the demand, the board shall set a hearing date within fifteen days from the date the demand is received. In the event of an emergency, the board may immediately apply to the appropriate district court for an injunction prohibiting the landowner or tenant from constructing or maintaining the drain, lateral drain, or ditch and ordering the closure of the illegal drain. Any assessments levied under the provisions of this section must be collected in the same manner as assessments authorized by chapter 61-16.1. If, in the opinion of the board, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in proportion to the responsibility of the landowners. Any person aggrieved by action of the board under the provisions of this section may appeal the decision of the board to the district court of the county in which the land is located in accordance with the procedure provided under sections 61-16.1-54 through 61-16.1-57. A hearing as provided for in this section is not a prerequisite to such an appeal.

SECTION 9. Appeal of board decisions - State engineer review - Closing of noncomplying drains. The board shall make the decision required by section 8 of this Act within a reasonable time, but not to exceed one hundred twenty days, after receiving the complaint. The board shall notify all parties of its decision by certified mail. The board's decision may be appealed to the state engineer by any aggrieved party. The appeal to the state engineer must be made within thirty days from the date notice of the board's decision has been received. The appeal must be

made by submitting a written notice to the state engineer which must specifically set forth the reason why the board's decision is erroneous. The appealing party shall also submit copies of the written appeal notice to the board and to the nonappealing party. Upon receipt of this notice the board, if it has ordered closure of a drain, lateral drain, or ditch, is relieved of its obligation to procure the closing or filling of the drain, lateral drain, or ditch. The state engineer shall handle the appeal by conducting an independent investigation and making an independent determination of the matter. The state engineer may enter property affected by the complaint for the purpose of investigating the complaint.

If the board fails to investigate and make a determination concerning the complaint within a reasonable time, but not to exceed one hundred twenty days, the person filing the complaint may file such complaint with the state engineer. The state engineer shall, without reference to chapter 28-32, cause the investigation and determination to be made, either by action against the board, or by personally conducting the investigation and personally making the determination.

If the state engineer determines that a drain, lateral drain, or ditch has been opened or established by a landowner or tenant contrary to title 61 or any rules adopted by the board, the state engineer shall take one of three actions:

1. Notify the landowner by registered mail at the landowner's post-office address of record;
2. Return the matter to the jurisdiction of the board along with the investigation report; or
3. Forward the drainage complaint and investigation report to the state's attorney.

If the state engineer decides to notify the landowner, the notice must specify the nature and extent of the noncompliance and must state that if the drain, lateral drain, or ditch is not closed or filled within such reasonable time as the state engineer shall determine, but not less than thirty days, the state engineer shall procure the closing or filling of the drain, lateral drain, or ditch and assess the cost thereof, against the property of the landowner responsible. The notice from the state engineer must state that the affected landowner may, within fifteen days of the date the notice is mailed, demand, in writing, a hearing on the matter. Upon receipt of the demand, the state engineer shall set a hearing date within fifteen days from the date the demand is received. If, in the opinion of the state engineer, more than one landowner

or tenant has been responsible, the costs may be assessed on a pro rata basis in proportion to the responsibility of the landowners. Upon assessment of costs, the state engineer shall certify the assessment to the county auditor of the county where the noncomplying drain, lateral drain, or ditch is located. The county auditor shall extend the assessment against the property assessed. Each assessment must be collected and paid as other taxes are collected and paid. Assessments collected must be deposited with the state treasurer and are hereby appropriated out of the state treasury and must be credited to the contract fund established by section 61-02-64.1. Any person aggrieved by action of the state engineer under the provisions of this section may appeal the decision of the state engineer to the district court in accordance with chapter 28-32. A hearing by the state engineer as provided for in this section shall be a prerequisite to such an appeal.

If the state engineer, after completing the investigation required under this section, decides to return the matter to the board, a complete copy of the investigation report shall be forwarded to the board and it shall include the nature and extent of the noncompliance. Upon having the matter returned to its jurisdiction the board shall carry out the state engineer's decision in accordance with the terms of this section.

If the state engineer, after completing the investigation required under this section, decides to forward the drainage complaint to the state's attorney, a complete copy of the investigation report must also be forwarded, which must include the nature and extent of the noncompliance. The state's attorney shall prosecute the complaint in accordance with the statutory responsibilities prescribed in chapter 11-16.

In addition to the penalty imposed by the court in the event of conviction under this statute, the court shall order the drain, lateral drain, or ditch closed or filled within such reasonable time period as the court determines, but not less than thirty days. If the drain, lateral drain, or ditch is not closed or filled within the time prescribed by the court, the court shall procure the closing or filling of the drain, lateral drain, or ditch, and assess the cost thereof against the property of the landowner responsible, in the same manner as other assessments under chapter 61-16.1 are levied. If, in the opinion of the court, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in proportion to the responsibility of the landowners.

The authority granted in this section may only be exercised for drainage constructed after January 1, 1987.

SECTION 10. Wetlands replacement fund - Continuing appropriation. There is hereby created a special revolving wetlands replacement fund in the state treasury to which funds received by the commissioner pursuant to sections 2 through 12 of this Act must be deposited. The commissioner is authorized to receive funds for the wetlands replacement fund from any private or public source. The commissioner shall work with the governor, United States fish and wildlife service, nonprofit conservation organizations, and any other public official or private organization or citizen to develop additional funding to implement sections 2 through 12 of this Act. All funds received from any source, not including state revenues, are hereby appropriated to the commissioner, and may be expended for the purpose of implementing sections 2 through 12 of this Act, including acquisition, easement, lease, and construction of replacement wetlands.

SECTION 11. Exemption. The wetland replacement requirements of sections 2 through 12 of this Act do not apply to surface coal mining operations until reclamation of the wetland area begins pursuant to chapter 38-14.1.

SECTION 12. Application of prior law. Sections 2 through 12 of this Act do not apply to drainage applications submitted, or to drainage violations committed, prior to January 1, 1987. Procedures for and prosecutions of such activities are governed by prior law which is continued in effect for that purpose.

SECTION 13. REPEAL. Section 61-16.1-52 of the North Dakota Century Code and section 61-16.1-41 of the North Dakota Century Code, as amended by section 5 of chapter 665 of the 1985 Session Laws are hereby repealed.

SECTION 14. EFFECTIVE DATE. The replacement of wetlands requirement in sections 4 and 5 of this Act does not take effect until July 1, 1989. Until July 1, 1989, the drainage of type IV and V wetlands, as defined in U.S. fish and wildlife service circular 39 (1971 edition) is not permitted, except for permit applications submitted prior to January 1, 1987, or unless replaced in accordance with the provisions of sections 2 through 12 of this Act."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. W. Meyer, Kelsh, Streibel

For the House: Reps. Melby, Vander Vorst, G. Berg (refused to sign)

Engrossed SB 2035 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## MOTION

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

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

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2480: Reps. Koland, Dalrymple, Scherber  
ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

HB 1685

ROY GILBREATH, Chief Clerk

## FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. G. Berg, Kingsbury, Nicholas and Sens. Thane, Mutch introduced:

(Approved by the Committee on Delayed Bills)

HCR 3096: A concurrent resolution directing the Legislative Council to study the economic impact that implementation of a "no net loss of wetlands" policy would have in this state; the effect that implementation of such a policy would have on rivers, lakes, and farmland in this state; the number of resident and migratory waterfowl that rely on wetlands in this state; and the effect that drained and undrained wetlands have on the water table of salt affected soils.

Was read the first time.

## MOTION

SEN. W. MEYER MOVED that the rules be suspended, that HCR 3096 be printed, not be referred to committee, be read in its entirety, not be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

## SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3096: A concurrent resolution directing the Legislative Council to study the economic impact that implementation of a "no net loss of wetlands" policy would have in this state; the effect that implementation of such a policy would have on rivers, lakes, and farmland in this state; the number of resident and migratory waterfowl that rely on wetlands in this state; and the effect that drained and

undrained wetlands have on the water table of salt affected soils.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3096 was declared adopted on a voice vote.

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FIRST READING OF HOUSE BILL

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

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

MOTION

SEN. MAIXNER MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

SIGNING OF BILLS AND RESOLUTIONS

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

SB 2010, SB 2011, SB 2017, SB 2128, SB 2319, SB 2365,  
SB 2404, SB 2471, SB 2548, SB 2553 SCR 4047

PERRY GROTBORG, Secretary

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

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

PERRY GROTBORG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

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

HB 1017, HB 1020, HB 1052, HB 1183, HB 1242, HB 1448,  
HB 1465, HB 1633, HB 1634, HB 1645, HB 1666, HCR 3029

PERRY GROTBORG, Secretary

**MESSAGES TO THE HOUSE  
SENATE CHAMBER**

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

HB 1017, HB 1020, HB 1052, HB 1183, HB 1242, HB 1448,  
HB 1465, HB 1633, HB 1634, HB 1645, HB 1666, HCR 3029  
PERRY GROTBORG, Secretary

**SENATE CHAMBER**

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

HCR 3096

PERRY GROTBORG, Secretary

**REPORT OF STANDING COMMITTEE**

**MR. PRESIDENT:** Your Committee on Appropriations to which was rereferred HB 1677 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

HB 1677 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MESSAGES FROM THE HOUSE  
HOUSE CHAMBER**

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

HB 1621

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 1019 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1019: Reprs. Wald, Kuchera, Opedahl

ROY GILBREATH, Chief Clerk

**REPORTS OF STANDING COMMITTEES**

**MR. PRESIDENT:** Your Committee on Finance and Taxation to which was referred HB 1676 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. SATROM, Chairman

HB 1676 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1685 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

HB 1685 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills has examined a bill for an Act for a contingent appropriation for additional compensation to North Dakota state employees.

Your Committee on Delayed Bills has accepted this bill by a vote of 4 YEAS, 0 NAYS, 1 ABSENT.

SEN. MAIXNER, Chairman

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

#### FIRST READING OF SENATE BILL

Sens. Thane, Lips, Satrom and Reps. Hoffner, C. Williams, Martinson introduced:

(Approved by the Committee on Delayed Bills)

SB 2562: A BILL for an Act for a contingent appropriation for additional compensation to North Dakota state employees.

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

#### MOTIONS

SEN. MAIXNER MOVED that the absent Senators be excused, which motion prevailed.

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Seventh order of business, and at the conclusion of the Seventh order of business, be on the Sixteenth order of business, and at the conclusion of the Sixteenth order of business, and after the reading of HB 1676, HB 1677, and HB 1685, the Senate adjourn and convene at 8:00 a.m., Tuesday, April 14, 1987, which motion prevailed.

PERRY GROTBORG, Secretary