

## JOURNAL OF THE SENATE

## Forty-ninth Legislative Assembly

\* \* \* \* \*

## FIFTY-FIFTH DAY

Bismarck, March 27, 1985

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

The prayer was offered by Senator Rolland Redlin.

Let us pray. Dear Lord, You have given us a wonderful world to live in. May all that we do protect and preserve the beauty and the provider capacity of this planet for we are stewards of Your creation. May we recognize that You have made of one blood all people to dwell on the face of this earth. May justice for all be our guide as we receive Your strength and forgiveness through Your Son, Jesus Christ, Amen.

## ROLL CALL

The roll was called and all members were present, except Senators Kilander, Kusler, Reiten, Wenstrom.

A quorum was declared by the President.

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2059, SB 2067, SB 2143, SB 2161, SB 2209, SB 2232,  
SB 2242, SB 2281, SB 2286, SB 2319, SB 2332, SB 2357,  
SB 2389, SB 2425, SB 2426, SB 2427, SB 2451, SB 2472,  
SB 2476, SCR 4032, SCR 4040, SCR 4061, SCR 4067

ROY GILBREATH, Chief Clerk

## REPORT OF PROCEDURAL COMMITTEE

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

SB 2059, SB 2067, SB 2143, SB 2161, SB 2209, SB 2232,  
SB 2242, SB 2281, SB 2286, SB 2319, SB 2332, SB 2357,  
SB 2389, SB 2425, SB 2426, SB 2427, SB 2451, SB 2472,  
SB 2476

SEN. BAKEWELL, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State for his filing:

SCR 4032, SCR 4040, SCR 4061, SCR 4067

SEN. BAKEWELL, Chairman

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

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

HB 1127

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SCR 4078, SCMR 1

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2301: Reps. R. Anderson, A. Hausauer, Enget

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1606 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1018 as recommended by the Committee on Appropriations as printed on pages 1811-1812 of the Senate Journal be adopted, and when so adopted, recommends that HB 1018 DO PASS, which motion prevailed.

MOTION

SEN. NAADEN MOVED that the rules be suspended, that HB 1018 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act making an appropriation for insurance premium tax payments distribution to fire departments.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Kilander; Reiten; Tweten

HB 1018 passed and the title was agreed to.

\*\*\*\*\*

## MOTION

SEN. NETHING MOVED that the vote by which HB 1018 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1021 as recommended by the Committee on Appropriations as printed on pages 1812-1813 of the Senate Journal be adopted, and when so adopted, recommends that HB 1021 DO PASS, which motion prevailed.

## MOTION

SEN. THANE MOVED that the rules be suspended, that HB 1021 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act making an appropriation for defraying the expenses of the state water commission of the state of North Dakota; and providing for an appropriation and transfer of funds from the resources trust fund.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Kilander; Reiten

HB 1021 passed and the title was agreed to.

\*\*\*\*\*

MOTION

SEN. NETHING MOVED that the vote by which HB 1021 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. STENEHJEM MOVED that the amendments to HB 1293 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1813-1817 of the Senate Journal be adopted, and when so adopted, recommends that HB 1293 DO PASS, which motion prevailed.

MOTION

SEN. MATCHIE MOVED that the rules be suspended, that HB 1293 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1293: A BILL for an Act to amend and reenact sections 50-11.1-01, 50-11.1-02, 50-11.1-02.1, 50-11.1-03, 50-11.1-04, 50-11.1-06.1, 50-11.1-07, 50-11.1-07.1, 50-11.1-07.2, 50-11.1-07.3, 50-11.1-07.4, 50-11.1-07.5, 50-11.1-07.7, 50-11.1-08, 50-11.1-09, 50-11.1-11, and 50-11.1-12 of the North Dakota Century Code, relating to early childhood services, license requirements for early childhood facilities, and penalties; to repeal section 50-11.1-04.1 of the North Dakota Century Code, relating to applications for child care certificates and licenses; and to provide an appropriation.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 31 YEAS, 20 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Bakewell; Dotzenrod; Heigaard; Heinrich; Hilken; Ingstad; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Moore; Mushik; Peterson; Redlin; Satrom; Shea; Stenehjem; Stromme; Tallackson; Todd; Vosper; Waldera; Walsh; Wenstrom

NAYS: Adams; Berube; Christensen; David; Freborg; Holmberg; Kelly; Meyer, D.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Streibel; Tennefos; Thane; Tweten; Wogsland; Wright

ABSENT AND NOT VOTING: Kilander; Reiten

HB 1293 passed and the title was agreed to.

\*\*\*\*\*

## MOTION

SEN. NETHING MOVED that the vote by which HB 1293 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1653 as recommended by the Committee on Appropriations as printed on pages 1818-1819 of the Senate Journal be adopted, and when so adopted, recommends that HB 1653 DO PASS, which motion prevailed.

## MOTION

SEN. LIPS MOVED that the rules be suspended, that HB 1653 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1653: A BILL for an Act to provide an appropriation for additional compensation to North Dakota state employees; to provide revisions to the North Dakota central personnel compensation plan; and to declare an emergency.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 44 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly;

Kelsh; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Satrom; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland

NAYS: David; Freborg; Langley; Meyer, D.; Meyer, W.; Moore; Wright

ABSENT AND NOT VOTING: Kilander; Reiten

HB 1653 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

#### MOTION

SEN. NETHING MOVED that the vote by which HB 1653 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4074: A concurrent resolution expressing the support of the Forty-ninth Legislative Assembly and urging cooperation for the Young Men's Christian Association model legislature program.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4074 was declared adopted on a voice vote.

\*\*\*\*\*

#### MOTION

SEN. NETHING MOVED that the vote by which SCR 4074 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4075: A concurrent resolution directing the Legislative Council to study the issue of state courts' jurisdiction over civil cases which arise within the exterior boundaries of Indian reservations and to urge a concurrent study by the Congress of the United States.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4075 was declared adopted on a voice vote.

\*\*\*\*\*

MOTION

SEN. NETHING MOVED that the vote by which SCR 4075 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4076: A concurrent resolution urging the Congress of the United States and the Secretary of Agriculture to allow the production of sunflowers on a portion of a producer's acreage conservation reserve (ACR) land.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4076 was declared adopted on a voice vote.

\*\*\*\*\*

MOTION

SEN. NETHING MOVED that the vote by which SCR 4076 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2036 as printed on page 1730 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENTS OF CONFERENCE COMMITTEES

THE PRESIDENT APPOINTED as a Conference Committee on SB 2036:

Sens. Tennifer, Wenstrom, Mushik

SEN. PETERSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1048, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1048:

Sens. Peterson, Freborg, Heinrich

SEN. PETERSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1049, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1049:

Sens. Peterson, Freborg, Heinrich

SEN. LODOEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1522, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1522:

Sens. Lodoen, Vosper, D. Meyer

SEN. LODOEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1523, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1523:

Sens. Lodoen, Vosper, D. Meyer

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

HB 1018, HB 1021, HB 1293, HB 1653

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SCR 4074, SCR 4075, SCR 4076

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2015, SB 2018, SB 2024, SB 2026, SB 2159, SB 2160, SB 2197, SB 2274, SB 2436, and SB 2468 and subsequently passed the same.

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2055, SB 2079, SB 2097, SB 2104, SB 2136, SB 2137,  
SB 2163, SB 2202, SB 2205, SB 2238, SB 2266, SB 2290,  
SB 2305, SB 2323, SB 2326, SB 2337, SB 2361, SB 2368,  
SB 2379, SB 2423, SB 2433, SB 2434

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1089, HB 1246, HB 1421, HB 1485, HB 1542, HB 1557,  
HB 1577, HB 1585, HB 1609, HB 1643

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1070, HB 1077

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has not adopted the conference committee report on SB 2153 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2153: Reps. V. Olson, Belter, C. Williams

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did concur in the Senate amendments to HB 1067, and consequently did not concur in the Senate amendments to HB 1067, and the Speaker has appointed as a conference committee to meet with a like committee from the Senate, the following:

HB 1067: Reps. Conmy, Riley, Brokaw

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2012: Reps. Gunsch, Gerntholz, Laughlin

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. PARKER MOVED that Senator Parker replace Senator Reiten on the Conference Committee on SB 2411, Senator Krauter replace Senator Langley on the Conference Committee on SB 2313, and that Senator Mutch replace Senator Reiten on the Conference Committee on SB 2413, which motion prevailed.

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

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

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

HB 1048: Sens. Peterson, Freborg, Heinrich  
HB 1049: Sens. Peterson, Freborg, Heinrich  
HB 1522: Sens. Lodoen, Vosper, D. Meyer  
HB 1523: Sens. Lodoen, Vosper, D. Meyer

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2036 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2036: Sens. Tennefos, Wenstrom, Mushik

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2009 which the House has amended:

HOUSE AMENDMENTS TO ENGROSSED SB 2009

- On page 1 of the engrossed bill, line 3, after the semicolon insert the following: "to amend and reenact sections 38-14.1-04.2 and 38-14.1-04.3 of the North Dakota Century Code, relating to the reclamation research advisory committee;"
- On page 1 of the engrossed bill, line 20, delete the numerals "3,343,294" and insert in lieu thereof the numerals "3,571,646"
- On page 1 of the engrossed bill, line 21, delete the numerals "274,511" and insert in lieu thereof the numerals "333,192"
- On page 1 of the engrossed bill, line 22, delete the numerals "21,150,519" and insert in lieu thereof the numerals "21,437,552"
- On page 1 of the engrossed bill, line 24, delete the numerals "8,924,756" and insert in lieu thereof the numerals "9,211,789"
- On page 2 of the engrossed bill, line 13, delete the numerals "324,917" and insert in lieu thereof the numerals "390,917"
- On page 2 of the engrossed bill, line 15, delete the numerals "161,700" and insert in lieu thereof the numerals "201,000"

- On page 2 of the engrossed bill, line 16, delete the numerals "594,417" and insert in lieu thereof the numerals "699,717"
- On page 2 of the engrossed bill, line 17, delete the numerals "100,500" and insert in lieu thereof the numerals "166,500"
- On page 2 of the engrossed bill, line 18, delete the numerals "493,917" and insert in lieu thereof the numerals "533,217"
- On page 2 of the engrossed bill, line 23, delete the numerals "1,000,000" and insert in lieu thereof the numerals "1,560,000"
- On page 2 of the engrossed bill, line 24, delete the numerals "32,505,841" and insert in lieu thereof the numerals "33,065,841"
- On page 2 of the engrossed bill, line 26, delete the numerals "20,521,678" and insert in lieu thereof the numerals "21,081,678"
- On page 2 of the engrossed bill, line 27, delete the numerals "445,000" and insert in lieu thereof the numerals "770,000"
- On page 2 of the engrossed bill, line 28, delete the numerals "20,966,678" and insert in lieu thereof the numerals "21,851,678"
- On page 2 of the engrossed bill, line 33, delete the numerals "46,000" and insert in lieu thereof the numerals "116,000"
- On page 2 of the engrossed bill, line 34, delete the numerals "1,108,524" and insert in lieu thereof the numerals "1,178,524"
- On page 3 of the engrossed bill, line 1, delete the numerals "888,224" and insert in lieu thereof the numerals "958,224"
- On page 3 of the engrossed bill, line 2, delete the numerals "22,000" and insert in lieu thereof the numerals "37,000"
- On page 3 of the engrossed bill, line 3, delete the numerals "910,224" and insert in lieu thereof the numerals "995,224"
- On page 3 of the engrossed bill, line 8, delete the numerals "113,000" and insert in lieu thereof the numerals "152,000"
- On page 3 of the engrossed bill, line 9, delete the words "all funds" and insert in lieu thereof the words "operating budget", and delete the numerals "782,520" and insert in lieu thereof the numerals "821,520"
- On page 3 of the engrossed bill, after line 10, insert the following new lines:

"Net operating budget	\$ 721,520
Capital improvements	<u>      30,000"</u>

On page 3 of the engrossed bill, line 11, delete the numerals "682,520" and insert in lieu thereof the numerals "751,520"

On page 3 of the engrossed bill, line 16, delete the numerals "42,450" and insert in lieu thereof the numerals "103,900"

On page 3 of the engrossed bill, line 17, delete the numerals "535,249" and insert in lieu thereof the numerals "596,699"

On page 3 of the engrossed bill, line 19, delete the numerals "411,249" and insert in lieu thereof the numerals "472,699"

On page 3 of the engrossed bill, line 20, delete the numerals "7,500" and insert in lieu thereof the numerals "17,500"

On page 3 of the engrossed bill, line 21, delete the numerals "418,749" and insert in lieu thereof the numerals "490,199"

On page 3 of the engrossed bill, line 25, delete the numerals "152,700" and insert in lieu thereof the numerals "164,700"

On page 3 of the engrossed bill, line 26, delete the numerals "65,200" and insert in lieu thereof the numerals "95,200"

On page 3 of the engrossed bill, line 27, delete the numerals "559,676" and insert in lieu thereof the numerals "601,676"

On page 3 of the engrossed bill, line 29, delete the numerals "479,676" and insert in lieu thereof the numerals "521,676"

On page 3 of the engrossed bill, line 30, delete the numerals "30,000" and insert in lieu thereof the numerals "43,000"

On page 3 of the engrossed bill, line 31, delete the numerals "509,676" and insert in lieu thereof the numerals "564,676"

On page 4 of the engrossed bill, line 1, delete the numerals "56,900" and insert in lieu thereof the numerals "85,900"

On page 4 of the engrossed bill, line 2, delete the words "all funds" and insert in lieu thereof the words "operating budget", and delete the numerals "626,887" and insert in lieu thereof the numerals "655,887"

On page 4 of the engrossed bill, after line 3, insert the following new lines:

"Net operating budget	\$ 366,178
Capital improvements	<u>      90,000"</u>

On page 4 of the engrossed bill, line 4, delete the numerals "337,178" and insert in lieu thereof the numerals "456,178"

On page 4 of the engrossed bill, line 9, delete the numerals "30,000" and insert in lieu thereof the numerals "70,000"

On page 4 of the engrossed bill, line 10, delete the words "all funds" and insert in lieu thereof the words "operating budget", and delete the numerals "542,424" and insert in lieu thereof the numerals "582,424"

On page 4 of the engrossed bill, after line 11, insert the following new lines:

"Net operating budget	\$ 476,424
Capital improvements	<u>12,000"</u>

On page 4 of the engrossed bill, line 12, delete the numerals "436,424" and insert in lieu thereof the numerals "488,424"

On page 4 of the engrossed bill, line 17, delete the numerals "49,000" and insert in lieu thereof the numerals "98,000"

On page 4 of the engrossed bill, line 18, delete the numerals "1,152,956" and insert in lieu thereof the numerals "1,201,956"

On page 4 of the engrossed bill, line 20, delete the numerals "767,956" and insert in lieu thereof the numerals "816,956"

On page 4 of the engrossed bill, line 22, delete the numerals "777,956" and insert in lieu thereof the numerals "826,956"

On page 4 of the engrossed bill, line 28, delete the numerals "58,000" and insert in lieu thereof the numerals "158,000"

On page 4 of the engrossed bill, line 29, delete the numerals "728,685" and insert in lieu thereof the numerals "828,685"

On page 5 of the engrossed bill, line 1, delete the numerals "34,458,078" and insert in lieu thereof the numerals "36,169,861"

On page 5 of the engrossed bill, line 2, delete the numerals "28,625,254" and insert in lieu thereof the numerals "30,091,254"

On page 5 of the engrossed bill, line 3, delete the numerals "63,083,332" and insert in lieu thereof the numerals "66,261,115"

On page 6 of the engrossed bill, line 10, delete the word "TRANSFER" and insert in lieu thereof the words "APPROPRIATION - TRANSFER"

On page 7 of the engrossed bill, after line 16, insert the following new sections:

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

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

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

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

**38-14.1-04.3. Reclamation research objectives.** The reclamation research advisory committee shall make all recommendations on the specific reclamation research projects that are to be funded from moneys administered by

the commission. Prior to awarding reclamation research funds, the commission must ~~receive~~ consider the recommendations of the committee relating to the proposed reclamation research project. For any reclamation research project to be approved for funding by the commission, each proposed project must meet the following criteria:

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

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

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

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

And renumber the lines and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Extension Division

The operating expenses line item is increased by \$228,352 from the general fund to provide for restoration to the current service level of operation.

The equipment line item is increased by \$58,681 from the general fund to provide for restoration to the current service level.

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

#### Northern Crops Institute

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

The equipment line item is increased by \$39,300 from the general fund to provide for partial restoration of the current service level.

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

#### Main Experiment Station

The equipment line item is increased by \$560,000 from the general fund to provide for partial restoration of the current service level.

The capital improvements line item is increased by \$325,000 from the general fund to provide additional funds for maintenance of existing facilities.

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

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

#### Dickinson Experiment Station

The equipment line item is increased by \$70,000 from the general fund to provide for partial restoration of the current service level.

The capital improvements line item is increased by \$15,000 from the general fund to provide funds for office building renovation.

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

#### Central Grasslands Experiment Station

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

A capital improvements line item is added in the amount of \$30,000 from the general fund for the livestock handling facility.

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

#### Hettinger Experiment Station

The equipment line item is increased by \$61,450 from the general fund to provide for partial restoration of the current service level.

The capital improvements line item is increased by \$10,000 from the general fund to provide funds for confinement barn renovation.

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

#### Langdon Experiment Station

The operating expenses line item is increased by \$12,000 from the general fund to provide for partial restoration of the current service level of operation.

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

The capital improvements line item is increased by \$13,000 from the general fund to provide funds for general maintenance and for metal siding on an existing storage building.

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

#### North Central Experiment Station

The equipment line item is increased by \$29,000 from the general fund to provide for partial restoration of the current service level.

A capital improvements line item is added in the amount of \$90,000 from the general fund to provide funds to construct a superintendent's residence.

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

#### Williston Experiment Station

The equipment line item is increased by \$40,000 from the general fund to provide for partial restoration of the current service level.

A capital improvements line item is added in the amount of \$12,000 from the general fund to replace shingles on certain buildings and for maintenance of the entrance road.

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

#### Carrington Experiment Station

The equipment line item is increased by \$49,000 from the general fund to provide for partial restoration of the current service level.

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

#### Agronomy Seed Farm

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

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

#### SUMMARY OF HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

<u>Agency</u>	<u>Salaries and Wages</u>	<u>Operating Expenses</u>	<u>Equipment</u>	<u>Capital Improvements</u>	<u>General Fund</u>	<u>Estimated Income</u>
Extension Division	\$ 0	\$228,352	\$ 58,681	\$ 0	\$ 287,033	\$ 0
Extension Division - Food and Nutrition					0	0
Extension Division - Energy Service					0	0
Northern Crops Institute	66,000		39,300		39,300	66,000
Main Experiment Station			560,000	325,000	885,000	
Dickinson Experiment Station			70,000	15,300	85,000	
Central Grasslands Experiment Station			39,000	30,000	69,000	
Hettinger Experiment Station			61,450	10,000	71,450	
Langdon Experiment Station		12,000	30,000	13,000	55,000	
North Central Experiment Station			29,000	90,000	119,000	
Williston Experiment Station			40,000	12,000	52,000	
Carrington Experiment Station			49,000		49,000	
Agronomy Seed Farm				100,000		100,000
Subtotal	666,000	\$240,352	\$ 976,431	\$ 595,000	\$1,711,783	\$ 166,000
New sections:						
Main Experiment Station						
Purchase of animals			300,000			300,000
Staff facility				1,000,000		1,000,000
Total amendments to engrossed Senate Bill No. 2009	666,000	240,352	1,276,431	1,595,000	1,711,783	1,466,000

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President has appointed replacements on the following conference committees:

SB 2313: Sen. Krauter, instead of Sen. Langley

SB 2411: Sen. Parker, instead of Sen. Reiten

SB 2413: Sen. Mutch, instead of Sen. Reiten

LEO LEIDHOLM, Secretary

## MOTION

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

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

## MOTION

SEN. NETHING MOVED that the Senate recess the regular business of the session for the purpose of conducting the Memorial Service, which motion prevailed.

## SENATE MEMORIAL SERVICE

Memorial Service Committee:

Senator Kilander, Chairman

Senator Christensen

Senator Berube

President Meiers, Presiding Officer

## PROGRAM

State of North Dakota  
Forty-ninth Legislative Assembly  
SENATE MEMORIAL SERVICE  
Wednesday  
March 27, 1985  
SENATE CHAMBER

## INVOCATION

Rev. Robert Lynne, Good Shepherd Lutheran Church, Bismarck

## MUSIC BY

Minot State College Choir  
Dr. Joseph Hegstad, Director  
"Make a Joyful Noise Unto the Lord" - Mechem  
"Jesus, Priceless Treasure" - Bach

## READING OF

SENATE MEMORIAL RESOLUTION  
Leo Leidholm, Secretary

ACKNOWLEDGING GUESTS: Lt. Gov. Meiers

ADDRESS & BENEDICTION: Rev. Robert Lynne  
Good Shepherd Lutheran Church, Bismarck

MUSIC

Minot State College Choir  
"Beautiful Saviour" - Christiansen

MOTION

SEN. NETHING MOVED that the invocation, the remarks of Reverend Robert Lynne, and the benediction be printed in the Journal, which motion prevailed.

INVOCATION

Heavenly Father, we gather today to honor the memories of our friends who have served before us in this body, who You have called to eternal rest. We ask that their memories might be an inspiration to us all, and that as we remember their loyal servanthood we might be moved to serve with the same sincerity.

We ask Your blessing upon this Memorial Service and upon the family members and friends who have come today to share in our tribute to Your servants.

All this we pray in the name of our Lord Jesus Christ, Amen.

FIRST READING OF A SENATE MEMORIAL RESOLUTION

Sens. Kilander, Christensen, Berube introduced:

(Committee on Memorial Resolutions)

SMR 2: A memorial resolution for deceased members of the Senate of the State of North Dakota.

Was read the first time.

MOTION

SEN. CHRISTENSEN MOVED that the rules be suspended, that SMR 2 not be printed, not be referred to committee, but be read in its entirety, printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Kilander, Christensen, Berube introduced:

SENATE MEMORIAL RESOLUTION NO. 2

A memorial resolution for deceased members of the Senate of the State of North Dakota.

WHEREAS, God in His wisdom has seen fit to summon to eternal rest His servants and our former colleagues:

Francis Barth, who served in the 42nd through the 48th Legislative Assemblies, from the 53rd District, died April 11, 1984.

**Stella Fritzell**, who served in the 43rd through the 48th Legislative Assemblies, from the 43rd District, died April 4, 1984.

**Arthur Gronhovd**, who served in the 42nd through the 44th Legislative Assemblies, from the 23rd District, died December 8, 1984.

**Gail H. Hernet**, who served in the 34th through the 42nd Legislative Assemblies, from the 30th District, died October 11, 1983.

**Arthur C. Johnson**, who served in the 33rd and 34th Legislative Assemblies, from the 9th District, died June 5, 1983.

**William Kroeber**, who served in the 24th and 25th Legislative Assemblies, from the 36th District, died February 13, 1985.

**Edward Leno, Sr.**, who served in the 29th through the 32nd Legislative Assemblies, from the 35th District, died June 1, 1984.

**Richard H. Lynch**, who served in the 28th through the 31st Legislative Assemblies, from the 40th District, died June 1, 1983.

**Philip J. Sauer**, who served in the 32nd and 33rd Legislative assemblies, from the 38th District, died March 10, 1984.

WHEREAS, today, we, as members of the Senate of the 49th Legislative Assembly of the State of North Dakota, pause to mourn the passing of our former colleagues, and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contribution to their fellowmen and their communities;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That we express our keen sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of these, our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the Senate and that duly enrolled copies of this resolution be presented by the Secretary of State to the surviving families of these deceased senators.

#### SECOND READING OF A SENATE MEMORIAL RESOLUTION

SMR 2: A memorial resolution for deceased members of the Senate of the State of North Dakota.

Was read the second time.

The question being on the final adoption of the resolution.

SMR 2 was declared adopted on a voice vote.

ADDRESS BY REV. ROBERT LYNNE, PASTOR  
GOOD SHEPHERD LUTHERAN CHURCH, BISMARCK

Remembering Those Who Have Served - Text: Deut. 8:18

"Remember the Lord Your God, for it is He who gives You the ability to produce wealth, and confirms His covenant, which He swore to Your fore fathers, and it is today."

Today we pause to pay tribute to those who have served in this legislative body and are no longer with us, for they have passed away. It is good that we be mindful of the work, the dedication, the loyalty, courage, and self-discipline of those who have served before us.

It is good for us to be reminded that in many ways we are what we are today because of what has been done by others in the past; and it also can make us mindful that those who follow us shall be blessed or hurt by what we do today.

Now as we take this time to pay tribute to those who served us so well in the past, let us also be mindful of what God has done for us and the promises He offers to us in guiding us and giving us the courage to carry out the work we have been called to do.

Remembering God in our lives leads us to take on the servant role. By nature man, you and I, are very selfish. We would much rather want to be served than to serve. It is with God we see our real purpose is simply to serve, to help, to strengthen.

Actually, this was one of the principles on which our nation was founded and has proven to be good for all men everywhere. May we learn to always practice this principle of service as we carry out our work in this legislative body and wherever we go.

As we carry on our work, let us remember to put our trust in God and not rely completely on our own wisdom and strength. For it is through a close relationship with God we receive the strength, courage, and desire to stand up for our convictions.

As the days grow into weeks, the weeks into months, and months into years, may we all be remembered in this way that those in the future may look back to us and be able to say: "well done thou good and faithful servant, we thank you for being true servants of God and your fellowman." This is what we say to those whom we honor today.

May those in the future be blessed by our labors as we have been blessed by the labors of those who were before us.

Let us pray: Gracious Father on this day our minds are turned in memory toward those who have served our state well in this legislative body. We thank You for all the good which through them has come upon us.

Grant each of us a sense of honor and gratitude and teach us to serve You and our fellowman with loyalty and dedication by which others will be blessed. Amen.

#### BENEDICTION

As You go on in life, may God go with you. May He go before you to show you the way. May He go behind you to encourage you and beside you to befriend you. May He go above you to watch over you and within you to grant you His peace, in the name of the Father, and of the Son and of the Holy Spirit, Amen.

#### MOTIONS

SEN. NOTHING MOVED that the Memorial Session be dissolved, which motion prevailed.

SEN. NOTHING MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

The Senate reconvened, pursuant to recess taken, with the President presiding.

#### MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

SB 2055, SB 2079, SB 2097, SB 2104, SB 2136, SB 2137,  
SB 2163, SB 2202, SB 2205, SB 2238, SB 2266, SB 2290,  
SB 2305, SB 2323, SB 2326, SB 2337, SB 2361, SB 2368,  
SB 2379, SB 2423, SB 2433, SB 2434

ROY GILBREATH, Chief Clerk

#### REPORT OF PROCEDURAL COMMITTEE

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

SB 2181, SB 2287, SB 2289, SB 2316, SB 2381, SB 2400,  
SB 2417, SB 2475, SB 2479, SCR 4011, SCR 4021, SCR 4060,  
SCR 4069

SEN. BAKEWELL, Chairman

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

#### REPORT OF PROCEDURAL COMMITTEE

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

SCR 4070

SEN. BAKEWELL, Chairman

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

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2253

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the Speaker has appointed Rep. Shide as a replacement conferee for Rep. Koland on SB 2313.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2023, SB 2028, SB 2114, SB 2115, SB 2249, and SB 2307 which the House has amended:

HOUSE AMENDMENTS TO ENGROSSED SB 2023

On page 1 of the engrossed bill, line 21, delete the numerals "10,660,857" and insert in lieu thereof the numerals "11,072,046"

On page 1 of the engrossed bill, line 22, delete the numerals "5,453,919" and insert in lieu thereof the numerals "5,042,730"

On page 2 of the engrossed bill, line 14, delete the numerals "10,660,857" and insert in lieu thereof the numerals "11,072,046"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Highway Patrol

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

The estimated income line item is increased by \$411,189 with a corresponding decrease to the general fund to reflect the funding of a portion of the \$623,014 added by the Senate to the salaries and wages line item from the state highway fund, rather than

funding the entire increase from the general fund. The \$623,014 increase provided by the Senate consisted of a \$202,464 increase to continue the four percent additional contribution to retirement approved by the 1983 Legislative Assembly (this amount was inadvertently omitted in the original executive budget), and a \$420,550 increase to provide a 5.7 percent additional state contribution to retirement approved by the House in House Bill No. 1085.

HOUSE AMENDMENTS TO ENGROSSED SB 2028

- On page 1 of the engrossed bill, line 26, delete the numerals "3,689,931" and insert in lieu thereof the numerals "3,888,331"
- On page 1 of the engrossed bill, line 27, delete the numerals "2,326,710" and insert in lieu thereof the numerals "3,062,242"
- On page 2 of the engrossed bill, line 2, delete the numerals "12,863,909" and insert in lieu thereof the numerals "13,797,841"
- On page 2 of the engrossed bill, line 6, delete the numerals "8,930,205" and insert in lieu thereof the numerals "8,575,650"
- On page 2 of the engrossed bill, line 10, delete the numerals "14,340,823" and insert in lieu thereof the numerals "13,986,268"
- On page 2 of the engrossed bill, line 21, delete the numerals "59,297,394" and insert in lieu thereof the numerals "59,876,771"
- On page 2 of the engrossed bill, line 22, delete the numerals "59,297,394" and insert in lieu thereof the numerals "59,876,771"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Industrial Commission

The salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

Bank of North Dakota

The salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the biennium (\$50/month

minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

The operating expenses line item is increased by \$198,400 from other funds. Funding is increased to allow incorporating the use of coupon books in the student loan billing program.

The data processing line item is increased by \$735,532 from other funds. Funding is provided for program enhancement requests relating to hardware and software purchases and programming costs. Major program enhancements include:

Rewrite security safekeeping system on-line revising interest payment procedures and Internal Revenue Service reports	\$ 35,142
Rewrite security analysis system on-line with revisions of the interest calculations and market value reportings	59,808
New data processing system to provide accounting and reporting of the investment portfolios of the State Investment Board and Public Employees Retirement System	54,054
New data processing system to provide processing of deferred compensation plans for state employees	38,075
Lease of Federal Reserve Bank software and payment of access fees for wire transfers	50,400
Rewrite student loan disbursal system on-line to interface with existing student loan and guaranteed student loan systems and reduce duplication of effort	69,930
Other enhancements	140,885

The increase also includes \$287,238 to provide funds for current operations. The additions provided by this amendment are intended to result in the greater efficiency of the Bank of North Dakota with the result being increased Bank profits and greater transfers to the general fund.

#### Mill and Elevator Association

The salaries and wages line item is reduced by \$354,555 from other funds. Funding is deleted for the following eight FTE positions:

1 Clerk Typist II	\$ 30,882
1 Mixer	48,297
1 Equipment Operator	48,635

1 Terminal Sweeper	46,024
3 Assistant Bolter Oilers	137,399
1 Warehouse Loader	<u>43,318</u>

Total \$354,555

The salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

#### Housing Finance Agency

The salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

#### HOUSE FLOOR AMENDMENTS TO SB 2114

On page 1 of the bill, line 3, after the word "students" insert the following words "; and to provide for an expiration date"

On page 2 of the bill, after line 3, insert the following new section:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1987, and after that date is ineffective."

And renumber the lines and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendment adds June 30, 1987, as the expiration date so the 50th Legislative Assembly may review the new transportation program implemented through this Act.

#### HOUSE FLOOR AMENDMENTS TO SB 2115

On page 1 of the bill, line 3, after the word "students" insert the following words "; and to provide for an expiration date"

On page 2 of the bill, after line 3, insert the following new section:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1987, and after that date is ineffective."

And renumber the lines and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendment adds June 30, 1987, as the expiration date so the 50th Legislative Assembly may review the new transportation program implemented through this Act.

## HOUSE AMENDMENTS TO REENGROSSED SB 2249

- On page 1 of the reengrossed bill, line 24, delete the numerals "5,400,000" and insert in lieu thereof the numerals "4,751,145"
- On page 2 of the reengrossed bill, delete lines 5 through 13 and insert in lieu thereof the following:

"SECTION 2. Loan authority. The board of university and school lands is hereby authorized to invest in an amount not to exceed \$4,751,145 from the common school trust fund in the developmentally disabled facility loan fund program no. 3. The term of this investment may not exceed twenty-five years and the rate of interest may not exceed twelve percent. The common school trust fund shall have a security interest in the properties of the lands and minerals trust fund in the amount of the loan."

- On page 2 of the reengrossed bill, line 25, after the word "percent" insert the words "for loans relating to facilities for developmentally disabled persons and five percent for loans relating to facilities for physically disabled persons and chronically mentally ill persons"
- On page 3 of the reengrossed bill, line 34, delete the word "or" and insert in lieu thereof the words "but not"
- On page 4 of the reengrossed bill, line 7, delete the word "may" and insert in lieu thereof the word "shall"
- On page 4 of the reengrossed bill, line 8, delete the word "or" and insert in lieu thereof the words "not employed by this state or its political subdivisions, or a"
- On page 4 of the reengrossed bill, line 12, after the period insert the following: "The receiver may not liquidate the assets of the treatment or care center."
- On page 4 of the reengrossed bill, line 17, delete the words "a discontinuance of" and insert in lieu thereof the words "an election by the owner or owners to discontinue"
- On page 4 of the reengrossed bill, line 18, delete the following: ", whichever occurs"
- On page 4 of the reengrossed bill, line 19, delete the word "first"

And renumber the lines and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

These amendments change the amount which the DD loan fund No. 3 may borrow from the common school trust fund from \$5,400,000 to

\$4,751,145 to reflect revised facility needs and funds available in DD loan fund No. 1.

Also language is added to allow facilities for the chronically mentally ill and the physically disabled to obtain loans at five percent interest.

#### HOUSE AMENDMENTS TO ENGROSSED SB 2307

On page 1 of the engrossed bill, line 11, overstrike the words "Is at least eighteen years of age" and insert immediately thereafter the words "Has worked in the individual's home providing unpaid services for household members"

On page 1 of the engrossed bill, line 12, after the word "been" insert the words "or is"

On page 1 of the engrossed bill, line 13, overstrike the words "been economically dependent on a spouse, parent,"

On page 1 of the engrossed bill, overstrike lines 14 through 16

On page 1 of the engrossed bill, line 17, overstrike the word "e. Lacks", delete the word "basic", and overstrike the words "academic skills to be gainfully"

On page 1 of the engrossed bill, line 18, delete the word "employed" and insert in lieu thereof the words "had or will have difficulty finding employment"

On page 1 of the engrossed bill, line 19, overstrike the letter "f." and insert immediately thereafter the letter "d."

On page 1 of the engrossed bill, line 21, overstrike the words "parent, or legal guardian,"

And renumber the lines and pages accordingly

ROY GILBREATH, Chief Clerk

#### CONFIRMATION SESSION

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

#### REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your select committee appointed to consider the nomination for Securities Commissioner do advise and consent to the appointment of:

Mr. Peter Quist, Bismarck

SEN. TODD, Chairman

SEN. TODD MOVED that the report be adopted.

## ROLL CALL

The question being on the motion to adopt the select committee report on the selection of Mr. Peter Quist for Securities Commissioner, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Kilander; Meyer, W.; Naaden; Nelson; Wenstrom

The report was adopted.

Mr. Peter Quist was elected as Securities Commissioner.

## REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your select committee appointed to consider the nomination for the Board of Higher Education do advise and consent to the appointment of:

Mr. L. D. (Lee) Christensen, Kenmare

SEN. PARKER, Chairman

SEN. PARKER MOVED that the report be adopted.

## ROLL CALL

The question being on the motion to adopt the select committee report on the selection of Mr. L. D. (Lee) Christensen for the Board of Higher Education, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Kilander; Meyer, W.; Naaden

The report was adopted.

Mr. L. D. (Lee) Christensen was elected to the Board of Higher Education.

SEN. NOTHING MOVED that the Confirmation Session be dissolved, which motion prevailed.

#### REVISION AND CORRECTION OF THE JOURNAL

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

SEN. DAVID, Chairman

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

#### REPORT OF CONFERENCE COMMITTEE

SEN. MOORE MOVED that the conference committee report on SB 2186 as printed on pages 1805-1806 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

SEN. MOORE MOVED that the rules be suspended, that SB 2186 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2186: A BILL for an Act to amend and reenact section 57-38-01.15 and subsection 2 of section 57-38-31 of the North Dakota Century Code, relating to spouses who file separate income tax returns; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Kilander; Naaden; Tallackson

SB 2186 passed and the title was agreed to.

\*\*\*\*\*

REPORT OF CONFERENCE COMMITTEE

SEN. STENEHJEM MOVED that the conference committee report on SB 2204 as printed on page 1805 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2204 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to provide for a program of preadmission assessment of the health and social needs for all prospective residents of skilled nursing facilities, intermediate care facilities, or hospital swing-bed facilities who are, or within one hundred eighty days of admission may become, eligible for medical assistance program benefits.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Kilander; Naaden; Tallackson

SB 2204 passed and the title was agreed to.

\*\*\*\*\*

## MOTION

SEN. MUTCH MOVED that SB 2405 which is on the Seventh order be laid over one legislative day, which motion prevailed.

## REPORTS OF CONFERENCE COMMITTEES

SEN. KELLY MOVED that the conference committee report on SB 2410 as printed on page 1807 of the Senate Journal be adopted, which motion prevailed.

SEN. STENEHJEM MOVED that the conference committee report on SB 2438 as printed on pages 1807-1808 of the Senate Journal be adopted, which motion prevailed.

## MOTION

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2438 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2438: A BILL for an Act to amend and reenact sections 14-05-17 and 14-06-06 of the North Dakota Century Code, relating to residency requirements for divorce and for separation.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Kilander; Naaden; Tallackson

SB 2438 passed and the title was agreed to.

\*\*\*\*\*

REPORT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the conference committee report on SB 2464 as printed on pages 1808-1809 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2464 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2464: A BILL for an Act to amend and reenact sections 44-11-02, 44-11-10, and 44-11-13 of the North Dakota Century Code, relating to the number of persons who must sign a complaint seeking the gubernatorial removal of a public official, the fees of the special commissioner and payment of stenographer's expenses, and payment of costs upon dismissal and the filing of an indemnity bond with regard to gubernatorial removal of public officials.

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 49 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

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

NAYS: Lashkowitz

ABSENT AND NOT VOTING: Kilander; Naaden; Tallackson

SB 2464 passed and the title was agreed to.

\*\*\*\*\*

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

SCR 4070

LEO LEIDHOLM, Secretary

## REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on HB 1204 as printed on page 1809 of the Senate Journal be adopted, which motion prevailed.

## MOTION

SEN. DOTZENROD MOVED that the rules be suspended, that HB 1204 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

HB 1204: A BILL for an Act to amend and reenact section 57-02-08.3 of the North Dakota Century Code, relating to state payment for the homestead credit for special assessments and the lien for payment of the homestead credit for special assessments.

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 32 YEAS, 18 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Holmberg; Ingstad; Kelly; Kelsh; Langley; Lips; Meyer, W.; Moore; Mutch; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Wright

NAYS: Heigaard; Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Satrom; Shea; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Kilander; Naaden; Tallackson

HB 1204 passed and the title was agreed to.

\*\*\*\*\*

## REPORTS OF CONFERENCE COMMITTEES

SEN. INGSTAD MOVED that the conference committee report on HB 1233 as printed on page 1810 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the conference committee report on HB 1242 as printed on page 1810 of the Senate Journal be adopted, which motion prevailed.

## MOTION

SEN. MUTCH MOVED that the rules be suspended, that HB 1242 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

HB 1242: A BILL for an Act to amend and reenact section 54-52.1-03 of the North Dakota Century Code, relating to membership in the state employees' uniform group insurance program by former members of the legislative assembly and to the extension of state uniform group life insurance coverage to retired public employees.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heinrich; Kilander; Naaden; Tallackson

HB 1242 passed and the title was agreed to.

\*\*\*\*\*

## REPORT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the conference committee report on HB 1295 as printed on page 1810 of the Senate Journal be adopted, which motion prevailed.

## APPOINTMENTS OF CONFERENCE COMMITTEES

SEN. PETERSON MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2153, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on SB 2153:

Sens. Freborg, Kelly, Heinrich

SEN. CHRISTENSEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1067, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1067:

Sens. Olson, Holmberg, Redlin

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

SB 2153: Sens. Freborg, Kelly, Heinrich

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report and subsequently failed to pass:

HB 1071

ROY GILBREATH, Chief Clerk

REPORTS OF CONFERENCE COMMITTEES

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2062 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1660 of the Senate Journal and that Engrossed SB 2062 be amended as follows:

On page 1 of the engrossed bill, line 18, delete the word "seventy" and insert in lieu thereof the word "eighty"

And renumber the lines and pages accordingly

For the Senate: Sens. Peterson, Freborg, Heinrich

For the House: Reps. Schindler, Hill, D. Olsen

Engrossed SB 2062 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2260 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1662 of the Senate Journal and that Engrossed SB 2260 be amended as follows:

On page 1 of the engrossed bill, line 16, after the word "felony" insert the words "and class A misdemeanor"

On page 1 of the engrossed bill, line 19, after the word "all" insert the word "other"

On page 1 of the engrossed bill, line 20, overstrike the words "unless any"

On page 1 of the engrossed bill, line 21, overstrike the words "party makes a timely written demand for a jury of", and delete the word "nine"

And renumber the lines and pages accordingly

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

For the House: Reps. Kretschmar, Schmidt, Keller

Engrossed SB 2260 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred SB 2313 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1566 of the Senate Journal and that SB 2313 be amended as follows:

On page 1, line 19, after the period insert the following:

"No creditor may charge, receive, or collect a late payment charge on medical or hospital bills, except that if the account remains unpaid for at least sixty days, a late payment charge may be imposed at the rate specified in subsection 2, but the charge cannot exceed twenty-five dollars per month.

5."

And renumber the lines and pages accordingly

For the Senate: Sens. Parker, Reiten, Krauter

For the House: Reps. Whalen, Shide, Lloyd

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

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2355 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 1568 of the Senate Journal and that Engrossed SB 2355 be further amended as follows:

On page 2 of the engrossed bill, line 3, overstrike the words "one week" and insert in lieu thereof the words "five business days"

On page 2 of the engrossed bill, line 12, after the comma, insert the words "willfully as defined in 12.1-02-02"

And renumber the lines and pages accordingly

**For the Senate:** Sens. Olson, Stenehjem, J. Meyer

**For the House:** Reps. Larson, Riley, Dotzenrod

Engrossed SB 2355 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Conference Committee to which was referred Engrossed SB 2413 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1665 of the Senate Journal and that Engrossed SB 2413 be amended as follows:

On page 1 of the engrossed bill, line 9, delete the word "twenty" and insert in lieu thereof the word "twenty-five"

On page 1 of the engrossed bill, line 14, delete the words "'Collector's item", as used"

On page 1 of the engrossed bill, line 15, delete the words "in this section, means a motor vehicle which" and insert in lieu thereof the words "A motor vehicle qualifies as a collector's item under this section only if it"

On page 1 of the engrossed bill, line 16, delete the word "only"

On page 1 of the engrossed bill, line 17, after the word "from" insert the words "active entry and participation in"

On page 1 of the engrossed bill, line 18, after the word "and" insert the words "to and from"

On page 2 of the engrossed bill, line 3, delete the word "forty-five" and insert in lieu thereof the words "seventy-five"

And renumber the lines and pages accordingly

**For the Senate:** Sens. Parker, Mutch, Satrom

**For the House:** Reps. Anderson, A. Hausauer, Frey

Engrossed SB 2413 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Conference Committee to which was referred SB 2477 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 1612 of the Senate Journal.

**For the Senate:** Sens. Todd, Parker, Kelsh

For the House: Reps. Moore, Hughes, Linderman

SB 2477 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1070 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 666 and 1479 of the Senate Journal and that Engrossed HB 1070 be amended as follows:

On page 1 of the engrossed bill, line 4, delete the numerals "20.1-01-05, 20.1-01-07,"

On page 1 of the engrossed bill, line 5, after the third comma insert the numerals "20.1-01-26,"

On page 1 of the engrossed bill, line 12, after the word "violations" insert the words "and the suspension of hunting, trapping, or fishing privileges"

On page 1 of the engrossed bill, delete lines 16 through 28

On page 2 of the engrossed bill, delete lines 1 through 31

On page 3 of the engrossed bill, after line 33, insert the following new section:

"SECTION 5. AMENDMENT. Section 20.1-01-26 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-26. Suspension of hunting, trapping, or fishing privileges - Surrender and return of license. In addition to the penalty provided upon conviction under this title, the court may suspend the defendant's hunting, trapping, or fishing privileges for up to two years. The court may not suspend the defendant's privileges for a noncriminal violation if the defendant has not been convicted for a violation of this title in the last three years. Upon conviction for a violation of section 20.1-01-18, the court shall suspend the defendant's hunting, fishing and trapping privileges for a period of at least six months. At the time of the suspension, the court shall determine whether the defendant must successfully complete the hunter education course provided for in section 20.1-03-01.1, as prescribed by the proper state or provincial natural resources or wildlife management agency, before the defendant may purchase a new or obtain the return of a valid hunting license.

Upon imposition of such suspension, the court shall take any hunting, trapping, or fishing license or permit held by the defendant and forward it, together with a

certified copy of the suspension order, to the commissioner. Upon Except as otherwise provided in this section, upon expiration of the suspension, the commissioner shall return the defendant's person's license or permit if it is still valid. No person shall may purchase, or attempt to purchase, a hunting, trapping, or fishing license or permit during a suspension period.

If the court so ordered, no person who has had a hunting license suspended may purchase or attempt to purchase a hunting license nor may the commissioner return a valid hunting license until the person has successfully completed the course provided for in section 20.1-03-01.1 and as prescribed by the proper state or provincial natural resources or wildlife management agency. A certificate of completion for a similar course issued by any other state or province of Canada is sufficient to meet this requirement. The person shall file proof of that completion with the court.

For the purpose of this section, the term "conviction" includes an admission or adjudication of a noncriminal violation."

On page 4 of the engrossed bill, line 28, delete the numeral "6" and insert in lieu thereof the numeral "5"

On page 5 of the engrossed bill, line 14, delete the numeral "6" and insert in lieu thereof the numeral "5", and delete the numeral "7" and insert in lieu thereof the numeral "6"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Todd, Freborg, Maixner

For the House: Reps. Kretschmar, Koland, L. Hanson

Engrossed HB 1070 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Reengrossed HB 1077 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1312-1317 of the Senate Journal and that Reengrossed HB 1077 be amended as follows:

On page 1 of the reengrossed bill, line 2, delete the word "and"

On page 1 of the reengrossed bill, line 4, after the word "compact" insert the words "; and to provide an appropriation"

On page 2 of the reengrossed bill, line 6, delete the word "encourage" and insert in lieu thereof the word "require"

On page 2 of the reengrossed bill, line 19, after the word "amended" insert the words "and in effect on January 1, 1985"

On page 3 of the reengrossed bill, after line 13, insert the following new subsection:

"9. "Institutional control period" means that period of time in which the facility license is transferred to the site owner for long-term observation and maintenance following the postclosure period in compliance with appropriate regulations."

On page 3 of the reengrossed bill, line 18, after the word "amended" insert the words "and in effect on January 1, 1985"

On page 3 of the reengrossed bill, after line 32, insert the following:

"14. "Postclosure period" means that period of time after completion of closure of a disposal site during which the licensee shall observe, monitor, and carry out necessary maintenance and repairs at the disposal site to assure that the disposal site will remain stable and will not need ongoing active maintenance. This period ends with the beginning of the institutional control period."

On page 4 of the reengrossed bill, line 14, delete the word "may" and insert in lieu thereof the word "must"

On page 4 of the reengrossed bill, line 15, delete the word "or" and insert in lieu thereof the word "and"

On page 4 of the reengrossed bill, line 24, delete the word "in"

On page 4 of the reengrossed bill, line 25, delete the words "substantially similar form" and insert in lieu thereof the words "and federal ratification"

On page 4 of the reengrossed bill, line 28, after the period insert the following new sentence: "Ratification of this compact by an eligible state in substantially the same language contained herein and in full agreement with the provisions contained herein is a complete and legally effective ratification."

On page 5 of the reengrossed bill, line 30, delete the word "revocations" and insert in lieu thereof the word "revocation"

- On page 6 of the reengrossed bill, after line 2, insert the following new subsection:
- "6. If a party state withdraws from this compact or if its membership is revoked pursuant to this article, that state's representatives to the commission cease to be members when the withdrawal or revocation takes effect."
- On page 6 of the reengrossed bill, line 16, after the word "state" insert the words "for a disposal facility"
- On page 6 of the reengrossed bill, line 22, delete the word "commission" and insert in lieu thereof the words "governor of any other party state"
- On page 6 of the reengrossed bill, line 23, after the word "state's" insert the word "initial"
- On page 6 of the reengrossed bill, line 25, after the period insert the following new sentence: "If a commissioner or alternate is replaced after the commission is formed, the governor shall notify the commission of the replacement."
- On page 7 of the reengrossed bill, line 11, after the word "public" insert the words ", except any meeting that deals with sensitive personnel issues or which involves attorney-client communications, to the extent a meeting dealing with sensitive personnel issues or attorney-client communications can be closed by law of the state in which the meeting is held"
- On page 7 of the reengrossed bill, line 34, after the word "accountant" insert the word "annually", and delete the word "annually"
- On page 8 of the reengrossed bill, line 21, delete the word "a" and insert in lieu thereof the word "the"
- On page 9 of the reengrossed bill, line 4, after the period insert the following: "These liabilities continue through the postclosure period and the institutional control period of the regional facility. However, during the institutional control period, such liability is secondary to any fund set aside by the commission or the host state for use during the institutional control period."
- On page 9 of the reengrossed bill, line 8, after the word "of" insert the words "low-level radioactive"
- On page 10 of the reengrossed bill, line 15, after the word "for" insert the words "low-level radioactive"

On page 10 of the reengrossed bill, after line 19, insert the following two new subsections:

"18. The commission may authorize siting and establishment of a monitorable depository for exclusive disposal of low-level radioactive waste generated within the member states. This authority may be exercised only under the provisions outlined in this compact.

19. The commission may authorize a multistate or multicomact low-level radioactive waste disposal site that must remain under the ownership and control of the host state and under the continuing authority of the commission. This authority may be exercised only under the provisions outlined in this compact."

On page 10 of the reengrossed bill, line 30, delete the word "site" and insert in lieu thereof the word "facility"

On page 10 of the reengrossed bill, delete lines 32 through 35

On page 11 of the reengrossed bill, delete lines 1 through 9

On page 11 of the reengrossed bill, line 10, delete the words "all records of operators of" and insert in lieu thereof the words "any necessary financial records of an operator of a regional facility pertaining to any assessment or collection of any charge or surcharge by an operator on behalf of the commission or a host state"

On page 11 of the reengrossed bill, delete lines 11 and 12

On page 11 of the reengrossed bill, line 13, delete the words "or surcharge"

On page 12 of the reengrossed bill, line 3, after the period insert the following new sentence: "Neither the commission nor any party state may approve or license a second disposal facility as long as any approved licensed disposal facility is operating within the region."

On page 12 of the reengrossed bill, after line 15, insert the following new subdivision:

"d. An environmental impact report on the selected site, to be prepared by the United States geological survey pursuant to a contract with that agency or, if no such contract agreement is forthcoming, pursuant to a contract with any other appropriate, equivalent public or private entity having sufficient expertise. The report must meet

the requirements of the nuclear regulatory commission's health and safety standards, procedural requirements, and environmental reviews."

On page 12 of the reengrossed bill, after line 21, insert the following new subsection:

- "3. A host state may not abdicate its proprietary role, but may transfer its operational functions to a separate commercial enterprise."

On page 13 of the reengrossed bill, after line 3, insert the following new subsections:

- "6. The host state shall approve or disapprove any fees, charges, or surcharges to be levied by a facility operator or the political subdivision where the facility is located against generators or transporters using the facility.
7. The host state may examine all records of operators of regional facilities pertaining to operating costs, profits, or assessment or collection of any fee, charge, or surcharge."

On page 13 of the reengrossed bill, line 4, after the word "ensure" insert the words "through enforcement procedures", after the first comma insert the word "and", and delete the second comma and insert in lieu thereof the word "and"

On page 13 of the reengrossed bill, line 5, delete the comma and insert in lieu thereof the words "of a facility,", and after the second word "and" insert the words "shall ensure"

On page 13 of the reengrossed bill, line 22, after the first word "state" insert the words "if appropriate legal action against low-level radioactive waste generators, transporters, or operators associated with the facility provides insufficient funding for such purposes", and delete the words "ensure the" and insert in lieu thereof the word "require"

On page 13 of the reengrossed bill, line 29, after the word "satisfy" insert the words "and limit"

On page 13 of the reengrossed bill, line 34, after the word "laws" insert the words "or the ability of the host state to use for remedial action under its laws any financial assurance established with respect to the facility"

On page 14 of the reengrossed bill, line 1, delete the words "All fees, charges, and surcharges imposed by a host state" and insert in lieu thereof the words "Fees, charges, and

surcharges must be imposed equitably by a host state upon all party state users of a regional facility"

On page 14 of the reengrossed bill, delete line 2

On page 14 of the reengrossed bill, line 3, delete the word "commission"

On page 14 of the reengrossed bill, line 16, delete the words "A host state shall approve fee schedules to be charged by"

On page 14 of the reengrossed bill, delete lines 17 and 18

On page 14 of the reengrossed bill, line 19, delete the words "in this subsection, fee schedules" and insert in lieu thereof the word "Fees"

On page 14 of the reengrossed bill, line 25, delete the words "These fee"

On page 14 of the reengrossed bill, delete lines 26 and 27

On page 14 of the reengrossed bill, line 34, delete the words "The surcharge may not be established unless the"

On page 15 of the reengrossed bill, delete lines 1 and 2

On page 15 of the reengrossed bill, line 7, after the comma insert the words "host state and", and after the word "and" insert the words "host state and"

On page 15 of the reengrossed bill, line 9, delete the words "and must not be imposed unless the commission"

On page 15 of the reengrossed bill, line 10, delete the words "has reviewed and approved the proposed surcharge"

On page 15 of the reengrossed bill, line 11, delete the words "shall ensure that a" and insert in lieu thereof the words "may not take action to close any"

On page 15 of the reengrossed bill, line 12, delete the words "remains operational"

On page 15 of the reengrossed bill, line 14, after the word "for" insert the words "reasons of public peace, health, safety, or welfare or for"

On page 15 of the reengrossed bill, line 15, after the period insert the following new sentence: "The host state may transfer its responsibility for long-term care of a closed site to the United States department of energy pursuant to subtitle D, section 151 of the Nuclear Waste Policy Act of 1982."

- On page 15 of the reengrossed bill, line 16, after the word "state" insert the words ", through enforcement and appropriate financial arrangements,"
- On page 15 of the reengrossed bill, line 18, after the word "state" insert the word ", similarly,"
- On page 16 of the reengrossed bill, line 10, delete the words "After January 1, 1986, if no" and insert in lieu thereof the words "Until a"
- On page 16 of the reengrossed bill, line 11, after the word "state" insert the words "and the commission and the host state have authorized a low-level radioactive waste disposal facility that accepts low-level radioactive waste from outside the region pursuant to article IV"
- On page 16 of the reengrossed bill, line 20, after the word "unless" insert the word "so", and delete the words "by the host state" and insert in lieu thereof the words "pursuant to article IV"
- On page 16 of the reengrossed bill, line 31, after the period insert the following new sentence: "However, the provisions of chapter 240 of the 1984 Session Laws of South Dakota may not be construed to be in conflict with any provisions of this compact and may not be superseded by it."
- On page 17 of the reengrossed bill, line 14, after the word "licensing" insert the words "agency in the designation, siting, or licensing"
- On page 17 of the reengrossed bill, line 17, delete the word "enforcing" and insert in lieu thereof the words "its own enforcement of"
- On page 17 of the reengrossed bill, line 24, delete the word "will"
- On page 17 of the reengrossed bill, line 26, delete the words "Each party state shall adopt practices which require" and insert in lieu thereof the word "Any"
- On page 17 of the reengrossed bill, line 27, delete the word "shipments" and insert in lieu thereof the word "shipment", and delete the word "its" and insert in lieu thereof the words "any state"
- On page 17 of the reengrossed bill, line 28, delete the word "borders", and delete the words "another party" and insert in lieu thereof the words "a host"

- On page 17 of the reengrossed bill, line 29, delete the first word "to" and insert in lieu thereof the word "shall"
- On page 17 of the reengrossed bill, line 31, delete the word "practices" and insert in lieu thereof the words "requirements and regulations"
- On page 19 of the reengrossed bill, line 11, before the word "Nothing" insert the numeral "2."
- On page 19 of the reengrossed bill, line 15, before the word "Nothing" insert the numeral "3."
- On page 19 of the reengrossed bill, line 19, after the word "amended" insert the words "and in effect on January 1, 1985"
- On page 19 of the reengrossed bill, after line 26, insert the following new section:

"SECTION 3. 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 state department of health for the purpose of paying the state's share of the administrative expenses of the Dakota interstate low-level radioactive waste management commission for the biennium beginning July 1, 1985, and ending June 30, 1987."

And renumber the lines, subsections, subdivisions, and pages accordingly

For the Senate: Sens. Moore, Todd, Maixner  
 For the House: Reps. A. Olson, Watne, Schindler

Reengrossed HB 1077 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was rereferred HB 1638 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact section 57-61-01 of the North Dakota Century Code, to make permanent the rate of the coal severance tax in effect on July 1, 1987.

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

**SECTION 1. AMENDMENT.** Section 57-61-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-61-01. Severance tax upon coal - Imposition - Computation of increases - In lieu of sales and use taxes - Payment to the tax commissioner.** There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax in an amount to be determined as follows:

1. Eighty-five cents per ton of two thousand pounds [907.18 kilograms]; and
2. For every four point increase in the index of wholesale prices for all commodities prepared by the United States department of labor, bureau of labor statistics, the amount of the severance tax provided in subsection 1 shall be increased one cent per ton of two thousand pounds [907.18 kilograms]. For the purposes of this computation, a fractional point increase shall be disregarded if less than one-half point and treated as one full point if one-half point or more. The state tax commissioner shall determine such increases based upon increases in the wholesale price index from the level of such index as of June 1979 to the level of such index as of December 1979 and of May and November of each year thereafter, and any increases based upon the level of the index in May shall be effective on and after the following July first and any increases based upon the level of the index in November shall be effective on and after the following January first. At no time shall the amount of the severance tax be reduced. If the wholesale price index declines, the severance tax shall remain at the highest level determined prior to such decline, and shall remain at such level until further increases are warranted because of further increases in the wholesale price index beyond the point at which the last increase was determined. Notwithstanding the other provisions of this section, the rate of the severance tax as determined pursuant to this section which is effective on July 1, 1987, shall remain the rate in effect for all coal severed after July 1, 1987.

Such severance tax shall be in lieu of any sales or use taxes imposed by law. Each coal mine owner or operator shall remit such tax for each month within twenty-five days after the end of each month, to the state tax commissioner upon such reports and forms as the tax commissioner shall

deem necessary. If the method of determining increases in the amount of the severance tax provided in subsection 2 is for any reason held to be invalid, such decision shall not affect the validity of the amount of the tax provided in subsection 1."

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

HB 1638 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HCR 3096 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the word "current"

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

On page 1, line 18, delete the word "current"

On page 1, line 26, delete the "current"

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

HCR 3096 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2181, SB 2287, SB 2289, SB 2316, SB 2381, SB 2400,  
SB 2417, SB 2475, SB 2479, SCR 4011, SCR 4021, SCR 4060,  
SCR 4069

LEO LEIDHOLM, Secretary

#### MOTIONS

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

SEN. NOTHING MOVED that at the conclusion of the Fifth order of business, the Seventh order of business, the Senate adjourn and convene at 9:00 a.m., Thursday, March 28, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary