

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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SIXTY-FIRST DAY

The Senate convened at 9:00 a.m., with President Meiers presiding. Bismarck, April 4, 1985

The prayer was offered by Senator Earl Kelly.

May we bow our heads in prayer. Our Father in Heaven, as we gather here in the Senate chamber, pour Thy grace upon us.

We thank Thee, Lord, for the privilege of being able to serve the people of this great state of North Dakota.

It has been an extreme honor to serve with the God-fearing people in this body.

Be with us, Lord, during the closing hours of this legislative session. Help us that we may all ask for Thy guidance--for without a sense of direction from Thee, we are not able to accomplish the goals that we should achieve for our fellow man.

Be with those in position of leadership in this state and in this nation.

In Christ's name, we pray. Amen.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President.

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 2313: Sens. Parker, Reiten, Krauter

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

HB 1070, HB 1077, HB 1486, HB 1493

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1011, HB 1019, HB 1049, HB 1067, HB 1069, HB 1243,
HB 1522, HB 1523, HB 1574, HB 1638

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

SB 2025, SB 2249, SB 2338

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 not concur in the Senate amendments to HB 1043, and now wishes to inform you that it does now concur in the Senate amendments to HB 1043, and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1043.

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 1458 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1001

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1070, HB 1077, HB 1486, HB 1493

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1070, HB 1077, HB 1486, HB 1493

LEO LEIDHOLM, Secretary

REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS that the conference committee report on SB 2032 as printed on pages 2136-2139 of the Senate Journal be adopted.

REQUEST

SEN. WOGSLAND REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2032, which request was granted.

ROLL CALL

The question being on the adoption of the conference committee report on SB 2032, the roll was called and there were 17 YEAS, 36 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Kelsh; Krauter; Kusler; Langley; Maixner; Matchie; Meyer, J.; Meyer, W.; Mushik; Satrom; Shea; Stromme; Tallackson; Walsh; Wogsland

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

ABSENT AND NOT VOTING: None

The motion that the report of the conference committee on SB 2032 be adopted lost.

MOTION

SEN. NETHING MOVED that SB 2138 be placed at the foot of the Seventh order of business on the calendar, which motion prevailed.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

SB 2345, SB 2373

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SEN. PARKER MOVED that the conference committee report on SB 2178 as printed on page 2141 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to adopt the Uniform Unclaimed Property Act, relating to the disposition of abandoned and unclaimed property in this state; to create and enact a new section to chapter 15-02 of the North Dakota Century Code, relating to appointment of an administrator of this Act; to amend and reenact sections 6-07-46, 9-12-29, and subdivision v of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the disposition of unclaimed moneys of an insolvent bank, the claim of moneys deposited by a debtor with the county treasurer when the creditor cannot be located, and exclusion from the Administrative Agencies Practice Act; to repeal chapter 47-30 of the North Dakota Century Code, relating to the disposition of abandoned and unclaimed property in this state; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

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

NAYS: Lashkowitz

ABSENT AND NOT VOTING: None

SB 2178 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. DAVID MOVED that the conference committee report on SCR 4010 as printed on pages 2135-2136 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution designating the construction and completion of the federally authorized and funded Garrison Diversion Unit as having the first and highest priority for water development in North Dakota.

Which has been read.

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

SCR 4010 was declared adopted on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. NELSON MOVED that the conference committee report on HB 1006 as printed on pages 2142-2143 of the Senate Journal be adopted, which motion lost on a voice vote.

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SB 2178, SCR 4010

LEO LEIDHOLM, Secretary

APPOINTMENTS OF CONFERENCE COMMITTEES

SEN. NETHING 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 2032, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on SB 2032:

Sens. Tennefos, Wenstrom, Mushik

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1006, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1006:

Sens. Nelson, Tweten, Stromme

MOTION

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

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

REVISION AND CORRECTION OF THE JOURNAL

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

SEN. DAVID, Chairman

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

SCR 4010

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on SB 2032 and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2032: Sens. Tennefos, Wenstrom, Mushik

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on HB 1006 and the President has appointed as a new conference committee to act with a like committee from the House on:

HB 1006: Sens. Nelson, Tweten, Stromme

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

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

SB 2012, SB 2021, SB 2023, SB 2027, SB 2028, SB 2030,
SB 2031, SB 2033, SB 2062, SB 2100, SB 2114, SB 2115,
SB 2135, SB 2186, SB 2204, SB 2260, SB 2273, SB 2307,
SB 2354, SB 2355, SB 2369, SB 2410, SB 2432, SB 2438,
SB 2464, SB 2491, SCR 4002, SCR 4051, SCR 4056, SCR 4066,
SCR 4071

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 they have examined the following bills and find the same correctly enrolled:

SB 2012, SB 2021, SB 2023, SB 2027, SB 2028, SB 2030,
 SB 2031, SB 2033, SB 2062, SB 2100, SB 2114, SB 2115,
 SB 2135, SB 2186, SB 2204, SB 2260, SB 2273, SB 2307,
 SB 2354, SB 2355, SB 2369, SB 2410, SB 2432, SB 2438,
 SB 2450, SB 2464, SB 2491, SCR 4002, SCR 4005, SCR 4051,
 SCR 4056, SCR 4066, SCR 4071, SCR 4073, SCR 4079

SEN. BAKEWELL, Chairman

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

HB 1006: Reps. Kingsbury, Gunsch, Graba
 SB 2032: Reps. Unhjem, Winkelman, Kelly

ROY GILBREATH, Chief Clerk

MOTION

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

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

MOTION

SEN. VOSPER MOVED that the Conference Committee on HB 1043 be dissolved, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. WENSTROM MOVED that the conference committee report on HB 1013 as printed on pages 2143-2145 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act making an appropriation for defraying expenses of various commissions, departments, and divisions thereof of the state of North Dakota; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Kelly

HB 1013 passed, the title was agreed to, and the emergency clause carried.

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on HB 1035 as printed on pages 2145-2146 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to create and enact a new section to chapter 48-02 of the North Dakota Century Code, relating to the award of pipeline, labor, and service contracts for the southwest water pipeline project; and to make an appropriation for defraying the expenses of the southwest water pipeline project of the state of North Dakota.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Freborg; Kelly

HB 1035 passed and the title was agreed to.

REPORTS OF CONFERENCE COMMITTEES

SEN. PARKER MOVED that the conference committee report on HB 1072 as printed on page 2146 of the Senate Journal be adopted, which motion prevailed.

SEN. NAADEN MOVED that the conference committee report on HB 1250 as printed on page 2146 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1250: A BILL for an Act to amend and reenact sections 44-08-04 and 54-06-09 of the North Dakota Century Code, relating to mileage, meals, and lodging expense allowances for state 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 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

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

NAYS: Nelson

ABSENT AND NOT VOTING: Ingstad

HB 1250 passed and the title was agreed to.

REPORTS OF CONFERENCE COMMITTEES

SEN. KILANDER MOVED that the conference committee report on HB 1327 as printed on page 2147 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the conference committee report on HB 1528 as printed on page 2147 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1528: A BILL for an Act to amend and reenact subsections 2 and 18 of section 26-41-03 and section 26-41-06 of the North Dakota Century Code, or in the alternative to amend and reenact subsections 2 and 21 of section 26.1-41-01 and section 26.1-41-04 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to levels of no-fault insurance coverage and the definition of serious injury.

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 46 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; Lashkowitz; Mutch; Nelson; Redlin; Stenehjem; Teneffos

ABSENT AND NOT VOTING: None

HB 1528 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. OLSON MOVED that the conference committee report on HB 1588 as printed on pages 2147-2149 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1588: A BILL for an Act to amend and reenact sections 27-08.1-01 and 27-08.1-03 of the North Dakota Century Code, relating to the jurisdictional limits of small claims courts.

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 30 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: David; Heigaard; Heinrich; Hilken; Ingstad; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, J.; Mushik; Satrom; Shea; Stenehjem; Stromme; Tallackson; Walsh; Wogsland

ABSENT AND NOT VOTING: Berube; Waldera

HB 1588 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the conference committee report on HB 1653 as printed on pages 2149-2153 of the Senate Journal be adopted, 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 for 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

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

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3102: A concurrent resolution urging the National Guard to name the proposed new National Guard armory in Bismarck after Brigadier General Raymond J. Bohn.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3102 was declared adopted on a voice vote.

HCR 3103: A concurrent resolution urging the Governor to appoint three citizen members and the Legislative Council to appoint six legislators to a committee formed for the purpose of providing a forum for cooperation with surrounding states with a goal of sharing services and state resources and resolving issues of common concern in a mutually beneficial manner.

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

The question being on the final adoption of the resolution.

HCR 3103 was declared lost on a voice vote.

HCR 3104: A concurrent resolution directing the Legislative Council to study municipal court services.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3104 was declared adopted on a voice vote.

HCR 3105: A concurrent resolution directing the Legislative Council to study the oil and gas laws, with emphasis on those laws relating to royalty owners and surface owner protection.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3105 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LIPS MOVED that the Senate do concur in the House amendments to SB 2001 as printed on pages 1724-1726 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act to appropriate money for the expenses of the legislative branch of government; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

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

NAYS: Lashkowitz

ABSENT AND NOT VOTING: None

SB 2001 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MOORE MOVED that the Senate do concur in the House amendments to SB 2455 as printed on page 2073-2074 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2455: A BILL for an Act to create and enact a new section to chapter 38-08 and a new section to chapter 64-02 of the North Dakota Century Code, relating to commingling of production from two or more oil or gas wells in a storage facility, metering of oil and gas production, and testing of oil and gas production meters; 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2455 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SCR 4022 as printed on pages 2110-2111 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4022: A concurrent resolution for the amendment of section 12 of article V of the Constitution of the State of North Dakota, relating to the requirement that the tax commissioner be elected on a no-party ballot, or in the alternative for the amendment of the new section to the new article V of the Constitution of the State of North Dakota as created by section 1 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, relating to the requirement that the tax commissioner be elected on a no-party ballot.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were 30 YEAS, 23 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson;

Parker; Peterson; Reiten; Stenehjelm; Streibel;
Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

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

ABSENT AND NOT VOTING: None

SCR 4022 was declared adopted.

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2012, SB 2021, SB 2023, SB 2027, SB 2028, SB 2030,
SB 2031, SB 2033, SB 2062, SB 2100, SB 2114, SB 2115,
SB 2135, SB 2186, SB 2204, SB 2260, SB 2273, SB 2307,
SB 2354, SB 2355, SB 2369, SB 2410, SB 2432, SB 2438,
SB 2450, SB 2464, SB 2491, SCR 4002, SCR 4005, SCR 4051,
SCR 4056, SCR 4066, SCR 4071, SCR 4073, SCR 4079

LEO LEIDHOLM, Secretary

**MESSAGES TO THE HOUSE
SENATE CHAMBER**

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

SB 2012, SB 2021, SB 2023, SB 2027, SB 2028, SB 2030,
SB 2031, SB 2033, SB 2062, SB 2100, SB 2114, SB 2115,
SB 2135, SB 2186, SB 2204, SB 2260, SB 2273, SB 2307,
SB 2354, SB 2355, SB 2369, SB 2410, SB 2432, SB 2438,
SB 2450, SB 2464, SB 2491, SCR 4002, SCR 4005, SCR 4051,
SCR 4056, SCR 4066, SCR 4071, SCR 4073, SCR 4079

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1013, HB 1035, HB 1072, HB 1250, HB 1327, HB 1528,
HB 1588, HB 1653

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

HB 1018, HB 1081, HB 1168, HB 1293, HB 1318, HB 1587,
HB 1614, HCR 3003, HCR 3096, HCR 3101

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2178

ROY GILBREATH, Chief Clerk

MOTION

SEN. NOTHING MOVED that SB 2138 be returned to the conference committee, and that the President appoint a new conference committee on SB 2138, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a conference committee on SB 2138, Senators Naaden, Streibel, and Kusler.

MOTION

SEN. NOTHING MOVED that SCR 4082 be returned to the Senate floor from the Committee on Social Services and Veterans Affairs, which motion prevailed.

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 2138: Sens. Naaden, Streibel, Kusler

LEO LEIDHOLM, Secretary

MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

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

THURSDAY, APRIL 4, 1985

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SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1018, HB 1081 HB 1168, HB 1293, HB 1318, HB 1587,
HB 1614, HCR 3003, HCR 3096, HCR 3101

LEO LEIDHOLM, Secretary

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1018, HB 1081, HB 1168, HB 1293, HB 1318, HB 1587,
HB 1614, HCR 3003, HCR 3096, HCR 3101

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 2001, SB 2455, and SCR 4022 and subsequently passed the same.

LEO LEIDHOLM, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1660 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 4 of the engrossed bill, line 16, delete the numerals "24,000,000" and insert in lieu thereof the numerals "24,069,346"

On page 4 of the engrossed bill, line 17, delete the numerals "24,000,000" and insert in lieu thereof the numerals "24,069,346"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amount for personal property tax replacement is increased by \$69,346 to \$24,069,346.

SEN. LIPS, Chairman

HB 1660 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1662 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1662 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

SEN. NETHING MOVED that the rules be suspended, that SCR 4082 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. Nething, Heigaard and Reps. Strinden, Mertens introduced:

SENATE CONCURRENT RESOLUTION NO. 4082

A concurrent resolution expressing the thanks and appreciation of the Forty-ninth Legislative Assembly to the North Dakota Medical Association's Doctor of the Day Program.

WHEREAS, many practicing physicians from throughout the state, as well as resident physicians from the University of North Dakota School of Medicine family medicine and internal medicine residency programs in Minot, Grand Forks, Fargo, and Bismarck, have volunteered their services as the Doctor of the Day during the Forty-ninth Legislative Assembly; and

WHEREAS, more than 200 legislators, legislative employees, family members, lobbyists, and visitors to the Capitol have received treatment, counseling and medications through the Doctor of the Day Program at no charge; and

WHEREAS, the North Dakota Medical Association, the North Dakota State Board of Pharmacy, the Bismarck Family Practice Center, the Bismarck Pharmacy, and the State Health Department have all provided services, equipment, or supplies to the Doctor of the Day medical services room;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That thanks and appreciation are expressed to the physicians and health care groups who have volunteered their professional services, expertise, supplies, and equipment in the operation of the 1985 North Dakota Medical Association's Doctor of the Day Program; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the above-mentioned health care providers and entities.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4082: A concurrent resolution expressing the thanks and appreciation of the Forty-ninth Legislative Assembly to the North Dakota Medical Association's Doctor of the Day Program.

Was read the second time.

The question being on the final adoption of the resolution.

SCR 4082 was declared adopted on a voice vote.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: The House respectfully requests the return of
SB 2267.

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has
examined a concurrent resolution authorizing the retention of
certain employees of the Senate and House and providing
supervisory authority, to allow for the completion of legislative
work after the close of the Session, and recommends the same be
introduced.

SEN. TENNEFOS, Chairman

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

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Committee on Employment introduced:

(Approved by the Committee on Delayed Bills)

SCR 4083: A concurrent resolution authorizing the retention of
certain employees of the Senate and House and providing
supervisory authority, to allow for the completion of
legislative work after the close of the Session.

Was read the first time.

MOTION

SEN. NAADEN MOVED that the rules be suspended, that SCR 4083
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.

Committee on Employment introduced:

SENATE CONCURRENT RESOLUTION NO. 4083

A concurrent resolution authorizing the retention of certain
employees of the Senate and House and providing supervisory
authority, to allow for the completion of legislative work after
the close of the Session.

WHEREAS, it is necessary to complete and close all
legislative work; and

WHEREAS, in order to complete and close all current legislative work of the Forty-ninth Legislative Assembly, it is necessary to retain certain employees;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following named positions may be retained by the Senate and House of Representatives after the close of the regular session:

SENATE POSITIONS

Secretary of the Senate
 Desk Reporter
 Sergeant-at-Arms
 Assistant Secretary of the Senate
 Bill Clerk
 Chief Stenographer and Payroll Clerk
 Appropriations Committee Clerk
 Assistant Appropriations Committee Clerk
 Chief Committee Clerk
 Chief Page and Bill Book Clerk
 Secretary to Majority Leader
 Secretary to Minority Leader
 Assistant Sergeants-at-Arms
 Chief Bill and Journal Room Clerk
 Journal Room Clerks

HOUSE POSITIONS

Chief Clerk
 Desk Reporter
 Assistant Chief Clerk
 Bill Clerk
 Sergeant-at-Arms
 Assistant Sergeants-at-Arms
 Chief Page
 Pages
 Desk Page
 Chief Steno and Payroll Clerk
 Chief Telephone Clerk
 Appropriations Committee Clerk
 Assistant Appropriations Clerks
 Secretary to Speaker
 Secretary to Majority Leader
 Secretary to Minority Leader
 Bill Room Clerks

BE IT FURTHER RESOLVED, that the above-listed Senate and House employees shall serve at the request of, and under the supervision of, the Secretary of the Senate and the Chief Clerk of the House, and that all of the listed employees, including the Secretary of the Senate and the Chief Clerk of the House, shall be employed for not more than 200 man-days in the aggregate. The

Secretary of the Senate and the Chief Clerk of the House shall assign work among the available Senate and House employees, respectively, in the appropriate manner. It is the duty of the Secretary of the Senate and the Chief Clerk of the House to coordinate the work assignments in their respective houses in such a manner that the total number of man-days utilized does not exceed the aggregate limits on man-days set out herein. The Secretary of the Senate and the Chief Clerk of the House shall minimize the days spent in completion of legislative business to the extent consistent with that completion; and

BE IT FURTHER RESOLVED, that the employees in the above-named positions be paid their regular rates of pay as specified in Senate Concurrent Resolution No. 4029 for all work required pursuant to this resolution, and all of these sums are to be paid out of the appropriation to the Forty-ninth and Fiftieth Legislative Assemblies, and paid at the completion of the legislative work, providing that payment shall not be authorized for more than 200 man-days in the aggregate, and each employee above-listed shall be paid on a pro rata basis, should the total number of man-days exceed the allowed limit.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4083: A concurrent resolution authorizing the retention of certain employees of the Senate and House and providing supervisory authority, to allow for the completion of legislative work after the close of the Session.

Was read the second time.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; 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: Meyer, W.; Mushik

SCR 4083 was declared adopted.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1029 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

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:

SB 2513

SEN. BAKEWELL, Chairman

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

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1660 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends that HB 1660 DO PASS, which motion prevailed.

MOTION

SEN. LIPS MOVED that the rules be suspended, that HB 1660 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1660: A BILL for an Act to amend and reenact section 57-58-01 of the North Dakota Century Code, relating to distribution of personal property tax replacement revenues to counties and local subdivisions; to provide an appropriation for the distribution of funds for the replacement of personal property tax revenue; and to provide an expiration date.

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 50 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Lodoen; Meyer, D.; Wright

ABSENT AND NOT VOTING: None

HB 1660 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1660 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MESSAGE 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:

HB 1526, HB 1636

ROY GILBREATH, Chief Clerk

MESSAGES 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 4082, SCR 4083

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HCR 3102, HCR 3104, HCR 3105

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HCR 3103

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1660

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILL

HB 1662: A BILL for an Act to establish the industrial commission as the North Dakota building authority and to set out its powers and duties; to provide authorization for

the issuance of evidences of indebtedness and for the construction of various buildings and facilities for state agencies, departments, and institutions; to provide a continuing appropriation; and to declare an emergency.

Which has been read.

MOTIONS

SEN. TENNEFOS MOVED that HB 1662 be amended as follows:

On page 1 of the engrossed bill, line 6, after the word "appropriation" insert the words "; to provide for a general fund transfer"

On page 11 of the engrossed bill, after line 29, insert the following new section:

"SECTION 23. GENERAL FUND TRANSFER. On August 1, 1986, the state treasurer shall transfer from the state general fund to the industrial commission an amount equal to fifty percent of general fund collections through June 30, 1986, that are in excess of \$505,000,000, except that such transfer may not exceed \$16,000,000. On August 1, 1987, the state treasurer shall transfer from the state general fund to the industrial commission an amount equal to fifty percent of general fund collections through June 30, 1987, that are in excess of \$1,042,000,000, with such amount not to exceed \$16,000,000, less the amount transferred pursuant to this section on August 1, 1986. The industrial commission shall deposit any moneys received in a special reserve fund for the retirement of bonds issued pursuant to the provisions of this Act."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment provides for up to a \$16,000,000 transfer from the general fund to an Industrial Commission special reserve fund to retire any bonds issued pursuant to this Act. The transfers are contingent upon general fund collections being in excess of Office of Management and Budget estimates.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Kusler; Langley; Lips; Maixner; Matchie; Meyer, J.;

Meyer, W.; Mushik; Naaden; Nething; Olson; Peterson; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Tweten; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; David; Kelly; Kilander; Lashkowitz; Lodoen; Meyer, D.; Moore; Mutch; Nelson; Parker; Redlin; Streibel; Tennefos; Todd; Vosper; Waldera; Wright

ABSENT AND NOT VOTING: None

HB 1662 passed, the title was agreed to, but the emergency clause lost for want of a Constitutional majority.

MOTION

SEN. MAIXNER MOVED that the Senate reconsider the action by which HB 1662 was passed, which motion prevailed.

SECOND READING OF HOUSE BILL

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

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 39 YEAS, 14 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; David; Kelly; Lashkowitz; Moore; Mutch; Parker; Redlin; Streibel; Tennefos; Vosper; Waldera; Wright

ABSENT AND NOT VOTING: None

HB 1662 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. NETHING MOVED that the Senate accede to the request of the House and return to them SB 2267, which motion prevailed.

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SB 2267

LEO LEIDHOLM, Secretary

REPORTS OF CONFERENCE COMMITTEES

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2002 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1874-1876 of the Senate Journal and that Engrossed SB 2002 be amended as follows:

That the House recede from its amendments as found on pages 2385-2387 of the House Journal and on pages 1874-1876 of the Senate Journal and that engrossed Senate Bill No. 2002 be amended as follows:

On page 1 of the engrossed bill, line 17, delete the numerals "975,493" and insert in lieu thereof the numerals "870,020"

On page 1 of the engrossed bill, line 18, delete the numerals "246,540" and insert in lieu thereof the numerals "262,005"

On page 1 of the engrossed bill, line 22, delete the numerals "400,000" and insert in lieu thereof the numerals "500,000"

On page 1 of the engrossed bill, line 23, delete the numerals "1,685,000" and insert in lieu thereof the numerals "1,085,000"

On page 1 of the engrossed bill, line 24, delete the numerals "9,574,821" and insert in lieu thereof the numerals "9,497,257"

On page 1 of the engrossed bill, line 25, delete the numerals "13,048,089" and insert in lieu thereof the numerals "12,380,517"

On page 1 of the engrossed bill, line 27, delete the numerals "12,648,089" and insert in lieu thereof the numerals "11,980,517"

On page 2 of the engrossed bill, line 4, delete the numerals "15,008,189" and insert in lieu thereof the numerals "14,340,617"

On page 2 of the engrossed bill, line 5, delete the numerals "12,543,545" and insert in lieu thereof the numerals "12,621,109"

On page 2 of the engrossed bill, line 6, delete the numerals "27,551,734" and insert in lieu thereof the numerals "26,961,726"

On page 2 of the engrossed bill, line 25, delete the numerals "7,890,002" and insert in lieu thereof the numerals "7,936,453"

On page 2 of the engrossed bill, line 26, delete the numerals "1,834,036" and insert in lieu thereof the numerals "1,845,715"

On page 2 of the engrossed bill, line 27, delete the numerals "2,419,507" and insert in lieu thereof the numerals "2,438,941"

On page 2 of the engrossed bill, line 29, delete the numerals "12,143,545" and insert in lieu thereof the numerals "12,221,109"

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

"SECTION 5. LEGISLATIVE INTENT - TUITION INCREASE.

It is the intent of the legislative assembly that the board of higher education may increase tuition at the community colleges to provide an estimated additional \$92,886 of income during the 1985-87 biennium. The total amount of \$92,886 is included in the estimated income line items of the appropriations to the various community colleges in this Act. Nonresident students shall be equitably included in any tuition increases made pursuant to this section."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Board of Higher Education

The salaries and wages line item is increased by \$25,000 from the general fund to allow funds to continue average salary increases of 9.5 percent for 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 salaries and wages line item is increased by \$4,300 from the general fund for providing board employees' disability insurance similar to that received by institution employees.

The salaries and wages line item is reduced by \$134,773 from the general fund to delete funding for a vacant associate commissioner position.

The operating expenses line item is increased by \$15,465 from the general fund to provide funds to restore postage, printing, supplies, and travel to the current service level.

The private college tuition assistance line item is increased by \$100,000 from the general fund and the student financial assistance grants line item is decreased by \$600,000 from the general fund.

The community colleges line item is reduced by \$77,564 from the general fund with a corresponding increase to the amount of community colleges estimated income. Of the total, \$15,322 is a reduction to income for deleting proposed increases in Minnesota student tuition and foreign student tuition. The amount for each community college is summarized as follows:

	Minnesota Student Tuition <u>Increase</u>	Foreign Student Tuition <u>Increase</u>	<u>Total</u>
Bismarck Junior College	\$2,064	\$10,000	\$12,064
Lake Region Community College	258	2,000	2,258
UND-Williston	<u>0</u>	<u>1,000</u>	<u>1,000</u>
Total	\$2,322	\$13,000	\$15,322

The total also includes \$92,886 for estimated increases in tuition. A new section is added stating it is the intent of the Legislative Assembly that the board increase tuition at the community colleges to provide \$92,886. The proposed estimated breakdown of this amount by each community college is as follows:

Bismarck Junior College	\$58,515
Lake Region Community College	13,937
UND-Williston	<u>20,434</u>
Total	\$92,886

For the Senate: Sens. Streibel, Tennesos, Stromme (refused to sign)

For the House: Reps. Thompson, Kuchera, G. Berg (refused to sign)

Engrossed SB 2002 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 2003 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1876-1886 of the Senate Journal and that Engrossed SB 2003 be amended as follows:

That the House recede from its amendments as printed on pages 2412-2422 of the House Journal and on pages 1876-1886 of the Senate Journal and that engrossed Senate Bill No. 2003 be amended as follows:

On page 1 of the engrossed bill, line 18, delete the numerals "19,874,940" and insert in lieu thereof the numerals "20,516,440"

- On page 1 of the engrossed bill, line 19, delete the numerals "1,677,954" and insert in lieu thereof the numerals "1,513,115"
- On page 1 of the engrossed bill, line 20, delete the numerals "85,439,545" and insert in lieu thereof the numerals "85,916,206"
- On page 1 of the engrossed bill, line 21, delete the numerals "24,124,453" and insert in lieu thereof the numerals "23,544,896"
- On page 1 of the engrossed bill, line 22, delete the numerals "61,315,092" and insert in lieu thereof the numerals "62,371,310"
- On page 1 of the engrossed bill, line 24, delete the numerals "62,645,242" and insert in lieu thereof the numerals "63,701,460"
- On page 1 of the engrossed bill, line 28, delete the numerals "55,686,656" and insert in lieu thereof the numerals "56,158,809"
- On page 2 of the engrossed bill, line 1, delete the numerals "16,803,854" and insert in lieu thereof the numerals "16,967,954"
- On page 2 of the engrossed bill, line 2, delete the numerals "980,593" and insert in lieu thereof the numerals "1,032,564"
- On page 2 of the engrossed bill, line 3, delete the numerals "73,471,103" and insert in lieu thereof the numerals "74,159,327"
- On page 2 of the engrossed bill, line 4, delete the numerals "22,045,626" and insert in lieu thereof the numerals "21,552,065"
- On page 2 of the engrossed bill, line 5, delete the numerals "51,425,477" and insert in lieu thereof the numerals "52,607,262"
- On page 2 of the engrossed bill, line 7, delete the numerals "52,755,627" and insert in lieu thereof the numerals "53,937,412"
- On page 2 of the engrossed bill, line 10, delete the numerals "20,020,757" and insert in lieu thereof the numerals "19,676,495"
- On page 2 of the engrossed bill, line 12, delete the numerals "683,551" and insert in lieu thereof the numerals "719,779"

- On page 2 of the engrossed bill, line 13, delete the numerals "25,968,767" and insert in lieu thereof the numerals "25,660,733"
- On page 2 of the engrossed bill, line 14, delete the numerals "7,097,050" and insert in lieu thereof the numerals "7,157,123"
- On page 2 of the engrossed bill, line 15, delete the numerals "18,871,717" and insert in lieu thereof the numerals "18,503,610"
- On page 2 of the engrossed bill, line 17, delete the numerals "19,240,767" and insert in lieu thereof the numerals "18,872,660"
- On page 2 of the engrossed bill, line 21, delete the numerals "2,726,152" and insert in lieu thereof the numerals "2,831,252"
- On page 2 of the engrossed bill, line 22, delete the numerals "177,633" and insert in lieu thereof the numerals "187,047"
- On page 2 of the engrossed bill, line 23, delete the numerals "11,406,040" and insert in lieu thereof the numerals "11,520,554"
- On page 2 of the engrossed bill, line 24, delete the numerals "2,115,261" and insert in lieu thereof the numerals "2,153,010"
- On page 2 of the engrossed bill, line 25, delete the numerals "9,290,779" and insert in lieu thereof the numerals "9,367,544"
- On page 2 of the engrossed bill, line 27, delete the numerals "9,447,933" and insert in lieu thereof the numerals "9,524,698"
- On page 2 of the engrossed bill, line 32, delete the numerals "86,923" and insert in lieu thereof the numerals "91,530"
- On page 2 of the engrossed bill, line 33, delete the numerals "7,892,375" and insert in lieu thereof the numerals "7,896,982"
- On page 2 of the engrossed bill, line 34, delete the numerals "1,507,714" and insert in lieu thereof the numerals "1,507,831"
- On page 2 of the engrossed bill, line 35, delete the numerals "6,384,661" and insert in lieu thereof the numerals "6,389,151"

- On page 3 of the engrossed bill, line 2, delete the numerals "6,457,935" and insert in lieu thereof the numerals "6,462,425"
- On page 3 of the engrossed bill, line 5, delete the numerals "16,576,724" and insert in lieu thereof the numerals "16,789,675"
- On page 3 of the engrossed bill, line 6, delete the numerals "2,966,282" and insert in lieu thereof the numerals "3,091,282"
- On page 3 of the engrossed bill, line 7, delete the numerals "237,430" and insert in lieu thereof the numerals "250,014"
- On page 3 of the engrossed bill, line 8, delete the numerals "19,780,436" and insert in lieu thereof the numerals "20,130,971"
- On page 3 of the engrossed bill, line 9, delete the numerals "7,116,982" and insert in lieu thereof the numerals "7,114,893"
- On page 3 of the engrossed bill, line 10, delete the numerals "12,663,454" and insert in lieu thereof the numerals "13,016,078"
- On page 3 of the engrossed bill, line 11, delete the numerals "334,924" and insert in lieu thereof the numerals "451,924"
- On page 3 of the engrossed bill, line 12, delete the numerals "12,998,378" and insert in lieu thereof the numerals "13,468,002"
- On page 3 of the engrossed bill, line 15, delete the numerals "7,549,248" and insert in lieu thereof the numerals "7,593,248"
- On page 3 of the engrossed bill, line 16, delete the numerals "1,936,952" and insert in lieu thereof the numerals "2,016,152"
- On page 3 of the engrossed bill, line 17, delete the numerals "133,245" and insert in lieu thereof the numerals "140,307"
- On page 3 of the engrossed bill, line 18, delete the numerals "9,619,445" and insert in lieu thereof the numerals "9,749,707"
- On page 3 of the engrossed bill, line 19, delete the numerals "2,312,213" and insert in lieu thereof the numerals "2,335,167"

- On page 3 of the engrossed bill, line 20, delete the numerals "7,307,232" and insert in lieu thereof the numerals "7,414,540"
- On page 3 of the engrossed bill, line 22, delete the numerals "7,488,452" and insert in lieu thereof the numerals "7,595,760"
- On page 3 of the engrossed bill, line 27, delete the numerals "90,387" and insert in lieu thereof the numerals "86,389"
- On page 3 of the engrossed bill, line 28, delete the numerals "3,852,207" and insert in lieu thereof the numerals "3,848,209"
- On page 3 of the engrossed bill, line 29, delete the numerals "827,567" and insert in lieu thereof the numerals "819,979"
- On page 3 of the engrossed bill, line 30, delete the numerals "3,024,640" and insert in lieu thereof the numerals "3,028,230"
- On page 3 of the engrossed bill, line 32, delete the numerals "3,145,705" and insert in lieu thereof the numerals "3,149,295"
- On page 4 of the engrossed bill, line 1, delete the numerals "11,403,527" and insert in lieu thereof the numerals "11,703,527"
- On page 4 of the engrossed bill, line 4, delete the numerals "44,819,644" and insert in lieu thereof the numerals "45,119,644"
- On page 4 of the engrossed bill, line 6, delete the numerals "27,404,263" and insert in lieu thereof the numerals "27,704,263"
- On page 4 of the engrossed bill, line 31, delete the numerals "203,050,221" and insert in lieu thereof the numerals "206,881,894"
- On page 4 of the engrossed bill, line 32, delete the numerals "105,894,454" and insert in lieu thereof the numerals "104,932,552"
- On page 4 of the engrossed bill, line 33, delete the numerals "308,944,675" and insert in lieu thereof the numerals "311,814,446"
- On page 5 of the engrossed bill, after line 17, insert the following new sections:

"SECTION 5. TRANSFERS. Each institution or agency included in this Act, upon approval from the board of higher education, may make such transfers between line items in its appropriation as may be determined necessary by the board of higher education for operations of the institution or agency.

SECTION 6. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the state board of higher education for the biennium beginning July 1, 1985, and ending June 30, 1987. This appropriation shall be used by the board of higher education for critical needs of the institutions of higher education provided for in the constitution and as included in this Act for faculty or other positions, operating expenses, and equipment as may be determined by the board. This appropriation shall not be used to increase employees' salaries. When making allocations to institutions, the board of higher education shall consider the future mission of each institution, and consider reduction or elimination of selective programs and services, admissions standards, and the reallocation of resources within each institution. The board of higher education shall notify the office of management and budget of the allocations to each institution made from this appropriation.

SECTION 7. LEGISLATIVE INTENT - TUITION INCREASE. It is the intent of the Legislative Assembly that the board of higher education may increase tuition at the institutions of higher education to provide an estimated additional \$2,000,000 of income during the 1985-87 biennium. The total amount of \$2,000,000 is included in the estimated income line items of the appropriations to the various institutions in this Act. Nonresident students shall be equitably included in any tuition increases made pursuant to this section."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

University of North Dakota

The operating expenses line item is increased by \$641,500 from the general fund to reflect funding the institution at 87 percent of the facilities maintenance formula.

The equipment line item is reduced by \$164,839 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle. The reduction reflects an exclusion of the computer valuation which was initially included in the equipment calculation amount.

The estimated income line item is increased by \$815,603 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$1,395,160 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$944,160 and foreign student tuition of \$451,000.

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 Dakota State University

The salaries and wages line item is increased by \$472,153 from the general fund to provide funds for a total increase of eight FTE faculty positions: four FTE faculty positions the first year of the biennium and an additional four FTE faculty positions the second year of the biennium.

The operating expenses line item is increased by \$164,100 from the general fund to reflect funding the institutions at 87 percent of the facilities maintenance formula.

The equipment line item is increased by \$51,971 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$731,899 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$1,225,460 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$992,460 and foreign student tuition of \$233,000.

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 Dakota State School of Science

The salaries and wages line item is reduced by \$344,262 from the general fund to delete a total of 6.9 FTE faculty positions: 3.25 faculty positions in the first year of the biennium and an additional reduction of 3.65 positions in the second year of the biennium.

The equipment line item is increased by \$36,228 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$200,141 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$140,068 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$115,068 and foreign student tuition of \$25,000.

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.

Dickinson State College

The operating expenses line item is increased by \$105,100 from the general fund to reflect funding the institution at 87 percent of the facilities maintenance formula.

The equipment line item is increased by \$9,414 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$44,781 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$7,032 with a corresponding increase to the general fund to eliminate the

additional income from the proposed increases in Minnesota student tuition of \$1,000 and foreign student tuition of \$6,000.

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.

Mayville State College

The equipment line item is increased by \$4,607 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$43,239 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$43,122 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$28,122 and foreign student tuition of \$15,000.

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.

Minot State College

The salaries and wages line item is increased by \$212,951 from the general fund to provide funds for a total increase of four FTE faculty positions: two FTE faculty positions the first year of the biennium and an additional two FTE faculty positions the second year of the biennium.

The operating expenses line item is increased by \$125,000 from the general fund to reflect funding the institution at 87 percent of the facilities maintenance formula.

The equipment line item is increased by \$12,584 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$104,555 with a corresponding decrease to the general fund to reflect a

proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$106,644 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$4,644 and foreign student tuition of \$102,000.

The capital improvements line item is increased by \$117,000 from the general fund to provide funds for payment of water improvement special assessments.

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.

Valley City State College

The salaries and wages line item is increased by \$44,000 from the general fund to provide funds for one FTE computer programmer analyst position.

The operating expenses line item is increased by \$79,200 from the general fund to reflect funding the institutions at 87 percent of the facilities maintenance formula.

The equipment line item is increased by \$7,062 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$36,306 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$13,352 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$11,352 and foreign student tuition of \$2,000.

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.

NDSU-Bottineau

The equipment line item is reduced by \$3,998 from the general fund to reflect the establishment of a 19-year rather than 20-year equipment replacement cycle.

The estimated income line item is increased by \$23,476 with a corresponding decrease to the general fund to reflect a proportionate share of the estimated effect of additional tuition increases that are expected to provide a total of \$2 million of additional income to the various institutions in Senate Bill No. 2003.

The estimated income line item is reduced by \$31,064 with a corresponding increase to the general fund to eliminate the additional income from the proposed increases in Minnesota student tuition of \$2,064 and foreign student tuition of \$29,000.

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.

UND-Medical Center

The operating expenses line item is increased by \$300,000 from the general fund.

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.

NDSU State Toxicologist

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.

Forest Service

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.

Purpose of Other Changes

A new section is added which authorizes line item transfers by each institution or agency upon approval from the Board of Higher Education.

Another new section is added which appropriates \$1,000,000 to the Board of Higher Education to be used for critical needs of the institutions of higher education provided for in the constitution and included in Senate Bill No. 2003 for faculty or other positions, operating expenses, and equipment.

A new section of legislative intent is added which authorizes the Board of Higher Education to increase tuition at the institutions of higher education to provide an estimated additional \$2 million of income during the 1985-87 biennium. It is intended that nonresident students shall be equitably included in any tuition increases.

SUMMARY OF CONFERENCE COMMITTEE AMENDMENTS BY INSTITUTION TO ENGROSSED SENATE BILL NO. 2003

Institution	Reallocation of Faculty Positions	Restore to 87 Percent of Facilities Maintenance Formula	19-Year Father Than 20-Year Equipment Replacement Cycle	Estimated Income			Tuition Increases Totalling \$2 Million	Other Amendments	Impact of Amendments	
				Exclusion of Increase in Minnesota Student Tuition	Exclusion of Increase in Foreign Student Tuition	General Fund			Estimated Income	
UND		\$ 641,500	\$(164,839)	\$ (944,160)	\$(451,000)	\$ 815,603		\$1,056,218	\$(579,557)	
NDSU	\$472,153	164,100	51,971	(992,460)	(233,000)	731,899		1,181,785	(493,561)	
NDSSS	(344,262)		36,228	(115,068)	(25,000)	200,141		(368,107)	60,073	
Dickinson State College		105,100	9,414	(1,032)	(6,000)	44,781		76,765	37,749	
Mayville State College			4,607	(28,123)	(15,000)	43,239		4,490	117	
Minot State College	212,951	125,000	12,584	(4,644)	(102,000)	104,555	\$ 117,000	469,624	(2,089)	
Valley City State College		79,200	7,062	(11,352)	(2,000)	36,306	44,000	107,308	22,954	
NDSU-Bottineau			(3,998)	(2,064)	(29,000)	23,476		3,590	(7,588)	
UND-Medical Center			?	0	0		300,000	300,000	0	
Subtotal	\$340,842	\$1,114,900	\$(46,971)	\$(2,098,902)	\$(863,000)	\$2,000,000	\$ 461,000	\$2,831,673	\$(961,902)	
Board of Higher Education pool							1,000,000	1,000,000		
Total of conference committee amendments to engrossed Senate Bill No. 2003	\$340,842	\$1,114,900	\$(46,971)	\$(2,098,902)	\$(863,000)	\$2,000,000	\$1,461,000	\$3,831,673	\$(961,902)	

For the Senate: Sens. Thane, Nelson, Stromme (refused to sign)

For the House: Reps. Kuchera, Wold, G. Berg

Engrossed SB 2003 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 2009 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found

on pages 1830-1839 of the Senate Journal and that Engrossed SB 2009 be amended as follows:

That the House recede from its amendments as found on pages 2336-2346 of the House Journal and pages 1830-1839 of the Senate Journal and that engrossed Senate Bill No. 2009 be amended as follows:

- 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 "3,423,294"
- On page 1 of the engrossed bill, line 21, delete the numerals "274,511" and insert in lieu thereof the numerals "303,811"
- On page 1 of the engrossed bill, line 22, delete the numerals "21,150,519" and insert in lieu thereof the numerals "21,259,819"
- On page 1 of the engrossed bill, line 24, delete the numerals "8,924,756" and insert in lieu thereof the numerals "9,034,056"
- 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 "181,700"
- On page 2 of the engrossed bill, line 16, delete the numerals "594,417" and insert in lieu thereof the numerals "680,417"
- 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 "513,917"
- On page 2 of the engrossed bill, line 21, delete the numerals "25,838,132" and insert in lieu thereof the numerals "25,884,132"
- On page 2 of the engrossed bill, line 23, delete the numerals "1,000,000" and insert in lieu thereof the numerals "1,200,000"

- On page 2 of the engrossed bill, line 24, delete the numerals "32,505,841" and insert in lieu thereof the numerals "32,751,841"
- On page 2 of the engrossed bill, line 26, delete the numerals "20,521,678" and insert in lieu thereof the numerals "20,767,678"
- On page 2 of the engrossed bill, line 28, delete the numerals "20,966,678" and insert in lieu thereof the numerals "21,212,678"
- On page 2 of the engrossed bill, line 33, delete the numerals "46,000" and insert in lieu thereof the numerals "76,000"
- On page 2 of the engrossed bill, line 34, delete the numerals "1,108,524" and insert in lieu thereof the numerals "1,138,524"
- On page 3 of the engrossed bill, line 1, delete the numerals "888,224" and insert in lieu thereof the numerals "918,224"
- On page 3 of the engrossed bill, line 3, delete the numerals "910,224" and insert in lieu thereof the numerals "940,224"
- 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 numerals "782,520" and insert in lieu thereof the numerals "821,520"
- On page 3 of the engrossed bill, line 11, delete the numerals "682,520" and insert in lieu thereof the numerals "721,520"
- On page 3 of the engrossed bill, line 16, delete the numerals "42,450" and insert in lieu thereof the numerals "67,450"
- On page 3 of the engrossed bill, line 17, delete the numerals "535,249" and insert in lieu thereof the numerals "560,249"
- On page 3 of the engrossed bill, line 19, delete the numerals "411,249" and insert in lieu thereof the numerals "436,249"
- On page 3 of the engrossed bill, line 21, delete the numerals "418,749" and insert in lieu thereof the numerals "443,749"
- On page 3 of the engrossed bill, line 25, delete the numerals "152,700" and insert in lieu thereof the numerals "158,700"
- On page 3 of the engrossed bill, line 26, delete the numerals "65,200" and insert in lieu thereof the numerals "80,200"
- On page 3 of the engrossed bill, line 27, delete the numerals "559,676" and insert in lieu thereof the numerals "580,676"

- On page 3 of the engrossed bill, line 29, delete the numerals "479,676" and insert in lieu thereof the numerals "500,676"
- On page 3 of the engrossed bill, line 31, delete the numerals "509,676" and insert in lieu thereof the numerals "530,676"
- On page 4 of the engrossed bill, line 1, delete the numerals "56,900" and insert in lieu thereof the numerals "66,900"
- On page 4 of the engrossed bill, line 2, delete the numerals "626,887" and insert in lieu thereof the numerals "636,887"
- On page 4 of the engrossed bill, line 4, delete the numerals "337,178" and insert in lieu thereof the numerals "347,178"
- On page 4 of the engrossed bill, line 9, delete the numerals "30,000" and insert in lieu thereof the numerals "50,000"
- On page 4 of the engrossed bill, line 10, delete the numerals "542,424" and insert in lieu thereof the numerals "562,424"
- On page 4 of the engrossed bill, line 12, delete the numerals "436,424" and insert in lieu thereof the numerals "456,424"
- On page 4 of the engrossed bill, line 17, delete the numerals "49,000" and insert in lieu thereof the numerals "69,000"
- On page 4 of the engrossed bill, line 18, delete the numerals "1,152,956" and insert in lieu thereof the numerals "1,172,956"
- On page 4 of the engrossed bill, line 20, delete the numerals "767,956" and insert in lieu thereof the numerals "787,956"
- On page 4 of the engrossed bill, line 22, delete the numerals "777,956" and insert in lieu thereof the numerals "797,956"
- 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 "34,998,378"
- 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 "65,089,632"

- On page 6 of the engrossed bill, line 10, delete the word "TRANSFER" and insert in lieu thereof the words "APPROPRIATION - TRANSFER"
- On page 6 of the engrossed bill, line 13, after the numerals "726,365" insert the words "which is hereby appropriated"
- 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 \$80,000 from the general fund to provide for partial restoration of the current service level of operation.

The equipment line item is increased by \$29,300 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.

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 \$20,000 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.

Main Experiment Station

The salaries and wages line item is increased by \$46,000 from the general fund to provide funding for one FTE technician in the area of sunflower research.

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 equipment line item is increased by \$200,000 from the general fund to provide for partial restoration of the current service level.

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 \$30,000 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.

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.

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 \$25,000 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.

Langdon Experiment Station

The operating expenses line item is increased by \$6,000 from the general fund to provide for partial restoration of the current service level of operation.

The equipment line item is increased by \$15,000 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.

North Central Experiment Station

The equipment line item is increased by \$10,000 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.

Williston Experiment Station

The equipment line item is increased by \$20,000 from the general fund to provide for partial restoration of the current service level.

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 \$20,000 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 CONFERENCE COMMITTEE 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	\$80,000	\$ 29,300	\$ 0	\$ 109,300	\$ 0
Extension Division - Food and Nutrition					0	0
Extension Division - Energy Service					0	0
Northern Crops Institute	66,000		20,000		20,000	66,000
Main Experiment Station	46,000		200,000		246,000	
Dickinson Experiment Station			30,000		30,000	
Central Grasslands Experiment Station			39,000		39,000	
Hettinger Experiment Station			25,000		25,000	
Langdon Experiment Station		6,000	15,000		21,000	
North Central Experiment Station			10,000		10,000	
Williston Experiment Station			20,000		20,000	
Carrington Experiment Station			20,000		20,000	
Agromony Seed Farm				100,000		100,000
Subtotal	\$112,000	\$86,000	\$ 408,300	\$ 100,000	\$ 540,300	\$ 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	<u>\$112,000</u>	<u>\$86,000</u>	<u>\$ 708,300</u>	<u>\$1,100,000</u>	<u>\$ 540,300</u>	<u>\$1,466,000</u>

For the Senate: Sens. Naaden, Tweten, Tallackson

For the House: Reps. Thompson, Hanson, Nowatzki

Engrossed SB 2009 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 2010 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1886-1887 of the Senate Journal and that Engrossed SB 2010 be amended as follows:

That the House recede from its amendments as found on page 2388 of the House Journal and pages 1886 and 1887 of the Senate Journal and that engrossed Senate Bill No. 2010 be amended as follows:

On page 1 of the engrossed bill, line 21, delete the numerals "5,790,700" and insert in lieu thereof the numerals "6,040,700"

On page 1 of the engrossed bill, line 23, delete the numerals "36,774,039" and insert in lieu thereof the numerals "37,024,039"

On page 1 of the engrossed bill, line 25, delete the numerals "10,037,845" and insert in lieu thereof the numerals "10,287,845"

On page 2 of the engrossed bill, line 2, delete the numerals "10,037,845" and insert in lieu thereof the numerals "10,287,845"

On page 2 of the engrossed bill, line 4, delete the numerals "37,174,039" and insert in lieu thereof the numerals "37,424,039"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Health Department

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 grants, benefits, and claims line item is increased by \$250,000 from the general fund for state funding of the Child Evaluation and Treatment Program (CETA) at the University of North Dakota Medical Rehabilitation Hospital.

For the Senate: Sens. Naaden, Tweten, Mushik

For the House: Reps. Unhjem, Rice, Kelly

Engrossed SB 2010 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

SEN. STREIBEL MOVED that the conference committee report on SB 2002 be adopted.

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2002, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on SB 2002, the roll was called and there were 33 YEAS, 20 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Berube; Heigaard; Heinrich; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Meyer, J.; Moore; Mushik; Redlin; Satrom; Shea; Stromme; Tallackson; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: None

The report of the conference committee on SB 2002 was adopted.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act making an appropriation for defraying the expenses of the state board of higher education, Bismarck junior college, Lake Region community college, university of North Dakota-Williston center and reciprocal agreements of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Kelsh; Lashkowitz; Moore; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2002 passed and the title was agreed to.

MESSAGE TO THE HOUSE SENATE CHAMBER

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

HB 1662

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1660 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1404

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SEN. THANE MOVED that the conference committee report on SB 2003 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act making an appropriation for defraying the expenses of the various institutions of higher learning under the supervision of the state board of higher education of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 46 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Kelsh; Lashkowitz; Meyer, D.; Moore; Waldera; Wogsland

ABSENT AND NOT VOTING: Freborg

SB 2003 passed and the title was agreed to.

MESSAGE 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.

HB 1494

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on SB 2009 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the cooperative extension division and the experiment stations of North Dakota state university of agriculture and applied science; 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; and providing for a transfer of funds from the coal development impact 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2009 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on SB 2010 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act making an appropriation for defraying the expenses of the department of health and the abandoned motor vehicles division of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Krauter; Redlin

SB 2010 passed and the title was agreed to.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

SB 2062, SB 2100, SB 2114, SB 2115, SB 2135, SB 2186,
SB 2204, SB 2260, SB 2273, SB 2354, SB 2355, SB 2369,
SB 2410, SB 2432, SB 2438, SB 2450, SB 2464, SB 2491,
SCR 4002, SCR 4005, SCR 4051, SCR 4056, SCR 4066, SCR 4071,
SCR 4073, SCR 4079

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SCR 4082, SCR 4083

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1003

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT: Your Conference Committee to which was referred SB 2019 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1898 of the Senate Journal and that Engrossed SB 2019 be amended as follows:

That the House recede from its amendments as found on pages 2427-2428 and on page 1898 of the Senate Journal and that Senate Bill No. 2019 be amended as follows:

On page 1, line 12, delete the numerals "215,000" and insert in lieu thereof the numerals "250,000"

On page 1, line 13, delete the numerals "215,000" and insert in lieu thereof the numerals "250,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Fair Association

The premiums line item is increased \$35,000 from the general fund for a total of \$250,000, a decrease of \$30,000 from the amendments adopted by the House.

For the Senate: Sens. Tweten, Nelson, Walsh

For the House: Reps. Winkelman, Unhjem, Graba

SB 2019 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

SEN. TWETEN MOVED that the conference committee report on SB 2019 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act making an appropriation for defraying the expenses of the state fair association of the state of North Dakota.

Which has been read.

ROLL CALL

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

YEAS: Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Mushik; Naaden; Nelson; Nething; Olson; Parker; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; David; Kelly; Meyer, D.; Moore; Mutch; Peterson; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: None

SB 2019 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

SEN. WENSTROM: Madam President and members of the Senate: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

It looks like we might be here for a little while yet and today, after all, is April 4 and April 4 is oil discovery day in the state of North Dakota. For that reason I have a few remarks that I would like printed in the Journal.

Today, as I stated, is oil discovery day. Oil was first discovered in North Dakota on April 4 of 1951, thirty-four years ago. The discovery well is known as the Clarence Iverson No. 1, approximately seven miles southwest of Tioga in Williams County. The well was drilled by the Amerada Petroleum Corporation and was definitely a wildcat well. The closest oil production to my knowledge at that time was in the region of Regina, Saskatchewan, over 250 miles away. The oil discovery set off the first oil boom in North Dakota.

Because of a lack of adequate time I will limit my remarks to a few important statistics:

There have been 10,595 wells "spudded in" in North Dakota. This "spudded" is slang for starting an oil well. Of these wells, 5300 were completed as oil wells; 4250 wells are in production at the present time. There are 35 drilling rigs operating in North Dakota as of today. There are 17 oil-producing counties. There have been 806,673,000 barrels of oil produced in North Dakota. It is estimated

that the value of this crude produced is more than \$9.1 billion.

Since exploration began, approximately 14,850 miles of oil well and gas well depth, I'm talking about miles going down into the earth, have been drilled. The state of North Dakota has received \$281,017,363 from oil leases, bonuses, and royalties on state lands up to the end of 1984. I have no estimate on the millions and millions of dollars that have been paid to landowners for leases.

The deepest well drilled in North Dakota is in Dunn County. It is in excess of 15,000 feet deep. Incidentally, it is a dry hole.

I have some tax-collected information, courtesy of the North Dakota Tax Department. Oil production tax was \$447,542,810 and, from the extraction tax for only a four-year period, was \$291,218,391 for a total tax collection of \$738,761,190. We should remember, in thinking of the oil production tax especially, that much of this oil was extracted from the earth during the time that oil was selling for under two dollars a barrel.

For those who are not familiar with the oil well drilling operations, insofar as employment is concerned, there are 21 people working on the derrick floor. These fellows have special names. What is known to us normally as the foreman is known as the tool pusher. His 20 helpers are known as roughnecks. In addition to this crew, it takes approximately another 100 people to work to provide needed additional services and supplies. I have no way of estimating the amount of money that associated industries with the oil fields have brought to North Dakota.

That concludes my remarks. Thank you very much for listening.

MOTION

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 Director of the Energy Development Impact Office do advise and consent to the appointment of:

Mr. Warren Vrana, Bismarck

SEN. MOORE, Chairman

SEN. MOORE MOVED that the report be adopted.

ROLL CALL

The question being, "Will the Senate advise and consent to the nomination of Mr. Warren Vranna, Bismarck, for Director of the Energy Development Impact Office," the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; 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: Mutch

The nomination of Warren Vranna of Bismarck for Director of the Energy Development Impact Office was approved.

REPORT OF SELECT COMMITTEE

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

Mr. Erwin Geigle, Bismarck

SEN. LODOEN, Chairman

SEN. LODOEN MOVED that the report be adopted.

ROLL CALL

The question being, "Will the Senate advise and consent to the nomination of Mr. Erwin Geigle, Bismarck, for Director of Institutions," the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

The nomination of Erwin Geigle, Bismarck, for Director of Institutions was approved.

MOTION

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

MOTION

SEN. NELSON MOVED that the Senate stand in recess until 7:00 p.m., which motion prevailed.

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

**MESSAGE TO THE HOUSE
SENATE CHAMBER**

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

SB 2002, SB 2003, SB 2009, SB 2010, SB 2019
LEO LEIDHOLM, Secretary

REPORTS OF CONFERENCE COMMITTEES

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2138 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1891-1893 of the Senate Journal and that Engrossed SB 2138 be amended as follows:

That the House recede from its amendments to engrossed Senate Bill No. 2138 as printed on pages 2393-2395 of the House Journal and pages 1891-1893 of the Senate Journal and that in lieu of the conference committee amendments found on pages 2139 through 2141 of the Senate Journal, engrossed Senate Bill No. 2138 be amended as follows:

On page 1 of the engrossed bill, line 2, delete the words "management responsibility over"

On page 1 of the engrossed bill, line 4, after the word "require" insert the words "that any", and after the word "sales" insert the words "or other disposition"

On page 1 of the engrossed bill, line 5, delete the words "land's and mineral's" and insert in lieu thereof the words "common schools", and after the word "fund" insert the words "to the extent of the principal and interest owed by the state board of higher education, and any remaining amounts be deposited in the general fund"

On page 1 of the engrossed bill, line 13, delete the word "and"

- On page 1 of the engrossed bill, line 14, after the word "appropriation" insert the words "; and to declare an emergency"
- On page 1 of the engrossed bill, line 18, delete the word "management"
- On page 1 of the engrossed bill, line 19, delete the words "responsibility over"
- On page 1 of the engrossed bill, line 21, delete the word "management"
- On page 1 of the engrossed bill, line 22, after the word "addition" insert the words "and shall be substituted for the state board of higher education on all contracts regarding the state addition"
- On page 1 of the engrossed bill, line 27, after the period insert the words "Upon transfer of the state addition, the board of university and school lands shall assume all other existing obligations on the state addition"
- On page 2 of the engrossed bill, line 6, after the word "then" insert the words "to be deposited in the common schools trust fund"
- On page 2 of the engrossed bill, line 11, delete the words "lands and minerals trust" and insert in lieu thereof the word "general"
- On page 2 of the engrossed bill, line 18, delete the words "management responsibility over the"
- On page 2 of the engrossed bill, line 19, remove the overstrike over the words "~~board of~~", and delete the words "board of"
- On page 2 of the engrossed bill, line 20, delete the words "university and school lands", and overstrike the word "shall" and insert immediately thereafter the words "university and school lands may"
- On page 2 of the engrossed bill, line 32, delete the words "on behalf of the"
- On page 2 of the engrossed bill, line 33, delete the words "board of higher education"
- On page 2 of the engrossed bill, line 35, overstrike the word "shall" and insert immediately thereafter the word "may"
- On page 3 of the engrossed bill, after line 12, insert the following new section:

"SECTION 3. INTENT. It is the intent of the legislative assembly that the working ranch unit continue to be used as the Dickinson experiment station."

On page 3 of the engrossed bill, line 20, delete the numerals "2,840,787" and insert in lieu thereof the numerals "644,284"

On page 3 of the engrossed bill, line 21, delete the word "state", and delete the words "higher education" and insert in lieu thereof the words "university and school lands"

On page 3 of the engrossed bill, line 22, delete the words "interest on any notes owed to the board of" and insert in lieu thereof the words "city of Dickinson for"

On page 3 of the engrossed bill, line 23, delete the words "university and school lands and for paying", and after the word "assessments" insert the words "due on March 1, 1985, and on March 1, 1986,"

On page 3 of the engrossed bill, line 24, after the word "on" insert the word "the"

On page 3 of the engrossed bill, after line 24, insert the following new section:

"SECTION 6. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Naaden, Streibel, Kusler

For the House: Reps. Kuchera (refused to sign), Wald, Nowatzki

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

MADAM PRESIDENT: Your Conference Committee to which was referred 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:

That the House recede from its amendments as found on page 1940 of the House Journal and page 1566 of the Senate Journal and that, in lieu of the conference committee amendments found on page 1859 of the Senate Journal and page 2574 of the House Journal, and that Senate bill No. 2313 be amended as follows:

On page 1, line 13, overstrike the word "The" and insert in lieu immediately thereafter the words "Except as provided in subsection 4, the"

On page 1, line 20, 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 no payment has been made on the account within the last ninety days, a late payment charge may be imposed at a rate that does not exceed one percent per month, 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. Koland, Larson, Oban (refused to sign)

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 2388 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 2108-2110 of the Senate Journal.

For the Senate: Sens. Lips, Wenstrom, Tallackson

For the House: Reps. Martinson, Payne, L. Hanson

Engrossed SB 2388 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 1001 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1994-2002 of the Senate Journal and that Engrossed HB 1001 be amended as follows:

That the Senate recede from its amendments as found on pages 1994-2002 of the Senate Journal and pages 2562-2570 of the House Journal and that engrossed House Bill No. 1001 be amended as follows:

On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the words "; and to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to reports by the state tax commissioner to the budget section of the legislative council regarding the auditing enhancement program and settlements of tax assessments and providing for deposit of fees collected by the secretary of state"

On page 1 of the engrossed bill, line 17, delete the numerals "960,094" and insert in lieu thereof the numerals "969,094"

On page 1 of the engrossed bill, line 21, delete the numerals "1,132,373" and insert in lieu thereof the numerals "1,141,373"

On page 1 of the engrossed bill, line 28, delete the numerals "161,941" and insert in lieu thereof the numerals "164,730"

On page 2 of the engrossed bill, line 4, delete the numerals "174,551" and insert in lieu thereof the numerals "177,340"

On page 2 of the engrossed bill, line 7, delete the numerals "840,178" and insert in lieu thereof the numerals "866,268"

On page 2 of the engrossed bill, after line 9, insert the following line:

"Data processing 100,000"

On page 2 of the engrossed bill, line 11, delete the numerals "990,238" and insert in lieu thereof the numerals "1,116,328"

On page 2 of the engrossed bill, line 14, delete the numerals "248,052" and insert in lieu thereof the numerals "228,196"

On page 2 of the engrossed bill, line 15, delete the numerals "248,052" and insert in lieu thereof the numerals "228,196"

On page 2 of the engrossed bill, line 18, delete the numerals "4,694,578" and insert in lieu thereof the numerals "4,757,592"

On page 2 of the engrossed bill, line 19, delete the numerals "1,257,449" and insert in lieu thereof the numerals "1,260,929"

On page 2 of the engrossed bill, line 24, delete the numerals "7,018,775" and insert in lieu thereof the numerals "7,085,269"

On page 2 of the engrossed bill, line 25, delete the numerals "663,280" and insert in lieu thereof the numerals "1,098,280"

On page 2 of the engrossed bill, line 26, delete the numerals "6,355,495" and insert in lieu thereof the numerals "5,986,989"

On page 2 of the engrossed bill, line 29, delete the numerals "3,050,880" and insert in lieu thereof the numerals "3,024,678"

On page 2 of the engrossed bill, line 31, delete the numerals "52,946" and insert in lieu thereof the numerals "44,946"

- On page 2 of the engrossed bill, line 33, delete the numerals "3,455,548" and insert in lieu thereof the numerals "3,421,346"
- On page 2 of the engrossed bill, line 35, delete the numerals "3,156,191" and insert in lieu thereof the numerals "3,121,989"
- On page 3 of the engrossed bill, line 3, delete the numerals "493,575" and insert in lieu thereof the numerals "499,665"
- On page 3 of the engrossed bill, line 7, delete the numerals "582,729" and insert in lieu thereof the numerals "588,819"
- On page 3 of the engrossed bill, line 10, delete the numerals "7,888,998" and insert in lieu thereof the numerals "7,895,088"
- On page 3 of the engrossed bill, line 12, delete the numerals "1,234,236" and insert in lieu thereof the numerals "1,266,236"
- On page 3 of the engrossed bill, line 14, delete the numerals "10,844,435" and insert in lieu thereof the numerals "10,882,525"
- On page 3 of the engrossed bill, line 17, delete the numerals "1,181,452" and insert in lieu thereof the numerals "1,209,247"
- On page 3 of the engrossed bill, line 21, delete the numerals "1,461,006" and insert in lieu thereof the numerals "1,488,801"
- On page 3 of the engrossed bill, line 24, delete the numerals "388,889" and insert in lieu thereof the numerals "407,255"
- On page 3 of the engrossed bill, line 27, delete the numerals "531,124" and insert in lieu thereof the numerals "549,490"
- On page 3 of the engrossed bill, line 29, delete the numerals "444,124" and insert in lieu thereof the numerals "462,490"
- On page 3 of the engrossed bill, line 32, delete the numerals "3,811,955" and insert in lieu thereof the numerals "3,830,225"
- On page 3 of the engrossed bill, line 33, delete the numerals "4,331,314" and insert in lieu thereof the numerals "4,343,314"
- On page 3 of the engrossed bill, line 34, delete the numerals "763,938" and insert in lieu thereof the numerals "783,938"

- On page 3 of the engrossed bill, line 35, delete the numerals "152,649" and insert in lieu thereof the numerals "172,649"
- On page 4 of the engrossed bill, line 1, delete the numerals "9,059,856" and insert in lieu thereof the numerals "9,078,126"
- On page 4 of the engrossed bill, line 3, delete the numerals "4,147,400" and insert in lieu thereof the numerals "4,165,670"
- On page 4 of the engrossed bill, line 6, delete the numerals "1,853,778" and insert in lieu thereof the numerals "1,859,868"
- On page 4 of the engrossed bill, after line 10, insert the following lines:
- | | |
|-------------------------------|---------|
| "Agriculture in the classroom | 250,000 |
| North Dakota products label | 70,000" |
- On page 4 of the engrossed bill, line 12, delete the numerals "2,955,140" and insert in lieu thereof the numerals "3,281,230"
- On page 4 of the engrossed bill, line 13, delete the numerals "233,434" and insert in lieu thereof the numerals "553,434"
- On page 4 of the engrossed bill, line 14, delete the numerals "2,721,706" and insert in lieu thereof the numerals "2,727,796"
- On page 4 of the engrossed bill, line 15, delete the numerals "30,899,194" and insert in lieu thereof the numerals "30,701,415"
- On page 4 of the engrossed bill, line 16, delete the numerals "7,656,533" and insert in lieu thereof the numerals "8,989,328"
- On page 4 of the engrossed bill, line 17, delete the numerals "38,555,727" and insert in lieu thereof the numerals "39,690,743"
- On page 5 of the engrossed bill, after line 14, insert the following new sections:

"SECTION 7. APPROPRIATION - AUTHORIZATION - GOVERNOR'S OFFICE. The governor's office is hereby authorized to receive and expend any federal or private funds which are hereby appropriated that become available during the biennium ending June 30, 1987.

SECTION 8. APPROPRIATION - TRANSFER - ATTORNEY GENERAL. There is hereby authorized, as included in the appropriation for the attorney general in subdivision 6 of this Act, a transfer of \$375,000, or so much thereof as may be necessary, from the state fire and tornado fund for the purpose of funding the state fire marshal program. Such funds shall be transferred by the office of management and budget only at such times as the moneys are required for disbursement by the attorney general."

SECTION 9. REPORTS ON FARM CREDIT COUNSELING PROGRAM. The commissioner of agriculture shall submit a report quarterly to the budget section of the legislative council on the progress and administration of the farm credit counseling program. Each report must include statements as to the number of individuals counseled and expenditures of appropriations.

SECTION 10. A new section to chapter 57-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

Reports on auditing enhancement program and settlement of tax assessments. The state tax commissioner shall submit reports quarterly to the budget section of the legislative council on the progress made in collecting additional tax revenues under the auditing enhancement program and on settlements of tax assessments. For any settlements of tax assessments made during the quarterly period the reports must contain the total amount assessed as of the end of the quarter and the amounts collected, including a summary reporting major amounts collected.

SECTION 11. FEES COLLECTED BY SECRETARY OF STATE - DEPOSIT IN OPERATING FUND. Any fees collected by the secretary of state pursuant to section 5 of Senate Bill No. 2450 must be deposited in an operating fund, which is hereby created, under the control of the secretary of state.

SECTION 12. APPROPRIATION - SECRETARY OF STATE. There is hereby appropriated \$325,000, or so much thereof as may be necessary, from income derived from collections received pursuant to section 11 of this Act and deposited in the secretary of state operating fund to the secretary of state for the purpose of defraying the expenses of the central notice system for sales of crops and livestock during the biennium ending June 30, 1987.

SECTION 13. LEGISLATIVE INTENT - ACCESS TO AUTOMATED LEGAL RESEARCH. It is the intent of the legislative assembly that the North Dakota supreme court continue the current arrangement with the North Dakota attorney general's office regarding availability and use of

automated legal research (Westlaw) during the 1985-87 biennium.

SECTION 14. APPROPRIATION - AUTHORIZATION - PUBLIC SERVICE COMMISSION. The public service commission is hereby authorized to receive and spend any funds received from Montana-Dakota utilities company not exceeding \$50,000 which are hereby appropriated for the purpose of funding the cost of the commission's participation before federal courts and agencies involving the cost of gas to the Montana-Dakota utilities company gas utility. The funds are hereby appropriated during the biennium ending June 30, 1987.

SECTION 15. APPROPRIATION - AUTHORIZATION - ATTORNEY GENERAL. The attorney general is hereby authorized to receive and spend any funds received from political subdivisions not to exceed \$55,000 which are hereby appropriated for the purpose of data processing for gaming enforcement during the biennium ending June 30, 1987.

SECTION 16. APPROPRIATION - AUTHORIZATION - TAX COMMISSIONER. The tax commissioner is hereby authorized to receive and spend any funds received not to exceed \$120,000, which is hereby appropriated, from the city of Grand Forks relating to the administration and collection of the Grand Forks city sales tax during the biennium ending June 30, 1987.

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Governor's Office

The salaries and wages line item is increased by \$9,000 from the general fund to provide sufficient funds for expected health insurance costs.

The remaining 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 salaries and wages line item provides for the continuation of the Governor's current annual salary of \$60,862.

A new section is added to allow the Governor's office to receive and spend federal and private funds that become available during the biennium.

Lieutenant Governor

The salaries and wages line item is increased by \$2,789 from the general fund to provide an annual salary of \$50,000 for the Lieutenant Governor.

The remaining 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).

Secretary of State

The salaries and wages line item is increased by \$6,090 from the general fund to provide an annual salary of \$46,000 for the Secretary of State.

In addition, the salaries and wages line item is increased by \$20,000 from the general fund to upgrade employee salaries.

The remaining 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).

A data processing line item of \$100,000 from the general fund is added to provide funds for automation of the UCC program.

Two new sections are added; one to deposit any fees collected by the Secretary of State pursuant to Section 5 of Senate Bill No. 2450, relating to a central notice system for crops and livestock sales, to be deposited in the operating fund of the Secretary of State and an additional section to appropriate \$325,000 from that income to the Secretary of State for defraying the expenses of the program during the 1985-87 biennium.

Secretary of State - Public Printing

The operating expenses line item is reduced by \$19,856 from the general fund.

Attorney General

The salaries and wages line item is increased by \$6,494 from the general fund to provide an annual salary of \$52,000 for the Attorney General.

The remaining 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).

In addition, \$60,000 from the fire and tornado is added to provide funds for a hazardous material coordinator

position. Of the total, \$56,520 is added to salaries and wages and \$3,480 to operating expenses.

A new section is added to transfer \$435,000 from the fire and tornado fund to the Attorney General's budget to fund the estimated costs of the Fire Marshal and his staff including \$60,000 for a hazardous material coordinator position. The estimated line item is increased by \$375,000 with a corresponding general fund decrease to reflect the transfer of funds.

A new section of legislative intent is added providing that it is the intent of the legislature that the Attorney General's office continue to share automated legal research with the North Dakota Supreme Court.

A new section is added appropriating any funds received up to \$55,000 by the Attorney General from political subdivisions for data processing for gaming enforcement for the 1985-87 biennium.

State Auditor

The salaries and wages line item is increased by \$6,090 from the general fund to provide an annual salary of \$46,000 for the State Auditor. In addition, the salaries and wages line item is reduced by \$32,292 from the general fund to delete funds added by the House to upgrade new positions.

The remaining 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 data processing line item is decreased by \$8,000 from the general fund to delete funds for two personal computers.

State Treasurer

The salaries and wages line item is increased by \$6,090 from the general fund to provide an annual salary of \$46,000 for the State Treasurer.

The remaining 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).

Tax Commissioner

The salaries and wages line item is increased by \$6,090 from the general fund to provide an annual salary of \$46,000 for the Tax Commissioner.

The remaining 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 data processing line item is increased by \$32,000 from the general fund to provide funds for computerizing the motor fuels tax information.

A new section is added requiring the commissioner to report quarterly to the Budget Section on the progress made in collecting additional tax revenues under the auditing enhancement program including information on assessments and collections.

A new section is added authorizing the Tax Commissioner to receive and expend up to \$120,000 from the city of Grand Forks relating to the collection and administration of the Grand Forks city sales tax during the 1985-87 biennium.

Insurance Commissioner

The salaries and wages line item is increased by \$6,090 from the state bonding fund to provide an annual salary of \$46,000 for the Insurance Commissioner. In addition, \$21,705 from the bonding fund is added to the salaries and wages line item to provide funds for salary increases given by the department in August 1984 and not included in the executive budget salary base.

The remaining 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).

Labor Commissioner

The salaries and wages line item is increased by \$6,090 from the general fund to provide an annual salary of \$46,000 for the Labor Commissioner. In addition, the salaries and wages line item is increased by \$12,276 from the general fund to increase the salary base for the vacant Labor Standards Inspector Division.

The remaining 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).

Public Service Commission

The salaries and wages line item is increased by \$18,270 from the general fund to provide an annual salary of \$46,000 for each public service commissioner.

The remaining 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 equipment line item is increased by \$20,000 with a corresponding decrease to the data processing line item.

A new section is added authorizing the Public Service Commission to receive and expend up to \$50,000 of income to be received from Montana-Dakota Utilities for the purpose of funding the costs of the commission's participation in federal courts and agencies involving the cost of natural gas for the 1985-87 biennium.

Agriculture Commissioner

The salaries and wages line item is increased by \$6,090 from the general fund to provide a salary of \$46,000 for the Agriculture Commissioner.

The remaining 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).

Two new lines are added: one to provide \$250,000 from any available other funds for an agriculture in the classroom program and a second to provide \$70,000 from any available other funds for development of a North Dakota products label.

A new section is added requiring the Agriculture Commissioner to report to the Budget Section of the Legislative Council on the progress and administration of the farm credit counseling program.

For the Senate: Sens. Streibel, Naaden, Shea

For the House: Reps. Kingsbury, Gunsch, Laughlin

Engrossed HB 1001 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 1003 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1986-1988 of the Senate Journal and that Engrossed HB 1003 be amended as follows:

That the Senate recede from its amendments as found on pages 1986-1988 of the Senate Journal and on pages 2560-2562 of the House Journal and that engrossed House Bill No. 1003 be amended as follows:

On page 2 of the engrossed bill, line 4, delete the numerals "6,329,640" and insert in lieu thereof the numerals "6,558,765"

On page 2 of the engrossed bill, line 7, delete the numerals "23,210,086" and insert in lieu thereof the numerals "23,439,211"

On page 2 of the engrossed bill, line 16, delete the numerals "49,930,707" and insert in lieu thereof the numerals "50,159,832"

On page 2 of the engrossed bill, line 17, delete the numerals "55,149,366" and insert in lieu thereof the numerals "55,378,491"

On page 3 of the engrossed bill, line 14, delete the words "state officials and"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Office of Management and Budget

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 conference committee recommends deleting the \$300,000 for the SAMIS system with the understanding that the system will be ready for implementation and operation on July 1, 1987.

A section is added which provides for the Office of Management and Budget to report to the Legislative Council's Budget Section payments of bonuses, cash incentive awards, and temporary salary adjustments to state employees.

Central Data Processing

The salaries and wages line item is increased by \$229,125 from other funds to provide funding for the following six FTE positions the House deleted:

- 4 FTE Computer Operators
- 1 FTE Planner III
- 1 FTE Account Technician

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).

State Printing

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).

For the Senate: Sens. Tennefos, Wenstrom, Tallackson
For the House: Reps. Kingsbury, Gunsch, Graba

Engrossed HB 1003 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

**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:

HB 1196, HB 1446

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2151

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2507

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2002, SB 2003, SB 2009, SB 2010, SB 2019

ROY GILBREATH, Chief Clerk

REPORTS OF CONFERENCE COMMITTEES

MADAM PRESIDENT: Your Conference Committee to which was referred HB 1196 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 2078-2079 of the Senate Journal.

For the Senate: Sens. Lips, Tweten, Kusler
For the House: Reps. Unhjem, Winkelman, Opedahl

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

SEN. NAADEN MOVED that the conference committee report on SB 2138 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2138: A BILL for an Act to require the state board of higher education to transfer the state addition of the city of Dickinson, North Dakota, to the board of university and school lands and to require that any proceeds from sales or other disposition of state addition property be deposited common schools in the trust fund; to amend and reenact section 6 of chapter 208 of the 1979 Session Laws of North Dakota as amended by section 1 of chapter 88 of the 1983 Session Laws of North Dakota authorizing the board of university and school lands to sell state addition; to repeal chapter 151 of the 1977 Session Laws of North Dakota, sections 1, 2, 3, 4, 5, and 7 of chapter 208 of the 1979 Session Laws of North Dakota, and section 4 of chapter 208 of the 1979 Session Laws of North Dakota, section 1 of chapter 175 of the 1981 Session Laws of North Dakota, and section 2 of chapter 4 of the 1983 Session Laws of North Dakota; to provide an appropriation; 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 46 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; Mutch; Peterson; Stromme; Tennefos

ABSENT AND NOT VOTING: Langley; Meyer, W.

SB 2138 passed, the title was agreed to, and the emergency clause carried.

REPORT OF CONFERENCE COMMITTEE

SEN. PARKER MOVED that the conference committee report on SB 2313 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to late payment charges on accounts receivable.

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 35 YEAS, 18 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Satrom; Stromme; Tallackson; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2313 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the conference committee report on SB 2388 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to create and enact a new subsection to section 54-52-01 and a new section to chapter 54-52 of the North Dakota Century Code, relating to the definition of law enforcement officer and to employee and employer contributions by and for law enforcement officers under the public employees retirement system; to amend and reenact subsection 3 of section 54-52-05, section 54-52-13, and subsections 3 and 4 of section 54-52-17 of the North Dakota Century Code, relating to retirement benefits of law enforcement officers under the public employees retirement system; to provide for a transfer of funds in the public employees retirement system; and to provide a continuing 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 8 YEAS, 45 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Hilken; Lodoen; Matchie; Meyer, D.; Meyer, W.; Nelson; Olson; Peterson

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

ABSENT AND NOT VOTING: None

SB 2388 was declared lost.

REPORT OF CONFERENCE COMMITTEE

SEN. STREIBEL MOVED that the conference committee report on HB 1001 be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act making an appropriation for defraying the expenses of various elected and appointed officials of the state of North Dakota; and to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to reports by the state tax commissioner to the budget section of the legislative council regarding the auditing enhancement program and settlements of tax assessments and providing for deposit of fees collected by the secretary of state.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; David; Moore; Mutch; Parker; Tennefos

ABSENT AND NOT VOTING: None

HB 1001 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the Senate return SCR 4072 to the House, which motion lost.

REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on HB 1003 be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget of the state of North Dakota; to amend and reenact section 54-14-03.1 of the North Dakota Century Code, relating to the office of the budget reporting irregularities to the budget committee of the legislative council; and providing for an exemption.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1003 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the conference committee report on HB 1196 be adopted, which motion prevailed.

MESSAGES TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you of the following on which the Senate has adopted the conference committee report and subsequently failed to pass the same:

SB 2388

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2138, SB 2313

LEO LEIDHOLM, Secretary

REPORT OF STANDING COMMITTEE

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1663 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WRIGHT, Chairman

HB 1663 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1404 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1939-1946 of the Senate Journal and that Engrossed HB 1404 be amended as follows:

That the Senate recede from its amendments as found on pages 1939-1946 of the Senate Journal and pages 2520-2527 of the House Journal and that engrossed House Bill No. 1404 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to adopt the Family Farm Survival Act of 1985 and to provide participation in short-term loans to farmers and agribusinesses; to create and enact a new section to chapter 4-36 of the North Dakota Century Code, relating to a bond reserve fund; to amend and reenact section 4-36-03, subsection 6 of section 4-36-04, sections 4-36-06, 4-36-07, 4-36-08, 4-36-12, 4-36-24, and 4-36-25, relating to the Agricultural Development Act; to provide appropriations; and to declare an emergency.

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

SECTION 1. Short title. This Act may be known as the Family Farm Survival Act of 1985.

SECTION 2. Definitions. In sections 1 through 7 of this Act, unless the context or subject matter otherwise requires:

1. "Agribusiness" means a locally owned business operation, located within this state, which is primarily engaged in providing services, materials, or equipment for the production, processing or transportation of agriculture products.
2. "Farmer" means a resident of this state who owns or operates an existing farm or ranch operation, and has a debt-to-asset ratio of fifty percent or greater or has suffered some form of unavoidable natural or financial hardship in at least one of the past four years.
3. "Operating loan" means a loan or extension of credit with a term of one year or less made by a nongovernmental financial institution to a farmer or agribusiness for the operation of an existing farm or ranch operation or agribusiness. An operating loan includes a farmer's home administration or small business administration subordinated operating loan and guaranteed operating loan, and may be further defined by rule of the industrial commission.

SECTION 3. Operating loans - Participation by the Bank of North Dakota.

1. The Bank of North Dakota shall make available an appropriate amount of funds to purchase participation interests in operating loans to farmers and agribusinesses. Interest charged on a participation interest purchased by the Bank under this section may not exceed eight percent per annum, plus necessary and reasonable fees as determined by the industrial commission.
2. The amount of a participation interest purchased by the Bank under this section may not be greater than sixty-five percent of the loan amount or two hundred thousand dollars, whichever is less. The term of any participation interest purchased under this section may not exceed one year.
3. The Bank may not purchase a participation interest in a loan under this section until verification is received establishing that the farmer has obtained adequate crop or hail insurance which has been assigned to the primary lender, or that adequate insurance, as determined by the Bank, has been obtained by the agribusiness.

SECTION 4. Participation loans by private financial institutions.

1. The portion of the operating loan retained by a nongovernmental financial institution may not bear interest at an effective rate more than one and one-half percentage points per annum less than the interest rate computed and published monthly by the state commissioner of banking and financial institutions pursuant to section 47-14-09. The initial interest rate must be set on the date of the loan commitment and must be adjusted quarterly, based upon the last published interest rate computed by the commissioner.
2. All participation interests purchased are subject to the review and approval of the Bank.
3. The full amount of a loan qualifying for participation must be evidenced by one master note drawn by the financial institution to reflect both interest rates and to provide a schedule of payments to the financial institution and the Bank of North Dakota based upon pro rata shares of the loan participation.

SECTION 5. Interest buydown.

1. There is hereby established an interest rate buydown fund to be maintained by the industrial commission at the Bank of North Dakota.
2. The industrial commission may buydown or reduce the interest paid by a farmer or agribusiness on the Bank's portion of the participation operating loans by up to an additional five percentage points a year below the amount provided in section 3 of this Act.
3. Any interest buydown provided under this section must be repaid by the farmer or agribusiness not later than July 1, 1991, under terms approved by the Bank of North Dakota and pursuant to rules adopted by the industrial commission. Money collected under this subsection must be deposited in the fire and tornado fund in the state treasury.

SECTION 6. Agribusinesses. Not more than twenty percent of all participation interests purchased by the Bank of North Dakota under sections 1 through 7 of this Act may be in loans for agribusinesses.

SECTION 7. Rules. The industrial commission may adopt such rules and guidelines as are necessary to implement sections 1 through 6 of this Act.

SECTION 8. AMENDMENT. Section 4-36-03 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-03. Terms defined. As used in this chapter, unless the context otherwise requires:

1. "Agriculture or agricultural enterprise" means and includes, but is not limited to, the real and personal property constituting farms, ranches, and other agricultural commodity producers; agriculturally related sewage, liquid and solid waste collection, disposal, treatment, and drainage services, and facilities; and agriculturally related antipollution and air, water, ground, and subsurface pollution abatement and control facilities and services.
2. "Bonds" means any bonds, notes, debentures, interim certificates, bond, grant and revenue anticipation notes, or any other evidences of indebtedness.
3. "Commission" means the industrial commission of North Dakota created pursuant to section 54-17-01.
4. "Contracting party" means any party to a lease, sales contract, or loan agreement except the commission.
5. "Lender" means any federal or state chartered bank, federal land bank, production credit association, bank for cooperatives, savings and loan association, building and loan association, small business investment company, or any other institution qualified within the state to originate and service loans, including, but not limited to, insurance companies, credit unions, and mortgage loan companies.
6. "Loan insurer" and "loan guarantor" mean an agency, department, administration, or instrumentality, corporate or otherwise, of or in the department of housing and urban development, the farmers home administration of the department of agriculture or the veterans administration of the United States of America, any private mortgage insurance company, or any other public

or private agency which insures or guarantees loans.

7. "Operating loan" means an operating loan as defined under section 2 of this Act.
8. "State" means the state of North Dakota.

SECTION 9. AMENDMENT. Subsection 6 of section 4-36-04 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. Enter into agreements with any department, agency, or instrumentality of the United States of America or this state and with lenders and enter into loan agreements with contracting parties for the purpose of planning, regulating, and providing for the financing and refinancing of any agricultural enterprise or an operating loan.

SECTION 10. AMENDMENT. Section 4-36-06 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-06. Commission - Loans to lenders - Conditions. The commission may make, and undertake commitments to make, loans to lenders under terms and conditions requiring the proceeds thereof to be used by such lenders to make operating loans and loans for agricultural enterprises. Loan commitments or actual loans shall be originated through and serviced by any bank, trust company, savings and loan association, mortgage banker or other financial institution authorized to transact business in this state.

SECTION 11. AMENDMENT. Section 4-36-07 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-07. Commission - Invest in, purchase, or assign loans - Conditions. The commission may invest in, purchase, or make commitments to take assignments of, operating loans and loans made by lenders for the construction, rehabilitation or purchase of agricultural enterprises. No loan shall be eligible for investment in, purchase, or assignment by the commission if the loan was made more than six months prior to the date of investment, purchase, or assignment by the commission.

SECTION 12. AMENDMENT. Section 4-36-08 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-08. Commission - Lender's requirements. Prior to exercising any of the powers authorized in sections 4-36-06 and 4-36-07, the commission shall require the lender to certify and agree that:

1. The loan is, or if the same has not been made will, at the time of making, be in all respects a prudent investment; and
2. Such lender will use the proceeds of such loan, investment, sale, or assignment within a reasonable period of time to make loans or purchase operating loans or loans to provide agricultural enterprises, or, if such lender has made a commitment to make operating loans or loans to provide agricultural enterprises on the basis of a commitment from the commission to purchase such loans, such lender will make such loans and sell the same to the commission within a reasonable period of time.

SECTION 13. AMENDMENT. Section 4-36-12 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-12. Commission - Bond issuance - Special obligations - How paid and secured. Bonds issued under this chapter shall not be payable from nor charged upon any funds other than the revenue pledged to the payment thereof, nor shall the commission be subject to any liability thereon. Such bonds shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the commission, except those agricultural enterprises, or portions thereof, mortgaged or otherwise encumbered under the provisions and for the purposes of this chapter. The bonds may be additionally secured by a pledge of any grant, contribution, or guarantee from the federal government, the state, or any corporation, association, institution, or person.

SECTION 14. AMENDMENT. Section 4-36-24 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-24. Bank of North Dakota - Authorization to exercise administrative powers - Payment of commission expenses - Reimbursement - Liability of state or political subdivision. The commission may delegate to the Bank of North Dakota, and the Bank of North Dakota is hereby authorized to exercise, all administrative powers granted to the commission under this chapter. The Bank of North Dakota is further authorized to advance from its funds the amount necessary to permit the commission to issue its first series of bonds under this chapter which shall be refunded to the Bank of

North Dakota by the commission upon issuance of said bonds. Thereafter, all expenses incurred by the commission in carrying out the provisions of this chapter shall be payable solely from funds provided under this chapter, and nothing in this chapter shall be construed to authorize the commission to incur indebtedness or liability on behalf of or payable by this state or any political subdivision of it.

SECTION 15. AMENDMENT. Section 4-36-25 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-36-25. Commission - Bonds exempt from taxation - Exception. All bonds issued under this chapter, interest payable thereon and income derived therefrom except inheritance, estate, and transfer taxes, shall at all times be exempt from all taxes imposed by this state, any county, any city, or any other political subdivision of this state. Bonds may be issued under this chapter whereby the interest on the bonds is subject to federal income taxation.

SECTION 16. A new section to chapter 4-36 of the North Dakota Century Code is hereby created and enacted to read as follows:

Reserve fund.

1. The commission may establish and maintain a reserve fund and may deposit moneys appropriated by the state for the purpose of the fund, all proceeds of bonds required to be deposited in the fund by terms of any contracts between the commission and its bondholders or any resolution of the commission pertaining to proceeds of bonds, moneys or funds of the commission which it determines to deposit, and moneys made available to the commission for the purposes of the fund from any other source, and may transfer funds from the interest rate buydown fund established in section 5 of this Act. Moneys in the reserve fund must be held and applied solely to the payment of the interest on and the principal of bonds and sinking fund payments as the payments become due and payable and for the retirement of bonds, including the payment of any redemption premium required to be paid when any bonds are redeemed or retired prior to maturity.
2. The commission may certify to the legislative assembly such amounts as are necessary to maintain the fund at a level necessary to secure the payment of the principal, premium, if any, and interest on its bonds.

SECTION 17. APPROPRIATION. There is hereby appropriated out of any moneys in the fire and tornado fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much thereof as may be necessary, to the interest rate buydown fund for the period beginning upon the effective date of this Act, and ending June 30, 1987. Upon expiration of this appropriation, the funds which remain in the interest rate buydown fund must be returned to the fire and tornado fund. Any interest generated from the interest rate buydown fund must be transferred to the fire and tornado fund upon expiration of this appropriation. The industrial commission shall by rule establish the priority of applications for interest rate buydowns under this Act, if appropriations are not sufficient to make loans to all applicants.

SECTION 18. APPROPRIATION. There is hereby appropriated out of any moneys in the fire and tornado fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much thereof as may be necessary, to the extent that the fire and tornado fund balance does not drop below \$13,000,000, to the interest rate buydown fund for the period beginning July 1, 1986, and ending June 30, 1987. Upon expiration of this appropriation, the funds which remain in the interest rate buydown fund must be returned to the fire and tornado fund. Any interest generated from the interest rate buydown fund must be transferred to the fire and tornado fund upon expiration of this appropriation. The industrial commission shall by rule establish the priority of applications for interest rate buydowns under this Act, if appropriations are not sufficient to make loans to all applicants.

SECTION 19. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Bakewell, Thane, W. Meyer
For the House: Reps. Unhjem, Nicholas, Nowatzki

Engrossed HB 1404 was placed on the Seventh order of business on the calendar for the succeeding

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1446 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1517-1518 of the Senate Journal and that Engrossed HB 1446 be amended as follows:

In lieu of the conference committee amendments as found on pages 2576 and 2577 of the House Journal and on pages 2041 and 2042 of

the Senate Journal, that engrossed House Bill No. 1446 be amended as follows:

On page 1 of the engrossed bill, line 1, after the word "subsections" insert the numeral and comma "6,", and after the numeral "7" insert a comma

On page 1 of the engrossed bill, line 7, after the word "Subsections" insert the numeral and comma "6,", and after the numeral "7" insert a comma

On page 1 of the engrossed bill, after line 9, insert the following new subsection:

"6. "Expert examiner" means a licensed physician, psychiatrist, ~~or~~ clinical psychologist, or master addiction counselor appointed by the court to examine the respondent. An evaluation of a respondent's physical condition shall be made only by a licensed physician or psychiatrist, ~~while~~ an evaluation of a respondent's mental status shall be made only by a licensed psychiatrist or clinical psychologist, and an examination by a master addiction counselor shall be limited to whether the respondent is an alcoholic or drug addict."

On page 1 of the engrossed bill, line 11, after the word "or" insert the word "master"

On page 1 of the engrossed bill, line 12, delete the words "certified by the department of human services as"

On page 1 of the engrossed bill, delete line 13

On page 1 of the engrossed bill, line 14, delete the words "department for master addiction counselors"

On page 1 of the engrossed bill, line 17, after the period insert the words "An examination by a master addiction counselor shall be limited to whether the respondent is an alcoholic or drug addict, and whether the respondent is a person requiring treatment."

And renumber the lines, subsections, and pages accordingly

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

For the House: Reprs. Hamerlik, Larson, DeMers

Engrossed HB 1446 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 1494 has had the same under consideration

and recommends that the SENATE RECEDE from its amendments as found on pages 1975-1976 of the Senate Journal and that Engrossed HB 1494 be further amended as follows:

That the Senate recede from its amendments as found on page 1557 and pages 1975 and 1976 of the Senate Journal and pages 2538 and 2539 of the House Journal and that engrossed House Bill No. 1494 be amended as follows:

On page 1 of the engrossed bill, line 5, delete the words "If Senate Bill No. 2505 of the forty-ninth"

On page 1 of the engrossed bill, delete lines 6 and 7

On page 1 of the engrossed bill, line 10, delete the words "farm foreclosure negotiation" and insert in lieu thereof the words "credit review"

On page 1 of the engrossed bill, delete lines 23 through 27

On page 2 of the engrossed bill, delete lines 1 through 27 and insert in lieu thereof the following:

"SECTION 2. Credit review board. The governor shall appoint three members of the credit review board. One member of the board must have experience serving as a director or officer of a financial institution. Two members of the board must have experience in the operation of a farm. No member of the board may hold state office or serve in state office or serve in state government in any capacity at any time of appointment or during service on the board. The governor shall appoint members to terms of four years. The governor shall appoint one member to serve as chairman of the board."

On page 2 of the engrossed bill, line 28, delete the words "If Senate Bill No. 2502 of the forty-ninth"

On page 2 of the engrossed bill, delete lines 29 and 30

On page 3 of the engrossed bill, line 6, after the period insert the following new sentence: "The expenses provided under this section may be paid from any funds available in the home-quarter purchase fund."

On page 3 of the engrossed bill, line 7, delete the words "If Senate Bill No. 2502 of the forty-ninth"

On page 3 of the engrossed bill, delete lines 8 and 9

On page 4 of the engrossed bill, line 15, delete the word "shall" and insert in lieu thereof the word "may"

On page 5 of the engrossed bill, line 8, delete the words "If Senate Bill No. 2502 of the forty-ninth"

On page 5 of the engrossed bill, delete lines 9 and 10

On page 5 of the engrossed bill, delete lines 13 through 18

On page 5 of the engrossed bill, after line 18, insert the following new sections:

"SECTION 10. 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 credit review board for administrative expenses for the period beginning with the effective date of this Act, and ending June 30, 1987.

SECTION 11. TRANSFER - APPROPRIATION. There is hereby authorized the transfer to the home-quarter purchase fund the sum of \$2,000,000 from the accumulated and undivided profits of the Bank of North Dakota. Such moneys shall be transferred during the biennium on a quarterly basis, beginning July 1, 1985, and ending June 30, 1987, upon order of the industrial commission, in amounts of \$250,000, or so much thereof as is available. Any funds transferred under this section are hereby appropriated to the home-quarter purchase fund for interest buydowns."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Adams (refused to sign), Tweten, Kelsh

For the House: Reps. Kingsbury, Gunsch (refused to sign), Opedahl

Engrossed HB 1494 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 1526 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1946-1947 of the Senate Journal and that Engrossed HB 1526 be amended as follows:

That the Senate recede from its amendments as found on pages 1946-1947 and page 2527 of the House Journal and that engrossed House bill No. 1526 be amended as follows:

On page 1 of the engrossed bill, line 13, delete the numerals "100,000" and insert in lieu thereof the numerals "225,000"

On page 1 of the engrossed bill, line 14, delete the numerals "105,000" and insert in lieu thereof the numerals "230,000"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Educational Broadcasting Council

The grants line item is increased by \$125,000, a total of \$225,000, or a decrease of \$25,000 from the amendments adopted by the Senate, to increase general fund support.

For the Senate: Sens. Lips, Nelson, Mushik

For the House: Reps. Kingsbury, Gunsch (refused to sign), Graba

Engrossed HB 1526 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred HB 1636 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1688, 2050, 2051, 2085 of the Senate Journal and that Engrossed HB 1636 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact section 10-06-13 of the North Dakota Century Code, relating to divestiture of farmland and ranchland.

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

SECTION 1. AMENDMENT. Section 10-06-13 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-06-13. Enforcement.

1. The attorney general shall commence an action in the district court of the county in which the substantial portion of ~~farm~~ farmland or ranchland used in violation of this chapter is situated, if the attorney general has reason to believe that any person is violating this chapter. The attorney general shall file for record with the register of deeds of each county in which any portion of the land is located a notice of the pendency of the action. If the court finds that the land in question is being held in violation of this chapter, or that a corporation is conducting the business of farming or ranching in violation of this chapter, the court shall enter an order so declaring. The attorney general shall file any such order for record with the register of deeds of each county in which any portion of the land is located. Thereafter, the corporation shall, within the time set by the

court not to exceed one year from the date of the court's final order, divest itself of any farming or ranching land owned or leased by it in violation of this chapter, and cease all farming and ranching operations. Any corporation that fails to comply with the court's order shall be dissolved by the secretary of state.

2. The divestment period is deemed to be a covenant running with the title to the land against any corporate grantee, corporate successor, or corporation assignee of the corporation not authorized to do business under this chapter.
3. Any land not divested within the divestment period prescribed shall be sold at public sale in the manner prescribed by law for the foreclosure of real estate mortgage by action. In addition, any prospective or threatened violation may be enjoined by an action brought by the attorney general in the manner provided by law, including enjoining the corporation from completing performance on the remainder of any leasehold which is in violation of this chapter. Any
4. Subject to the divestiture requirements of subsections 5, 6, and 7, a domestic or foreign corporation may acquire ~~farm~~ farmland or ranchland as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise. All ~~farm~~
5. Unless retention of the farmland or ranchland is permitted under subsection 6 or 7, all farmland or ranchland acquired as security for indebtedness, in the collection of debts, or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership, if the acquisition would otherwise violate this chapter. In the interim such
6. The disposition requirement does not apply to a corporation that has acquired title to the land through the process of foreclosure of a mortgage, or a deed from a mortgagor instead of a foreclosure, if, by the expiration of one month after what is or what would have been if the mortgage had been foreclosed the redemption period of the mortgage, that corporation leases to the prior mortgagor from whom it was acquired, with an option to purchase, and if documents evidencing the lease agreement have been filed

with the register of deeds of each county in which the land is located. A copy of a notice of lease is sufficient evidence. The exemption in this subsection applies for only five years and then only if the property has been appraised in accordance with subsection 8. The annual lease payments required of the tenant cannot exceed seven percent of the appraised value.

7. The disposition requirement does not apply to a corporation that has acquired title to the land through the process of foreclosure of a mortgage, or a deed from the mortgagor instead of foreclosure, if, by the expiration of one month after what is or what would have been if the mortgage had been foreclosed the redemption period of the mortgage, that corporation contracts for the sale of the land to the prior mortgagor from whom it was acquired, and if documents evidencing the purchase agreement have been filed with the register of deeds of each county in which the land is located. A copy of a notice of the contract for deed is sufficient evidence. An exemption under this subsection is valid only if an appraisal has been made in accordance with subsection 8, and if it is valid, the exemption is unlimited in duration. The sale price cannot exceed the price determined by the appraisers.
8. If an appraisal is required, the appraisal must be made by three independent appraisers, one selected by the corporation, one selected by the prior mortgagor, and the third selected by the first two appraisers.
9. If a corporation holds land pending divestiture, and the holding is not otherwise governed by this section, the land shall be leased to persons actually engaged in farming or ranching and a disposal shall not be to a corporation other than a unless ownership by that corporation is authorized under the provisions of this chapter.
10. Any corporation continuing to violate the provisions of this chapter shall be dissolved by the attorney general in accordance with the provisions of the laws of this state."

And renumber the lines and pages accordingly

For the Senate: Sens. Vosper, Adams, Kelsh
 For the House: Reps. Nicholas, Vander Vorst, Meyer

THURSDAY, APRIL 4, 1985

2245

HB 1636 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

SB 2138, SB 2313

ROY GILBREATH, Chief Clerk

MOTION

SEN. NETHING MOVED that at the conclusion of the Fifth order of business and the Seventh order of business, the Senate adjourn and convene at 9:00 a.m., Friday, April 5, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary