

## JOURNAL OF THE SENATE

## Fiftieth Legislative Assembly

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## SIXTY-SECOND DAY

Bismarck, April 3, 1987

The Senate convened at 9:00 a.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend Kathleen Dettmann, an ordained minister of the American Lutheran Church, currently in study at the UND School of Law. She is working as a legal intern in the Insurance Department during the session.

God, Who created and cares for all, we pray that Your wisdom will guide these Senators in their endeavors. We do not expect a session without disputes, but we ask that these disagreements do not turn the members against one another or turn them away from their common purpose of serving all the people of North Dakota. Give them a sense of compassion and justice, a sense of perspective, and a sense of humor. Perhaps these gifts are especially important as we near the end of a difficult session, as even the most dedicated find it difficult to sustain their enthusiasm and energy for their task. But God, You remember what we often take for granted - that the people gathered here are more than the jobs they do. We pray also that You watch over their lives outside of this chamber, especially their relationships with friends and family. We entrust this day and all that may be accomplished to You. Amen.

## ROLL CALL

The roll was called and all Senators were present, except Senators David, Freborg, Heinrich, Holmberg, W. Meyer, Peterson, Stromme, Tallackson, and Tennefos.

A quorum was declared by the President Pro Tem.

## CORRECTION AND REVISION OF THE JOURNAL

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

SEN. J. MEYER, Chairman

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

## CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to SB 2552 as recommended by the Committee on Finance and Taxation as printed on pages

2054-2057 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2552: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to exemption of farm buildings and structures from property taxes; and to provide an effective date.

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

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 31 YEAS, 13 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Heigaard; Hilken; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Meyer, D.; Meyer, J.; Moore; Mushik; Nelson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Thane; Tweten; Vosper; Waldera; Wogsland

NAYS: Kelly; Lips; Lodoen; Maxson; Mutch; Naaden; Nalewaja; Nothing; Olson; Shea; Todd; Wright; Yockim

ABSENT AND NOT VOTING: David; Freborg; Heinrich; Holmberg; Meyer, W.; Peterson; Stromme; Tallackson; Tennefos

SB 2552 passed and the title was agreed to.

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#### MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

SB 2259: Reps. Anderson, Dorso, G. Berg

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

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

HB 1682

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

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

SB 2430, SB 2449, SB 2461, SB 2465, SB 2527, SCR 4005,  
SCR 4051

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has passed failed to pass:

SB 2521, SB 2530, SB 2545, SCR 4050

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2031, SB 2040, SB 2072, SB 2076, SB 2078, SB 2304,  
SB 2307, SB 2451, SB 2489, SB 2540, SB 2549

ROY GILBREATH, Chief Clerk

MOTION

SEN. HEIGAARD MOVED that SCR 4047, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1539 as recommended by the Committee on Appropriations as printed on pages 2058-2059 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Education, which motion prevailed.

HB 1539 was rereferred to the Committee on Education.

SEN. TALLACKSON MOVED that the amendments to HB 1578 as recommended by the Committee on Appropriations as printed on page 2059 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Education, which motion prevailed.

HB 1578 was rereferred to the Committee on Education.

SEN. SATROM MOVED that the amendments to HB 1644 as recommended by the Committee on Finance and Taxation as printed on pages 2059-2060 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1644: A BILL for an Act to create and enact a new subsection to section 57-02-08, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to a property tax exemption for certain property used for academic or research purposes by students or faculty of a state institution of higher education and sales or use tax exemption of sales of flight simulators.

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

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 44 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Freborg; Heinrich; Holmberg; Meyer, W.; Peterson; Stromme; Tallackson; Tennesfos

HB 1644 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. D. MEYER MOVED that the amendments to HB 1680 as recommended by the Committee on State and Federal Government as printed on page 2060 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1680: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 54-35-02.4 of the North Dakota Century Code, relating to payment of costs of actuarial reports to the legislative council's committee on public employees retirement programs.

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

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 43 YEAS, 1 NAY, 9 ABSENT AND NOT VOTING.

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

NAYS: Mathern

ABSENT AND NOT VOTING: David; Freborg; Heinrich;  
Holmberg; Meyer, W.; Peterson; Stromme; Tallackson;  
Tennefos

HB 1680 passed and the title was agreed to.

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#### MOTIONS

SEN. HEIGAARD MOVED that the vote by which SB 2552, HB 1644, and HB 1680 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that SB 2552, HB 1644, and HB 1680, be messaged to the House immediately, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEES

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1052, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1052:

Sens. Wogsland, Redlin, Nelson

SEN. J. MEYER MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1470, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1470:

Sens. J. Meyer, Heinrich, Nalewaja

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1004, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1004:

Sens. Shea, Redlin, Streibel

#### MOTION

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

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

**MESSAGES TO THE HOUSE  
SENATE CHAMBER**

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

HB 1644, HB 1680

**PERRY GROTEBERG, Secretary**

**SENATE CHAMBER**

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

**HB 1052:** Sens. Wogsland, Redlin, Nelson  
**HB 1470:** Sens. J. Meyer, Heinrich, Nalewaja  
**HB 1004:** Sens. Shea, Redlin, Streibel

**PERRY GROTEBERG, Secretary**

**MESSAGE FROM THE HOUSE  
HOUSE CHAMBER**

**MR. PRESIDENT:** I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1548, HB 1633, HB 1634, HB 1645, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1548:** Reps. Goetz, A. Hausauer, J. DeMers  
**HB 1633:** Reps. Dorso, Shide, Dotzenrod  
**HB 1634:** Reps. Dalrymple, Shide, Enget  
**HB 1645:** Reps. Anderson, Tollefson, W. Williams

**ROY GILBREATH, Chief Clerk**

**MOTIONS**

**SEN. J. MEYER MOVED** that the Senate reconsider its action whereby HCR 3064 lost, which motion prevailed.

**SEN. HOLMBERG MOVED** that HCR 3064, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEES**

**SEN. LANGLEY MOVED** that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1247, which motion prevailed.

**THE PRESIDENT PRO TEM APPOINTED** as a Conference Committee on HB 1247:

Sens. Schoenwald, Keller, Todd

**SEN. D. MEYER MOVED** that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1450, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1450:

Sens. Axtman, Lodoen, Bakewell

SEN. LANGLEY MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1666, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1666:

Sens. Langley, Krauter, Reiten

#### MOTION

SEN. HEIGAARD MOVED that SB 2004, SB 2012, and SB 2103 be moved to the head of the Twelfth order on the calendar, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEIGAARD MOVED that the Senate do not concur in the House amendments to SB 2004 as printed on pages 1956-1957 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2004:

Sens. Tallackson, Waldera, Nelson

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEIGAARD MOVED that the Senate do not concur in the House amendments to SB 2012 as printed on pages 1957-1958 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2012:

Sens. Waldera, Wogsland, Naaden

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEIGAARD MOVED that the Senate do not concur in the House amendments to SB 2103 as printed on pages 1754-1755 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2103:

Sens. Stromme, Wogsland, Streibel

## REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on SB 2314 as printed on pages 2052-2053 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to amend and reenact section 50-25.1-13 of the North Dakota Century Code, relating to false reports of child abuse or neglect.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Freborg; Satrom; Stromme; Tallackson; Tennefos

SB 2314 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. KRAUTER MOVED that the conference committee report on Engrossed SB 2378 as printed on page 2053 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to create and enact two new sections to chapter 43-07 of the North Dakota Century Code, relating to display of contractor's license number on certain building permits and a public awareness program of contractors' responsibilities.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.



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

NAYS: None

ABSENT AND NOT VOTING: David; Freborg; Satrom; Stromme; Tallackson; Tennefos

SB 2378 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the conference committee report on Engrossed SB 2510 as printed on pages 2053-2054 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2510: A BILL for an Act to create and enact a new section to chapter 50-10.2 of the North Dakota Century Code, relating to enforcement of rights of health care facility residents; and to amend and reenact sections 50-10.2-01, 50-10.2-02, and 50-10.2-03 of the North Dakota Century Code, relating to the rights of residents of health care facilities.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: David; Freborg; Satrom; Stromme; Tallackson; Tennefos

SB 2510 passed and the title was agreed to.

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## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1359, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1359:

Sens. Schoenwald, Krauter, Reiten

## MOTIONS

SEN. HEINRICH MOVED that HB 1578 be returned to the Senate floor from the Committee on Education, which motion prevailed.

SEN. HEINRICH MOVED that HB 1578 be placed on the Fourteenth order, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1578: A BILL for an Act to create and enact six new sections to chapter 15-62.2 of the North Dakota Century Code, relating to the establishment of a North Dakota merit scholarship program; and to amend and reenact sections 15-62.2-01, 15-62.2-02, and 15-62.2-04 of the North Dakota Century Code, relating to administration of the student financial assistance program and merit scholarship program.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Freborg; Satrom; Stromme; Tallackson; Tennefos

HB 1578 passed and the title was agreed to.

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FRIDAY, APRIL 3, 1987

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MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1068, HB 1072, HB 1156, HB 1303, HB 1474, HB 1506,  
HB 1560, HB 1571, HB 1615, HCR 3034, HCR 3044, HCR 3088  
ROY GILBREATH, Chief Clerk

MOTION

SEN. MAIXNER MOVED that the Conference Committee on HB 1052 be dissolved, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1052, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a new Conference Committee on HB 1052:

Sens. Dotzenrod, Holmberg, Reiten

FIRST READING OF HOUSE BILL

HB 1682: A BILL for an Act to prohibit payment by the state of occupational or professional license fees of state officers and employees.

Was read the first time and referred to the Committee on State and Federal Government.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1578 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1578 be messaged to the House immediately, which motion prevailed.

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

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was rereferred HB 1033 has had the same under consideration and recommends by a vote of 8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

HB 1033 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was rereferred HB 1037 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS:

SEN. HEINRICH, Chairman

HB 1037 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1625 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1625 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MESSAGES TO THE HOUSE SENATE CHAMBER

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

HB 1052: Sens. Dotzenrod, Holmberg, Reiten

PERRY GROTBERG, 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 2314, SB 2378, SB 2510

PERRY GROTBERG, Secretary

#### SENATE CHAMBER

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

HB 1578

PERRY GROTBERG, Secretary

#### SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2004, SB 2012, SB 2103 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2004: Sens. Tallackson, Waldera, Nelson

SB 2012: Sens. Waldera, Wogsland, Naaden

SB 2103: Sens. Stromme, Wogsland, Streibel

PERRY GROTBERG, Secretary

FRIDAY, APRIL 3, 1987

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**SENATE CHAMBER**

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

HB 1247: Sens. Schoenwald, Keller, Todd  
HB 1359: Sens. Schoenwald, Krauter, Reiten  
HB 1450: Sens. Axtman, Lodoen, Bakewell  
HB 1666: Sens. Langley, Krauter, Reiten

**PERRY GROTEBERG, Secretary**

**MOTION**

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

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

**REPORT OF CONFERENCE COMMITTEE**

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed SB 2294 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 1864-1867 of the Senate Journal.

**For the Senate:** Sens. Maxson, Peterson, Nalewaja  
**For the House:** Reps. Hamerlik, J. DeMers, Rydell

Engrossed SB 2294 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

**MESSAGE TO THE HOUSE  
SENATE CHAMBER**

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

SB 2552

**PERRY GROTEBERG, Secretary**

**MESSAGE FROM THE HOUSE  
HOUSE CHAMBER**

**MR. PRESIDENT:** I have the honor to return herewith SB 2006, SB 2016, and SB 2068 which the House has amended and subsequently passed:

**HOUSE AMENDMENTS TO ENGROSSED SB 2006**

- On page 2 of the engrossed bill, line 3, after the word "defray" insert the words "that portion of the"
- On page 2 of the engrossed bill, line 4, delete the word "of," and insert in lieu thereof the words "associated with the construction of"

On page 2 of the engrossed bill, line 10, delete the word "STATE" and insert in lieu thereof the word "CONSTRUCTION"

On page 2 of the engrossed bill, line 15, delete the words ", and with the provision"

On page 2 of the engrossed bill, delete line 16

On page 2 of the engrossed bill, line 17, delete the word "issuance"

On page 2 of the engrossed bill, line 18, delete the words "under chapter 54-17.2" and insert in lieu thereof the words "authorized by this Act"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### State Industrial School

This amendment gives the Industrial Commission the flexibility to obtain the best market rates. Also, these changes will make the language contained in the bill correspond to the language contained in the other bonding bills.

#### HOUSE AMENDMENTS TO ENGROSSED SB 2016

On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the words "; authorizing the director of institutions to sell, lease, exchange, or transfer title or use of the properties of San Haven; to provide legislative intent regarding expenditures at the Grafton state school and San Haven; and to provide an expiration date"

On page 1 of the engrossed bill, line 18, delete the numerals "45,561,339" and insert in lieu thereof the numerals "45,411,339"

On page 1 of the engrossed bill, line 19, delete the numerals "9,410,873" and insert in lieu thereof the numerals "8,910,873"

On page 1 of the engrossed bill, line 23, delete the numerals "57,029,398" and insert in lieu thereof the numerals "56,379,398"

On page 1 of the engrossed bill, line 25, delete the numerals "9,924,255" and insert in lieu thereof the numerals "9,274,255"

On page 2 of the engrossed bill, line 3, delete the numerals "1,533,764" and insert in lieu thereof the numerals "746,189"

- On page 2 of the engrossed bill, line 4, delete the numerals "443,982" and insert in lieu thereof the numerals "238,793"
- On page 2 of the engrossed bill, line 5, delete the numerals "4,700" and insert in lieu thereof the numerals "500"
- On page 2 of the engrossed bill, delete line 6
- On page 2 of the engrossed bill, line 7, delete the numerals "48,966" and insert in lieu thereof the numerals "3,595"
- On page 2 of the engrossed bill, line 8, delete the numerals "2,071,412" and insert in lieu thereof the numerals "989,077"
- On page 2 of the engrossed bill, line 9, delete the numerals "750,150" and insert in lieu thereof the numerals "300,000"
- On page 2 of the engrossed bill, line 10, delete the numerals "1,321,262" and insert in lieu thereof the numerals "689,077"
- On page 2 of the engrossed bill, line 13, delete the numerals "222,470" and insert in lieu thereof the numerals "192,000"
- On page 2 of the engrossed bill, line 14, delete the numerals "222,470" and insert in lieu thereof the numerals "192,000"
- On page 2 of the engrossed bill, line 15, delete the numerals "11,467,987" and insert in lieu thereof the numerals "10,155,332"
- On page 2 of the engrossed bill, line 16, delete the numerals "47,855,293" and insert in lieu thereof the numerals "47,405,143"
- On page 2 of the engrossed bill, line 17, delete the numerals "59,323,280" and insert in lieu thereof the numerals "57,560,475"
- On page 3 of the engrossed bill, after line 14, insert the following new sections:

"SECTION 6. Director may sell, lease, exchange, or transfer title or use to all or part of the San Haven properties. The director of institutions, with the approval of the governor and the budget section, is authorized to sell, lease, exchange, or transfer title or use of any part or all of the San Haven facilities and properties, located in sections nineteen, twenty-nine, and thirty, township one hundred sixty-two north, range seventy-two west, located in Hill Side Township in Rolette County, North Dakota, to the federal government or any public or private agency, organization, or business enterprise for any native

American project or program or any other worthy undertaking, under the following provisions:

1. The transaction is exempt from the provisions of sections 54-01-05.2 and 54-01-05.5.
2. The transaction must be with the technical assistance and advice of the commissioner of university and school lands.
3. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.
4. Any funds realized by any transaction must be deposited in the state's general fund.

**SECTION 7. LEGISLATIVE INTENT - GRAFTON STATE SCHOOL - EXPENDITURES.** It is the intent of the legislative assembly that if the Grafton state school spends less in the purchase of a standby generator or air handling system in Collette auditorium than the amounts included in the appropriation in subdivision 1 of this Act, savings up to \$150,000 may be used in the salaries and wages line item if necessary. It is also the intent of the legislative assembly that the \$500,000 included in operating expenses in subdivision 1 of this Act for the closure of San Haven must be used to sell the property or to close up and secure the facility or returned to the general fund.

**SECTION 8. EXPIRATION DATE.** Section 6 of this Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Grafton State School

	Total All Funds Increase (Decrease)	General Fund Increase (Decrease)	Other Funds Increase (Decrease)
Salaries and wages			
Reduce for estimated vacancy savings	\$ (150,000)	\$ (150,000)	



Operating expenses

Reduce San Haven phaseout from \$1,000,000 to \$500,000	(500,000)	(500,000)	
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Total subdivision 1	\$ (650,000)	\$ (650,000)	
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Protection and Advocacy ProjectSalaries and wages

Delete funding for 10 new FTE - five MR advocates, one program administrator, and four FTE secretaries	\$ (459,341)	\$ (459,341)	
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Delete funding for four new FTE - four CMI advocates	(210,393)		\$(210,393)
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Delete funding for three FTE - added by Senate	(117,841)		(117,841)
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Subtotal	\$ (787,575)	\$ (459,341)	\$(328,234)
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Operating expensesDelete funding for:

10 new FTE described above	\$ (120,018)	\$ (120,018)	
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4 new FTE - CMI program	(66,427)		\$ (66,427)
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3 new FTE - added by Senate	(18,744)		(18,744)
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Subtotal	\$ (205,189)	\$ (120,018)	\$(85,171)
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EquipmentDelete funding for:

10 new FTE described above	\$ (12,826)	\$ (12,826)	
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4 new FTE - CMI program	(1,870)		\$ (1,870)
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3 new FTE - added by Senate	(30,675)		(30,675)
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Subtotal	\$ (45,371)	\$ (12,826)	\$(32,545)
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Data processing

Delete funding for three FTE added by Senate	\$ (4,200)		\$ (4,200)
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Grants

Delete funding for 10 new FTE described above	\$ (40,000)	\$ (40,000)	
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Total subdivision 2	\$(1,082,335)	\$ (632,185)	\$(450,150)
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Court MonitorOperating expenses

Reduce funding to \$400 per day for 480 days	\$	(30,470)	\$	(30,470)
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Total subdivision 3	\$	(30,470)	\$	(30,470)
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Total changes to engrossed SB 2016	\$(1,762,805)	\$(1,312,655)	\$(450,150)
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New sections are added to allow the Director of Institutions to sell San Haven and to provide legislative intent that if the Grafton State School spends less on the purchase of a standby generator or air handling system for Collette Auditorium, savings up to \$150,000 may be used for salaries and wages. Legislative intent is also provided that the \$500,000 included for San Haven closure must be used for the sale of property or to close and secure the facility, or returned to the general fund.

## HOUSE AMENDMENTS TO ENGROSSED SB 2068

On page 2 of the engrossed bill, line 35, after the word "pay" insert the words "which must include an estimate of potential future receipts including amounts from estates"

On page 5 of the engrossed bill, line 9, after the word "pay" insert the words "which must include an estimate of potential future receipts including amounts from estates"

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

The amendment clarifies the sections of law providing for charges by indicating that billings for care and treatment should include estimated amounts for potential future receipts including amounts which might be available for the patient's care from future estates. Although the patient may be asked to pay on a periodic basis less than total billings, the accounts receivable will reflect a greater amount because of the provisions of this amendment.

ROY GILBREATH, Chief Clerk

## MOTIONS

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

SEN. HEIGAARD MOVED that the President Pro Tem appoint a committee of three to escort the guests into the chamber, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as such committee Sens. Richard, Axtman, and Wright.

FRIDAY, APRIL 3, 1987

2085

SENATE MEMORIAL SERVICE

Memorial Service Committee:

Senator Richard, Chairman  
Senator Axtman  
Senator Wright  
President Pro Tempore, Presiding Officer

PROGRAM

State of North Dakota  
50th Legislative Assembly  
SENATE MEMORIAL SERVICE  
Friday  
April 3, 1987  
SENATE CHAMBER

INVOCATION

Rev. Donald Bentz, Faith Lutheran Church  
Bismarck, North Dakota

MUSIC BY

Iris Giedd and Leslee Smith  
Julie Schwartz, Pianist  
"Shepherd Song"

READING OF

SENATE MEMORIAL RESOLUTION

ACKNOWLEDGING GUESTS: President Pro Tem Redlin

ADDRESS & BENEDICTION: Rev. Donald Bentz

MUSIC

"As You Go On Your Way"

INVOCATION

O God, our help in ages past, our hope for years to come, bless and strengthen us as we gather to remember and pay tribute to fellow servants.

May your blessing be upon family members who are gathered here today. Renew us with hope.

In the name of the Father and the Son and the Holy Spirit. Amen.

FIRST READING OF A SENATE MEMORIAL RESOLUTION

Committee on Memorial Resolutions introduced:

SMR 1: A memorial resolution for deceased members of the Senate of the State of North Dakota.

Was read the first time.

## MOTION

SEN. HEIGAARD MOVED that the rules be suspended, that SMR 1 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

## SENATE MEMORIAL RESOLUTION NO. 1

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

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

Edwin C. Becker, who served in the 36th through the 41st Legislative Assemblies, from the 6th District, died October 14, 1985.

Leonard A. Bopp, who served in the 37th through the 39th Legislative Assemblies, from the 13th District, died November 5, 1986.

Jan Dykshoorn, who served in the 47th and 48th Legislative Assemblies, from the 34th District, died September 26, 1985.

Edward Haag, who served in the 32nd and 33rd Legislative Assemblies, from the 36th District, died June 27, 1986.

Ruth Meiers, who served as Lieutenant Governor and President of the Senate in the 49th and 50th Legislative Assemblies, died March 19, 1987.

George H. Saumur, who served in the 35th through the 39th Legislative Assemblies, from the 6th District, died December 21, 1986.

Eugene "Bud" Tuff, who served in the 34th and 35th, and the 38th and 39th Legislative Assemblies, from the 42nd District, died February 17, 1986.

Milton R. Young, who served in the 24th through the 29th Legislative Assemblies, from the 24th District, died May 31, 1983.

WHEREAS, today, we, as members of the Senate of the 50th Legislative Assembly of the State of North Dakota, pause to mourn the passing of our former colleagues, and to honor their memories; and

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

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

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

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

#### SECOND READING OF A SENATE MEMORIAL RESOLUTION

SMR 1: A memorial resolution for deceased members of the Senate of the State of North Dakota.

Was read the second time.

The question being on the final adoption of the resolution.

SMR 1 was declared adopted on a voice vote.

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#### HOMILY BY REVEREND DONALD BENTZ FAITH LUTHERAN CHURCH, BISMARCK

A long time ago in the Old Testament, the value of remembrance was proclaimed in regard to the Passover. "This day shall be for you a memorial day and you shall keep it as a feast to the Lord." You, today, are part of an ancient tradition as you meet to pay tribute to those who have walked among you and are no longer among the living. They are now part of a far larger company, the dead.

Any memorial service is first a time of tribute. You have learned the quality of character of your fellow servants and have experienced their friendship. That experience is not something fleeting, for your fellow servants are part of this room and part of your existence. And, today especially, you feel the presence of those who once were with you, but have since gone on. Today we pay tribute.

A memorial service is not only tribute, but memory. Memory is one of the qualities that makes life tolerable. We are able to reach into the past and reclaim moments of high privilege and rich experience. The capacity to remember the lives of those who have gone before us enriches life in the present and inspires us for the future. We can learn from those who have gone before us about faithfulness and sensitivity to needs and sacrifice for the good of the community. Today, we all remember.

Some years ago, there was an ad that was used to recruit people to join the Peace Corps. The ad had a picture of a pond and a

rock was thrown into the pond and, as the ripples ebbed out to the side, a voice came over the air and said, "Did you ever stop to think that perhaps your life would not produce a wave or a ripple?" That gets to us, for we desperately want our lives to count for something, to not be lived in vain. Those servants from the past have made a ripple and give you the courage to make waves. When one makes a contribution for the good of the community, for the well-being of society, life is not lived in vain. Ripples are made.

On this day of tribute, as you remember, may God grant healing and strength for those feeling the sting of death. Know also, that in this Lord in Whom you believe, in Whom you live, in Whom you follow, in Him, your faith is not in vain.

#### PRAYER

With reverence and affection, we remember before You, O everlasting God, all our departed fellow servants. Keep us in union with them here through faith and love toward You, that hereafter we may enter into Your presence and be numbered with those who serve You and look upon Your face in glory everlasting, through Your Son, Jesus Christ our Lord.

#### BENEDICTION

We know that in everything God works for good with those who love Him, who are called according to His purpose.

The Lord bless us, defend us from all evil, and bring us to everlasting life. Amen.

#### MOTIONS

SEN. HEIGAARD MOVED that the invocation, the remarks of Rev. Donald Bentz, and the benediction be printed in the Senate Journal, which motion prevailed.

SEN. HEIGAARD MOVED that a committee of three be appointed to escort the guests from the chamber, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as such committee Sens. Richard, Axtman, and Wright.

#### MOTION

SEN. HEIGAARD MOVED that the Memorial Service be dissolved, which motion prevailed.

#### COMMUNICATION

##### Doctor of the Day Schedule

April 6: Judy C. Kienholz, M.D., Fargo  
Family Practice  
April 7: Judy C. Kienholz, M.D., Fargo  
Family Practice  
April 8: Judy C. Kienholz, M.D., Fargo  
Family Practice

MOTIONS

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

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Seventh order of business, and at the conclusion of the Seventh order of business, be on the Sixteenth order of business, and at the conclusion of the Sixteenth order of business, and after the reading of HB 1033, HB 1037, and HB 1625, the Senate adjourn and convene at 8:00 a.m., Monday, April 6, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary