

TUESDAY, APRIL 7, 1987

2157

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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SIXTY-FOURTH DAY

Bismarck, April 7, 1987

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

The prayer was offered by Valerie Fuchs, McCabe United Methodist Church, Bismarck.

Dear God, our Heavenly Father, thank You for the day You have allowed us to live in. Thank You for giving each of us an opportunity to serve You in a special way.

Guide each of us in the activities of the day. You have given us minds, voices, and maturity. May we use them to make decisions, speak, and act in a manner which would be pleasing unto You.

Father, bless these people who have devoted themselves to our state government by serving in the Senate. Bless our community, state, and country.

In Jesus' name, Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators David and Stenehjem.

A quorum was declared by the President Pro Tem.

MESSAGES FROM THE HOUSE  
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 1677, HB 1683

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2005 and SB 2319 which the House has amended, and subsequently passed:

HOUSE AMENDMENTS TO ENGROSSED SB 2005

On page 1 of the engrossed bill, line 14, delete the numerals "3,123,373" and insert in lieu thereof the numerals "3,103,333"

- On page 1 of the engrossed bill, line 15, delete the numerals "3,132,817" and insert in lieu thereof the numerals "3,094,489"
- On page 1 of the engrossed bill, line 18, delete the numerals "1,120,800" and insert in lieu thereof the numerals "1,146,300"
- On page 1 of the engrossed bill, line 19, delete the numerals "7,705,100" and insert in lieu thereof the numerals "7,672,232"
- On page 1 of the engrossed bill, line 20, delete the numerals "1,050,800" and insert in lieu thereof the numerals "1,076,300"
- On page 1 of the engrossed bill, line 21, delete the numerals "6,654,300" and insert in lieu thereof the numerals "6,595,932"
- On page 2 of the engrossed bill, line 1, delete the numerals "1,050,800" and insert in lieu thereof the numerals "1,076,300"
- On page 2 of the engrossed bill, after line 9, insert the following new section:

"SECTION 4. CAPITOL BUILDING ADDITION - FEASIBILITY STUDY - COST ESTIMATES. Included in the capital improvements line item in section 1 of this Act is \$15,000 from the capitol building fund to be used for a feasibility study including preliminary drawings and cost estimates for a capitol building addition for additional committee rooms. The director of institutions shall contract for the services and provide progress reports and the final report to the capital grounds planning commission and the legislative council's legislative procedure and arrangements committee during the 1987-89 biennium."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendment deletes \$58,368 from the general fund appropriation and adds \$25,500 from the Capitol building fund which is summarized as follows:

	Total Increase (Decrease)	General Fund Increase (Decrease)	Capitol Building Fund Increase (Decrease)
<u>Salaries and wages</u>			
Delete account technician	\$ (20,040)	\$ (20,040)	

position the second year  
of the biennium

Operating expenses

Eliminate weather teletype machine	(2,328)	(2,328)
Reduce professional fees	(36,000)	(36,000)

Capital improvements

Installation of windows in the east wall of the Pioneer Room	10,500	\$10,500
Feasibility study of additional committee rooms	15,000	15,000

Total	\$ (32,868)	\$ (58,368)	\$25,500
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HOUSE AMENDMENTS TO REENGROSSED SB 2319

On page 6 of the reengrossed bill, line 18, delete the words "However, the charge must be at least ten dollars"

On page 6 of the reengrossed bill, delete line 19

On page 6 of the reengrossed bill, line 20, delete the word "day."

On page 6 of the reengrossed bill, line 21, delete the word "a"

On page 6 of the reengrossed bill, line 22, delete the word "special" and insert in lieu thereof the words "the operating fund of the tourism division of the economic development" and after the word "commission" delete the words "operating fund"

On page 7 of the reengrossed bill, line 33, delete the words "one percent" and insert in lieu thereof the words "up to the first one hundred thousand dollars" and delete the word "a"

On page 7 of the reengrossed bill, line 34, delete the word "special" and insert in lieu thereof the words "the operating fund of the tourism division of the economic development" and delete the words "operating fund"

On page 8 of the reengrossed bill, line 1, delete the words "three percent" and insert in lieu thereof the word "funds"

On page 8 of the reengrossed bill, line 11, delete the words "one-half percent" and insert in lieu thereof the words "up to the first one hundred thousand dollars"

On page 8 of the reengrossed bill, line 12, delete the words "a special" and insert in lieu thereof the words "the operating fund of the tourism division of the economic development" and delete the words "operating fund"

On page 8 of the reengrossed bill, line 14, after the word "paid" insert the words ", except that the amounts in subsections 1 and 2 of this section may not exceed a total of one hundred thousand dollars" and delete the words "two and one-half"

On page 8 of the reengrossed bill, line 15, delete the word "percent" and insert in lieu thereof the word "funds"

On page 10 of the reengrossed bill, line 10, delete the words "There is hereby appropriated out"

On page 10 of the reengrossed bill, delete lines 11 through 16

On page 10 of the reengrossed bill, line 17, delete the words "commission operating fund established under this Act."

On page 10 of the reengrossed bill, line 18, after the word "accept" insert the numerals and word "\$100,000 in"

On page 10 of the reengrossed bill, line 22, delete the word "However,"

On page 10 of the reengrossed bill, delete lines 23 and 24

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

These amendments delete the \$100,000 general fund appropriation for the initial costs of administering the North Dakota Racing Commission. The first \$100,000 of proceeds from racing license fees and other collections will be deposited in the Economic Development Commission Tourism Division operating fund, and up to \$100,000 of the Racing Commission's salaries and other expenses will be paid through a grant from the fund.

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2471 which the House has amended, and subsequently passed:

In lieu of the amendments to Senate Bill No. 2471 adopted by the House as printed on page 1834 of the House Journal, Senate Bill No. 2471 is amended as follows:

On page 1 of the engrossed bill, line 2, after the word "Dakota" insert the words ";and to provide an appropriation"

On page 1 of the engrossed bill, line 17, delete the word "shall" and insert in lieu thereof the word "may"

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

"SECTION 4. APPROPRIATION - BUDGET SECTION APPROVAL. There is hereby appropriated, upon approval of the budget section of the legislative council, any moneys as may become available from federal, private, and other funds to the university of North Dakota for the biennium beginning July 1, 1987, and ending June 30, 1989, for the purpose of establishing a child welfare research bureau at the university of North Dakota."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

University of North Dakota

Provides for the appropriation of federal, private, or other funds upon approval of the Budget Section of the Legislative Council.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2204 which the House has amended and subsequently failed to pass:

HOUSE AMENDMENTS TO ENGROSSED SB 2204

On page 1 of the engrossed bill, line 3, delete the words "; and to provide a penalty"

On page 1 of the engrossed bill, delete lines 20 through 26

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment deletes Section 3 which provided that the responsible person for purchasing coal other than North Dakota lignite coal would be held personally liable for one-third the purchase price of the coal.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1121, HB 1131, HB 1161, HB 1167

ROY GILBREATH, Chief Clerk

MOTION

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

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

## DELIVERY OF ENROLLED BILLS

THE PRESIDENT PRO TEM ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 8:17 a.m., April 7, 1987:

SB 2430, SB 2449, SB 2461, SB 2465, SB 2527

## REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred Reengrossed HB 1038 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1641 of the Senate Journal.

For the Senate: Sens. J. Meyer, Adams, Nalewaja

For the House: Reps. Aas, Murphy, J. Nelson

Reengrossed HB 1038 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1192 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1575 of the Senate Journal.

For the Senate: Sens. Satrom, Dotzenrod, Wright

For the House: Reps. A. Hausauer, Goetz, Tomac

Engrossed HB 1192 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1121 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1360 of the Senate Journal and that Engrossed HB 1121 be amended as follows:

On page 1 of the engrossed bill, line 13, delete the words "freight bills, bills of lading,"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Schoenwald, Hilken, Mutch

For the House: Reps. Dorso, Haugen, Klundt

Engrossed HB 1121 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1131 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1668-1669 of the Senate Journal and that engrossed HB 1131 be amended as follows:

- On page 1 of the engrossed bill, line 1, after the word "enact" insert the words "a new section to chapter 39-29 and"
- On page 1 of the engrossed bill, line 2, after the word "to" insert the words "an all-terrain vehicle safety fee and to"
- On page 1 of the engrossed bill, line 3, delete the first word "and"
- On page 1 of the engrossed bill, line 4, after the numerals "39-29-01" insert the words and numerals "and section 39-29-10"
- On page 1 of the engrossed bill, line 5, delete the word "and" and insert in lieu thereof a comma
- On page 1 of the engrossed bill, line 6, after the word "requirements" insert the words ", and certification fees; and to provide for application of this Act"
- On page 1 of the engrossed bill, after line 21, insert the following new section:

"SECTION 2. A new section to chapter 39-29 of the North Dakota Century Code is hereby created and enacted to read as follows:

Safety fee - Imposition - Collection by dealer - Payment to department - Use of fee. Upon the sale of an all-terrain vehicle, each dealer shall collect a five dollar safety fee from the buyer. By the end of each calendar quarter the dealer shall file a report with the parks and recreation department that discloses the number of all-terrain vehicles sold the previous months and includes the fees collected from the buyer. Fees imposed under this section must be deposited in the all-terrain vehicle fund established under subsection 2 of section 39-29-05. The fees may be used only by the parks and recreation department and only for all-terrain vehicle safety education and promotion."

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

"SECTION 4. AMENDMENT. Section 39-29-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-29-10. Operation by persons under age sixteen. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an all-terrain vehicle may not, except upon the lands of the person's

parent or guardian, operate an all-terrain vehicle. A person at least twelve years of age may operate an all-terrain vehicle if the person has completed an all-terrain vehicle safety training course prescribed by the director of the state parks and recreation department and has received the appropriate all-terrain vehicle safety certificate issued by the commissioner. The failure of an operator to exhibit an all-terrain vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold such a certificate. Fees collected from each person receiving certification must be deposited in the all-terrain vehicle trail tax fund for all-terrain vehicle safety education and training programs.

**SECTION 5. APPLICATION OF ACT.** Section 2 of this Act applies to all-terrain vehicles sold after June 30, 1987."

And renumber the lines, sections, and pages accordingly

**For the Senate:** Sens. Hilken, Schoenwald, Wright

**For the House:** Reps. Haugen, Aas, O'Connell (refused to sign)

Engrossed HB 1131 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed HB 1161 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1620 of the Senate Journal and that Engrossed HB 1161 be amended as follows:

- On page 1 of the engrossed bill, line 3, after the word "committee" insert the words "; and to declare an emergency"
- On page 1 of the engrossed bill, line 24, delete the words "nominated by the"
- On page 1 of the engrossed bill, line 25, delete the words "county superintendent of schools and"
- On page 1 of the engrossed bill, line 26, delete the words "at its annual meeting"
- On page 2 of the engrossed bill, line 3, after the word "concerned" insert the words ", hold a hearing, giving advance notice to the parties directly involved,"
- On page 2 of the engrossed bill, line 4, after the period insert the words "The hearing must be conducted in a manner that allows the arguments and responses of all parties to be



presented." and overstrike the word "such" and insert immediately thereafter the word "its"

On page 3 of the engrossed bill, line 19, delete the words "nominated by the county superintendent of schools and"

On page 3 of the engrossed bill, line 20, delete the words "at its annual meeting"

On page 4 of the engrossed bill, after line 4, insert the following section:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Heinrich, Peterson, Kelly

For the House: Reps. Schindler, Almlie, Klundt

Engrossed HB 1161 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1167 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1326-1327 of the Senate Journal and that HB 1167 be amended as follows:

That the Senate recede from its amendments, as printed on pages 1326-1327 of the Senate Journal and pages 1762-1763 of the House Journal and that House bill No. 1167 be amended as follows:

On page 1, line 1, after the word "to" insert the words "create and enact a new section to chapter 16.1-11 of the North Dakota Century Code, relating to election endorsements; and to"

On page 1, after line 5, insert the following new section:

"SECTION 1. A new section to chapter 16.1-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

Participation in endorsements for nomination. No person may participate directly or indirectly in the endorsement for nomination of more than one person for each office to be filled, except a person may sign a petition for placement of a candidate's name on the primary ballot:

1. For more than one person for each office for an office not under party designation.

2. For more than one person for each office for an office under party designation only if all the candidates for whom the person signs a petition for an office are running under the same party designation.

Except for persons allowed to seek nomination to more than one office pursuant to section 16.1-12-03, no person may accept endorsement for nomination by certificate or petition to more than one office. No political party is entitled to endorse for nomination by certificate more than one set of nominees."

On page 1, line 10, after the word "nomination" insert the word "- Exception"

On page 1, line 15, after the word "~~no~~" insert the words "on the general election ballot"

On page 1, line 17, after the word "office" insert the words "on the general election ballot"

On page 1, line 19, after the word "official" insert the words "general election"

And renumber the lines, sections, and pages accordingly

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

For the House: Reps. Lindgren, Shaft, Flaagan

HB 1167 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2404 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 1463 of the Senate Journal and that Engrossed SB 2404 be further amended as follows:

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

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

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

On page 1 of the engrossed bill, delete line 21

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

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

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

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

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

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Maxson, Stenehjem, Holmberg  
For the House: Reps. Wentz, Sorensen, Ulmer

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

#### 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-third Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

#### MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

SCR 4070

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

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

SB 2315

ROY GILBREATH, Chief Clerk

#### CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2554 as recommended by the Committee on Appropriations as printed on pages 2114-2115 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2554: A BILL for an Act to authorize the state board of vocational education to develop and administer a North Dakota new industrial jobs training program; and to provide an appropriation.

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, 11 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Nelson; Nething; Peterson; Redlin; Richard; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Freborg; Kelly; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Olson; Streibel; Wright

ABSENT AND NOT VOTING: Axtman; Bakewell; David; Keller; Krauter; Lodoen; Meyer, W.; Reiten; Schoenwald; Tennefos; Vosper

SB 2554 passed and the title was agreed to.

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## MOTION

SEN. HEIGAARD MOVED that SB 2557 be moved to the foot of the Sixth order on the calendar, which motion prevailed.

## MESSAGE FROM THE HOUSE

## 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:

HCR 3029

ROY GILBREATH, Chief Clerk

## CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1005 as recommended by the Committee on Appropriations as printed on pages 2115-2126 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTION

SEN. THANE MOVED that HB 1005, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1007 as recommended by the Committee on Appropriations as printed on page 2126 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

## SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act making an appropriation for defraying the expenses of the Indian affairs commission of the state of North Dakota.

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

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 39 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; Freborg; Kelly; Moore; Mutch; Naaden; Nelson; Streibel; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: David

HB 1007 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1010 as recommended by the Committee on Appropriations as printed on pages 2126-2130 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion failed on a verification vote.

## MOTION

SEN. MAIXNER MOVED that HB 1010, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1015 as recommended by the Committee on Appropriations as printed on page 2130 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion failed on a verification vote.

HB 1015 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on SB 2056 as printed on page 2108 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2056: A BILL for an Act to amend and reenact section 9-10-07 of the North Dakota Century Code, relating to a political subdivision's liability for an uncollectible judgment.

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 0 YEAS, 51 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: None

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

ABSENT AND NOT VOTING: David; Langley

SB 2056 was declared lost.

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#### REPORTS OF CONFERENCE COMMITTEES

SEN. J. MEYER MOVED that the conference committee report on SB 2230 as printed on page 2098 of the Senate Journal be adopted, which motion prevailed.

SEN. MATHERN MOVED that the conference committee report on Engrossed SB 2303 as printed on pages 2107-2108 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to provide immunity from liability for reporting, assisting, or providing services with respect to abused, neglected, or exploited adults; 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 48 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Kelly; Naaden; Thane

ABSENT AND NOT VOTING: David

SB 2303 passed and the title was agreed to.

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## APPOINTMENT OF CONFERENCE COMMITTEES

SEN. SATROM MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1064, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1064:

Sens. Satrom, Dotzenrod, Moore

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 1448, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1448:

Sens. J. Meyer, Heinrich, Stenehjem

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 1633, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1633:

Sens. Langley, Krauter, Reiten

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 1634, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1634:

Sens. Langley, Krauter, Reiten

SEN. SATROM MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1645, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1645:

Sens. Maixner, Richard, Ingstad

#### MOTION

SEN. HEIGAARD MOVED that SB 2079, SB 2183, and SB 2037 be moved to the head of the Twelfth order on the calendar, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do not concur in the House amendments to SB 2079 as printed on page 2017 of the Senate Journal and that a conference committee be appointed to meet with a like committee from House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2079:

Sens. Maixner, Richard, Wright

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do not concur in the House amendments to SB 2183 as printed on page 2038 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 2183:

Sens. Maixner, Richard, Moore

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2037 as printed on page 2100 of the Senate Journal, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to create and enact a new section to chapter 50-24.3 of the North Dakota Century Code, relating to preadmission assessment of persons entering facilities furnishing skilled or intermediate medical care; and to amend and reenact sections 50-24.3-01, 50-24.3-03, and



50-24.3-04 of the North Dakota Century Code, relating to the powers and duties of the department of human services and preadmission assessment of persons entering facilities furnishing skilled or intermediate medical care; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 33 YEAS, 19 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Freborg; Kelly; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Streibel; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: David

SB 2037 passed and the title was agreed to.

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#### MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 1:00 p.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 transmit herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

SB 2303

PERRY GROTEBERG, Secretary

#### SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2037 and subsequently passed the same but has refused to concur in the House amendments to SB 2079 and SB 2183 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2079: Sens. Maixner, Richard, Wright

SB 2183: Sens. Maixner, Richard, Moore

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 1064: Sens. Satrom, Dotzenrod, Moore

HB 1448: Sens. J. Meyer, Heinrich, Stenehjem

HB 1633: Sens. Langley, Krauter, Reiten

HB 1634: Sens. Langley, Krauter, Reiten

HB 1645: Sens. Maixner, Richard, Ingstad

PERRY GROTEBERG, Secretary

#### SENATE CHAMBER

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

SB 2230

PERRY GROTEBERG, Secretary

#### SENATE CHAMBER

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

SB 2056

PERRY GROTEBERG, Secretary

#### SENATE CHAMBER

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

HB 1007

PERRY GROTEBERG, Secretary

#### MOTIONS

SEN. TALLACKSON MOVED that HB 1010 and HB 1015, which are on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. D. MEYER MOVED that the Senate reconsider its action whereby SB 2023 passed, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act making an appropriation for defraying the expenses of the centennial commission of the state of North Dakota; and to declare an emergency.

Which has been read.

## MOTION

SEN. NALEWAJA MOVED that the Analysis of the 1987-89 Biennium Centennial Commission, which was prepared by the Legislative Council staff for Reps. G. Berg and Rydell, be printed in the Senate Journal, which motion prevailed.

ANALYSIS OF THE 1987-89 BIENNIUM CENTENNIAL COMMISSION  
APPROPRIATION AS CONTAINED IN THE AMENDED  
ENGROSSED SENATE BILL NO. 2023

<u>Salaries and Wages</u>	<u>Total 1987-89 Budgeted Amount</u>
Executive Director	\$ 67,050
Assistant Director - Communications	44,200
Assistant Director - Administration	39,600
Administrative Assistant	28,800
New Planner/Coordinator	48,000
Fringe Benefits for Above Salaries	49,204
Total Salaries and Wages	<u>\$276,854</u>
<u>Operating Expenses</u>	<u>15,646</u>
Total General Fund Appropriation	\$292,500

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 36 YEAS, 15 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Freborg; Kelly; Lodoen; Moore; Mutch; Naaden; Nelson; Olson; Peterson; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: David; Nothing

SB 2023 passed, the title was agreed to, and the emergency clause carried.

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#### MOTION

SEN. HEIGAARD MOVED that the vote by which SB 2023 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### MESSAGES 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 1001, HB 1037, HB 1625, HB 1679

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

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

HB 1242

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

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

HB 1009, HB 1062, HB 1176, HB 1228, HB 1231, HB 1266,  
HB 1274, HB 1350, HB 1355, HB 1365, HB 1369, HB 1388,  
HB 1416, HB 1535, HB 1596, HB 1643

ROY GILBREATH, Chief Clerk

#### MOTIONS

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.

SEN. HEIGAARD MOVED that SB 2365 be moved to the foot of the Seventh order on the calendar, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

SEN. J. MEYER MOVED that the conference committee report on SCR 4026 as printed on page 2111 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4026: A concurrent resolution directing the Legislative Council to study the state's role in the establishment and maintenance of programs for assistance to victims of and witnesses to crime.

Which has been read.

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

SCR 4026 was declared adopted and the title was agreed to on a voice vote.

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## REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on Engrossed HB 1073 as printed on page 2154 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1073: A BILL for an Act to amend and reenact subsection 1 of section 39-04-02 of the North Dakota Century Code, relating to motor vehicle liability insurance.

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 5 YEAS, 42 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Freborg; Maxson; Shea; Stenehjelm; Yockim

NAYS: Adams; Axtman; Bakewell; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland

ABSENT AND NOT VOTING: David; Dotzenrod; Ingstad; Maixner; Satrom; Wright

HB 1073 lost.

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## MOTION

SEN. HEIGAARD MOVED that HB 1561 be moved to the foot of the Seventh order on the calendar, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SEN. RICHARD MOVED that the conference committee report on HB 1601 as printed on page 2154 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1601: A BILL for an Act to amend and reenact subsection 2 of section 57-62-02 and section 57-62-03 of the North Dakota Century Code, relating to loans to oil and gas development impacted counties, cities, and school districts through the coal development trust fund; 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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Dotzenrod; Ingstad; Maixner; Moore; Satrom; Wright

HB 1601 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. D. MEYER MOVED that the conference committee report on Engrossed HCR 3007 as printed on page 2155 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3007: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of restoring Devils Lake through alternate sources of water.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3007 was declared adopted and the title was agreed to on a voice vote.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2015 as printed on pages 1958-1963 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House.

## REQUEST

SEN. HEIGAARD REQUESTED a call of the Senate, which request was granted.

## MOTION

SEN. MAIXNER MOVED that the call of the Senate be dispensed with, which motion prevailed.

## REQUEST

SEN. OLSON REQUESTED a recorded roll call vote on the motion to not concur in the House amendments to SB 2015, which request was granted.

## ROLL CALL

The question being on the motion to not concur in the House amendments to SB 2015, the roll was called and there were 28 YEAS, 24 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; Ereborg; Holmberg; Ingstad; Kelly; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: David

The Senate did not concur in the House amendments to SB 2015.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2015:

Sens. Mushik, Yockim, Nelson

## MOTION

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

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

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1242 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1643 of the Senate Journal.

For the Senate: Sens. J. Meyer, Stenehjem, Holmberg  
For the House: Reps. Sorensen, Cleveland, Kolbo

HB 1242 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1009 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1688 of the Senate Journal and that Engrossed HB 1009 be amended as follows:

That the Senate recede from its amendments as printed on page 1688 of the Senate Journal and that engrossed House Bill No. 1009 be amended as follows:

On page 1 of the engrossed bill, line 4, delete the words "amend and" and insert in lieu thereof the word "repeal"

On page 1 of the engrossed bill, line 5, delete the word "reenact"

On page 1 of the engrossed bill, line 6, delete the words "use of"

On page 2 of the engrossed bill, line 14, delete the words "for the biennium beginning July 1," and insert in lieu thereof the words "on July 1, 1987."

On page 2 of the engrossed bill, delete lines 15 through 27 and insert in lieu thereof the following section:

"SECTION 4. TRANSFER. There is hereby transferred \$378,792 to the veterans' affairs operating fund from the veterans' postwar trust fund, pursuant to section 37-14-14, on July 1, 1987."

On page 2 of the engrossed bill, line 29, delete the words "Notwithstanding the provisions of North Dakota" and insert in lieu thereof the words "After the transfers to the veterans' home and veterans' affairs,"

On page 2 of the engrossed bill, line 30, delete the words "Century Code section 37-14-14,"

On page 2 of the engrossed bill, after line 35, insert the following section:



"SECTION 7. REPEAL. Section 37-14-14 of the 1985 Supplement to the North Dakota Century Code is hereby repealed."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

That the Senate recede from its amendments and that engrossed House Bill No. 1009 be amended as follows:

The transfer of the veterans' postwar trust fund and section of legislative intent, regarding funding the Veterans' Home and Veterans' Affairs from the general fund in future bienniums, deleted in the Senate amendments are restored. The bill is amended to provide for transfers from the veterans' postwar trust to the Veterans' Home and Veterans' Affairs to occur on July 1, 1987, and Section 37-14-14, providing for the veterans' postwar trust, is repealed. The transfer of the fund to the general fund is estimated to be \$2,264,412.

For the Senate: Sens. Redlin, Shea, Lips

For the House: Reps. Wald, Rice, Stofferahn

HB 1009 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1062 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1574 of the Senate Journal and that Engrossed HB 1062 be amended as follows:

On page 2 of the engrossed bill, line 3, after the period insert the words "This section does not prohibit disclosure of the fact that a report or return required under this chapter has not been filed if the disclosure is made to further a tax investigation being conducted by the tax commissioner."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Richard, Maixner, Ingstad

For the House: Reps. Moore, Haugen, W. Williams

Engrossed HB 1062 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1176 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1361 of the Senate Journal and that Engrossed HB 1176 be further amended as follows:

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

On page 1 of the engrossed bill, delete lines 2 and 3

On page 1 of the engrossed bill, line 6, delete the words "and section" and insert in lieu thereof the word "sections" and after the numerals "57-36-02" insert the words "and 62.1-04-03"

On page 1 of the engrossed bill, line 9, after the word "organizations" insert the words ", concealed weapon licenses"

On page 4 of the engrossed bill, delete lines 30 through 34 and insert in lieu thereof the following section:

"SECTION 6. AMENDMENT. Section 62.1-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

62.1-04-03. License to carry a firearm or dangerous weapon concealed.

1. The chief of the bureau of criminal investigation shall issue a license to carry a firearm or dangerous weapon concealed upon review of an application submitted to the chief if the following criteria are met:
  - a. The applicant has a valid reason for carrying the firearm or dangerous weapon concealed, including self-protection, protection of others, or work-related needs.
  - b. The applicant is not a person specified in section 62.1-02-01.
  - c. The applicant has the written approval for the issuance of such a license from the sheriff of the applicant's county of residence, and, if the city has one, the chief of police or a designee of the city in which the applicant resides. The approval by the sheriff may not be given until the applicant has successfully completed a background investigation in that county and has attended a testing procedure conducted pursuant to rules adopted by the attorney general. The testing procedure for approval of a concealed weapons license must include an open book test to be given from a manual that sets forth weapon safety rules and the deadly force law of North Dakota, including

judicial decisions and attorney general opinions, and a proficiency test consisting of a course of fire to be designated by the criminal justice training and statistics division of the attorney general's office. The purpose of the proficiency test is only to ensure a minimal level of competency in the loading and unloading of the firearm or dangerous weapon, use of safety devices and basic firearm or dangerous weapon functioning, and minimal accuracy. A weapons instructor certified by the attorney general shall conduct the testing procedure. The attorney general shall develop rules that ensure that this testing will be conducted periodically. The local agency conducting the testing may assess a charge of up to fifty dollars for conducting this testing. The testing procedure is not required for a renewal of a concealed weapons license.

- d. The applicant satisfactorily completes the bureau of criminal investigation application form and has successfully passed a background investigation or criminal records check conducted by that agency.
2. The sheriff is required to process the application within thirty days after the completion of the testing portion unless the application is for renewal of a license and in such case the application must be processed within thirty days after its receipt by the sheriff, the chief of police is required to process the application within ten working days of its receipt by the agency, and the bureau of criminal investigation is required to process the application and make a determination within thirty days of receipt from the forwarding agency.
3. The license fee for a concealed weapons license is ten dollars. The license fee must be paid before the license is issued by the chief of the bureau of criminal investigation.
4. The chief of the bureau of criminal investigation shall prescribe the form of the application and license, which must include the name, address, description, a photograph, and the signature of the individual. The application form must require sufficient information to properly conduct a background investigation and be accompanied by two sets of classifiable

fingerprints. The two sets of classifiable fingerprints are not required for a renewal of a concealed weapons license. The license is valid for three years. The license must be prepared in triplicate, and the original must be delivered to the licensee, the duplicate must be sent by mail, within seven days after issuance, to the sheriff of the county in which the applicant resides, and the triplicate must be preserved for six years by the chief. In those cases in which the licensee resides in a city, an additional copy of the license must be made and sent by mail, within seven days after issuance, to the chief of police of the city in which the applicant resides. The individual shall notify the chief of the bureau of criminal investigation of any change of address or any other material fact which would affect the restrictions on or the need for the license.

- 4- 5. The chief of the bureau of criminal investigation may deny an application or revoke or cancel such a license after it has been granted for any material misstatement by an applicant in an application for the license or any violation of this title.
- 5- 6. The applicant may appeal a denial or revocation of this license to the district court of the applicant's county of residence.
- 6- 7. The attorney general may adopt rules to carry out this title."

On page 5 of the engrossed bill, delete lines 1 and 2

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Krauter, Keller, Todd

For the House: Reps. Dorso, Dalrymple, Oban

Engrossed HB 1176 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1228 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1513 of the Senate Journal and that Engrossed HB 1228 be amended as follows:

On page 2 of the engrossed bill, line 17, overstrike the words "six months" and insert immediately thereafter the words "one year"

On page 2 of the engrossed bill, line 27, after the period insert the words "A person who is not yet eighteen years of age is not eligible for a license under this chapter until that person has had an instruction permit issued under this chapter for at least three months."

For the Senate: Sens. Schoenwald, Freborg, Nething

For the House: Reps. O. Hanson, Knell, Hokana

Engrossed HB 1228 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1231 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1362 of the Senate Journal and that Engrossed HB 1231 be amended as follows:

On page 2 of the engrossed bill, line 1, after the third comma insert the word "chiropractic,"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Keller, Krauter, Reiten

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

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

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1266 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1764-1765 of the Senate Journal and that HB 1266 be amended as follows:

On page 1, line 13, remove the overstrike over the words "~~ninety days~~" and insert immediately thereafter the words ", or if the property is used in the exploration for or the production of oil or gas within" and after the word "months" insert an underscored comma

On page 2, line 9, remove the overstrike over the word "~~ninety~~"

On page 2, line 10, remove the overstrike over the word "~~days~~" and insert immediately thereafter the words ", or if the property is used in the exploration for or the production of oil or gas within" and after the word "months" insert an underscored comma

And renumber the lines, sections, and pages accordingly

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

For the House: Reps. Shaft, Lindgren, J. Nelson

HB 1266 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1274 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1417 of the Senate Journal and that HB 1274 be amended as follows:

On page 2, line 16, remove the overstrike over the words "~~7 but not including~~" and delete the words "\"Gross receipts\""

On page 2, line 17, delete the words "does not include" and delete the words "the sale of"

On page 2, delete line 18

On page 2, line 26, after the second word "government" insert the words "nor does it include any revenue derived from the sale of byproducts as herein defined to a maximum of twenty percent of the gross receipts as defined in this subsection"

On page 3, line 17, delete the word ", and"

On page 3, line 18, delete the words "ending before July 1, 1989, and is thereafter ineffective"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Maixner, Richard, Wright

For the House: Reps. Goetz, A. Hausauer, Tomac

HB 1274 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1350 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1445-1446 of the Senate Journal and that engrossed HB 1350 be amended as follows:

On page 4 of the engrossed bill, line 16, delete the words "Except as otherwise" and insert in lieu thereof the words "Before it may offer insurance in any state, each risk retention group doing business in this state which has more than twenty-five resident members or insureds shall also submit for approval to the insurance commissioner of this state a plan of operation or a feasibility study and revisions of such plan or study if the group intends to offer any additional lines of liability insurance. Immediately upon receipt of an application for charter in this state the risk retention group shall provide summary

information concerning the filing to the national association of insurance commissioners including the name of the risk retention group, the identity of the initial members of the group, the identity of the individuals who organized the group or who will provide administrative services or otherwise influence or control the activities of the group, the amount and nature of initial capitalization, the coverages to be afforded, and the states in which the group intends to operate. Providing notification to the national association of insurance commissioners is in addition to, and is not sufficient to satisfy, the requirements of this Act."

On page 4 of the engrossed bill, delete lines 17 through 19

On page 5 of the engrossed bill, after line 2, insert the following subsection:

- "b. For risk retention groups doing business in this state which have more than twenty-five resident members or insureds, a copy of its plan of operation or a feasibility study and revisions of such plan or study submitted to its state of domicile; provided, however, that the provision relating to the submission of a plan of operation or a feasibility study does not apply with respect to any line or classification of liability insurance which was defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986, and was offered before such date by any risk retention group which had been chartered and operating for not less than three years before such date."

On page 5 of the engrossed bill, after line 24, insert the following subsection:

"3. Taxation.

- a. All premiums paid for coverages within this state to risk retention groups are subject to taxation at the same rate and subject to the same interest, fines, and penalties for nonpayment that are applicable to foreign-admitted insurers.
- b. To the extent agents or brokers are utilized, they shall report and pay the taxes for the premiums for risks which they have placed with or on behalf of a risk retention group not chartered in this state.

- c. To the extent the agents or brokers are not utilized or fail to pay the tax, each risk retention group shall pay the tax for risks insured within the state. Further, each risk retention group shall report all premiums paid to it for risks insured within the state."
- d. This subsection does not apply to risk retention groups doing business in this state which have fewer than twenty-six resident members or insureds."

On page 9 of the engrossed bill, after line 12, insert the following new section:

"SECTION 11. Duty of agents or brokers to obtain license. Any person acting, or offering to act, as an agent or broker for a risk retention group or purchasing group, which solicits members, sells insurance coverage, purchases coverage for its members located within the state, or otherwise does business in this state, shall, before commencing any such activity, obtain a license from the commissioner. This section does not apply to any person acting as an agent or broker for a risk retention group doing business in this state which has fewer than twenty-six resident members or insureds."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Keller, Schoenwald, Mutch

For the House: Reps. Dorso, Lang, Frey

Engrossed HB 1350 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1355 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on pages 1446-1447 of the Senate Journal and that Engrossed HB 1355 be amended as follows:

On page 1 of the engrossed bill, line 1, delete the word "sections" and insert in lieu thereof the word "section" and after the comma insert the words and numerals "subsection 4 of section 26.1-25-04, section"

On page 1 of the engrossed bill, line 4, after the word "policies" insert the word ", rates,"

On page 1 of the engrossed bill, after line 22, insert the following new section:



"SECTION 2. AMENDMENT. Subsection 4 of section 26.1-25-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Subject to the exceptions specified in subsection 5, each filing ~~shall~~ must be on file for a waiting period of ~~thirty~~ sixty days before it becomes effective. The period may be extended by the commissioner for an additional period not to exceed fifteen days if the commissioner gives written notice within the waiting period to the insurer or rating organization which made the filing that the commissioner needs the additional time for the consideration of the filing. Upon written application by the insurer or rating organization, the commissioner may authorize a filing which the commissioner has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing is deemed to meet the requirements of this chapter unless disapproved by the commissioner within the waiting period or any extension thereof."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Schoenwald, Keller, Todd

For the House: Reps. Larson, Shide, Dotzenrod

Engrossed HB 1355 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1365 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1247 of the Senate Journal and that HB 1365 be amended as follows:

That the Senate recede from its amendments to House Bill No. 1365, as printed on page 1247 of the Senate Journal and pages 1661-1662 of the House Journal, and that House Bill No. 1365 be amended as follows:

On page 1, line 20, after the period insert the following: "In determining the location of the water treatment plant or plants, the commission may only consider alternatives that will provide treated water to all potential using entities at a cost not to exceed the cost of water from the single treatment facility originally provided for in the engineering preliminary design final report for the southwest pipeline project, state water commission project no. 1736 dated September 1982. Any existing water treatment facility that is to be used in the final pipeline"

design must be made available to the state in operable condition free of deferred maintenance costs and at a cost that does not exceed the actual depreciation, maintenance, and operation costs of that facility. A water treatment facility is in operable condition if, at the time it becomes part of the southwest pipeline project, it is meeting the needs of its current users. Capital improvements necessary for upgrading any existing water treatment facility to be used in the southwest pipeline project must be borne by the state water commission."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Maixner, Krauter, David

For the House: Reps. Goetz, A. Olson, W. Williams

HB 1365 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1369 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1515-1516 of the Senate Journal and that Engrossed HB 1369 be amended as follows:

On page 2 of the engrossed bill, line 30, after the word "effective" insert the words "for property upon which construction is begun after January 1, 1986,"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Satrom, Dotzenrod, Moore

For the House: Reps. A. Hausauer, Gorman, Enget

Engrossed HB 1369 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1388 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1365 of the Senate Journal and that HB 1388 be amended as follows:

On page 1, line 25, overstrike the word "fifty" and insert immediately thereafter the word "twenty-five"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Richard, D. Meyer, Todd

For the House: Reps. R. Berg, Schindler, L. Hanson

HB 1388 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1416 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1646 of the Senate Journal and that Engrossed HB 1416 be amended as follows:

On page 1 of the engrossed bill, line 19, delete the word "five" and insert in lieu thereof the word "four"

On page 1 of the engrossed bill, line 20, delete the word "reduced" and insert in lieu thereof the word "adjusted"

On page 1 of the engrossed bill, line 21, delete the word "five" and insert in lieu thereof the word "two"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Mathern, Kelsh, Freborg

For the House: Reps. D. Olsen, Shaw, Meyer

Engrossed HB 1416 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1535 has had the same under consideration and recommends that the HOUSE ACCEDE to the amendments as found on page 1448 of the Senate Journal.

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

For the House: Reps. Wentz, Cleveland, A. Williams

HB 1535 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1596 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1304 of the Senate Journal and that Engrossed HB 1596 be amended as follows:

On page 1 of the engrossed bill, line 23, delete the word "twenty" and insert in lieu thereof the word "forty"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Richard, Dotzenrod, Moore

For the House: Reps. Moore, Belter, Schneider

Engrossed HB 1596 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed HB 1643 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1448 of the Senate Journal and that Engrossed HB 1643 be amended as follows:

That the Senate recede from its amendments and engrossed House Bill No. 1643 be further amended as follows:

On page 1 of the engrossed bill, line 8, delete the word "five" and insert in lieu thereof the word "three"

On page 1 of the engrossed bill, line 10, delete the word "five" and insert in lieu thereof the word "ten"

On page 1 of the engrossed bill, line 11, delete the words "one dollar" and insert in lieu thereof the words "two dollars"

And renumber the lines, sections, and pages accordingly

**For the Senate:** Sens. Mathern, Kelsh, Kelly

**For the House:** Reps. Hamerlik, Myrdal, C. Williams

Engrossed HB 1643 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed SB 2011 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1508 of the Senate Journal and that engrossed SB 2011 be amended as follows:

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

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

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

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

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

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

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Division of Emergency Management

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

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

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

For the Senate: Sens. Yockim, Stromme, Lips

For the House: Reps. Payne, Kent, Hill

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

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2128 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 1812 of the Senate Journal and that Engrossed SB 2128 be further amended as follows:

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

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

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

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Schoenwald, Krauter, Todd

For the House: Reps. Koland, Larson, Frey

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

#### MESSAGES 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 1007 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1007: Reps. Kuchera, Wald, Opedahl

ROY GILBREATH, Chief Clerk

##### HOUSE CHAMBER

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

SB 2079: Reps. Goetz, A. Hausauer, Schneider

ROY GILBREATH, Chief Clerk

##### HOUSE CHAMBER

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

SB 2080

ROY GILBREATH, Chief Clerk

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2006 as printed on pages 2079-2080 of the Senate Journal, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act making an appropriation for defraying the expenses of the state industrial school 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2006 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2016 as printed on pages 2080-2084 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House.

## REQUEST

SEN. OLSON REQUESTED a recorded roll call vote on the motion to not concur in the House amendments to SB 2016, which request was granted.

## ROLL CALL

The question being on the motion to not concur in the House amendments to SB 2016, the roll was called and there were 30 YEAS, 23 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Ingstad; Kelly; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

The Senate did not concur in the House amendments to SB 2016.

APPOINTMENT OF A CONFERENCE COMMITTEE  
THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on  
SB 2016:

Sens. Wogsland, Mushik, Streibel

MOTION

SEN. HEIGAARD MOVED that SB 2017, SB 2099, and SB 2468 be moved to the foot of the Twelfth order on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2024 as printed on pages 1810-1811 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the commissioner of insurance of the state of North Dakota; to create and enact three new sections to chapter 26.1-01 and a new subsection to section 26.1-01-07 of the North Dakota Century Code, relating to the establishment of an insurance regulatory trust fund; to amend and reenact subsections 2 and 11 of section 26.1-01-07 and section 26.1-03-20 of the North Dakota Century Code, relating to fees charged by the commissioner of insurance; to provide for transfers from the unsatisfied judgment and state bonding funds; and to provide an effective date.

Which has been read.

ROLL CALL

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

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

NAYS: Adams; Nelson; Streibel

ABSENT AND NOT VOTING: None

SB 2024 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2028 as printed on pages 1858-1859 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act making an appropriation for defraying the expenses of the parks and recreation department of the state of North Dakota and providing for a transfer from the snowmobile fund and the trail tax transfer 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; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2028 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2029 as printed on pages 1963-1964 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 2029:

Sens. Waldera, Tallackson, Naaden

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. MEYER MOVED that the Senate do not concur in the House amendments to SB 2035 as printed on pages 1859-1861 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 2035:

Sens. W. Meyer, Kelsh, Streibel

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2068 as printed on page 2084 of the Senate Journal, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2068: A BILL for an Act to create and enact two new sections to chapter 25-04 of the North Dakota Century Code, relating to liability for care and treatment of nonresident patients at and reduction or writeoff of accounts receivable by the Grafton state school; and to amend and reenact section 25-04-04, subsection 3 of section 25-04-05, and sections 25-04-14, 25-04-15, 25-16-13, 50-06.3-03, 50-06.3-04, and 50-06.3-09 of the North Dakota Century Code, relating to payment of expenses for care and treatment of patients at the Grafton state school and the state hospital.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2068 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. MEYER MOVED that the Senate do concur in the House amendments to SB 2507 as printed on pages 1966-1968 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2507: A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century Code, relating to wetlands; to repeal section 61-16.1-52 of the North Dakota Century Code and section 61-16.1-41 of the North Dakota Century Code, as amended by section 5 of chapter 665 of the 1985 Session Laws, relating to drainage permits and closing drains; and to provide an effective date.

Which has been read.

## ROLL CALL

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

YEAS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Moore; Naaden; Nalewaja; Nothing; Olson; Peterson; Reiten; Stenehjelm; Streibel; Tennefos; Thane; Tweten; Vosper; Wright

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Nelson; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

SB 2507 lost.

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## FIRST READING OF HOUSE BILLS

HB 1677: A BILL for an Act to establish a temporary court of appeals; to amend and reenact subsection 5 of section 12.1-01-04, section 27-01-01, subsection 2 of section 27-23-01, and section 59-04-27 of the North Dakota Century Code, relating to references to the temporary court of appeals and judges of the temporary court of appeals; and to provide an appropriation.

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

HB 1683: A BILL for an Act to amend and reenact section 54-03-10 of the North Dakota Century Code and section 54-03-20 of the North Dakota Century Code as contained in House Bill No. 1575, as approved by the fiftieth legislative assembly, relating to compensation of certain subcommittee chairmen

and to reimbursement for expenses for members of the legislative assembly; and to declare an emergency. Was read the first time and referred to the Committee on Appropriations.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3029: A concurrent resolution to create a new article V of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; to repeal the present article V of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election and qualification of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and to provide an effective date.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

#### MESSAGE TO THE HOUSE

##### SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2015 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2015: Sens. Mushik, Yockim, Nelson

PERRY GROTEBERG, Secretary

#### MOTIONS

SEN. MAIXNER MOVED that the vote by which SB 2056, SB 2230, SB 2303, SB 2554, SCR 4026, HB 1007, HB 1073, HB 1601, and HCR 3007 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 1007, HB 1073, HB 1601, HCR 3007, be messaged to the House immediately, which motion prevailed.

#### 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:

SB 2554

PERRY GROTEBERG, Secretary

TUESDAY, APRIL 7, 1987

2201

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:

SCR 4026

PERRY GROTBERG, 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 failed to pass the same:

HB 1073

PERRY GROTBERG, 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 1601, HCR 3007

PERRY GROTBERG, Secretary

MOTIONS

SEN. MAIXNER MOVED that Rule 402, subsection 4, be temporarily amended for the remainder of the Fiftieth Legislative Session and that the reporting of resolutions out of committee which propose amendments to the Constitution of North Dakota be further extended to April 9, 1987, which motion prevailed.

SEN. MAIXNER MOVED that Rule 507 be temporarily amended for the remainder of the Fiftieth Legislative Session and that all bills that were to be reported out of committee on the Sixty-third Legislative Day be further extended to the Sixty-sixth Legislative Day, which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota  
EXECUTIVE OFFICE  
Bismarck

April 7, 1987

The Honorable Rolland Redlin  
President Pro Tempore  
North Dakota Senate  
Senate Chamber  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. President Pro Tempore:

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

SB 2202

Sincerely,

GEORGE A. SINNER  
Governor

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred Engrossed HB 1016 has had the same under consideration and recommends by a vote of 8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 15, delete the numerals "12,371,424" and insert in lieu thereof the numerals "12,448,424"

On page 1 of the engrossed bill, line 16, delete the numerals "3,665,467" and insert in lieu thereof the numerals "3,691,467"

On page 1 of the engrossed bill, line 20, delete the numerals "16,393,925" and insert in lieu thereof the numerals "16,496,925"

On page 2 of the engrossed bill, line 12, delete the numerals "16,393,925" and insert in lieu thereof the numerals "16,496,925"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Highway Patrol

An analysis of the special funds change is as follows:

<u>Description</u>	Total Special Funds <u>Increase/(Decrease)</u>
<u>Salaries and Wages</u>	
Restore one field training position	\$ 77,000
<u>Operating expenses</u>	
Partially restore the reduction made by the House	<u>26,000</u>
Total increase/(decrease)	\$103,000

SEN. TALLACKSON, Chairman

HB 1016 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Education to which was rereferred HB 1539 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

In lieu of the amendments to engrossed House Bill No. 1539 adopted by the Senate as printed on page 2058 of the Senate Journal, engrossed House Bill No. 1539 is amended as follows:

On page 1 of the engrossed bill, line 4, after the word "schools" insert the words "; and to provide for a contingent separate and additional educational support per-pupil payment"

On page 3 of the engrossed bill, after line 21, insert the following section:

"SECTION 2. CONTINGENT SEPARATE AND ADDITIONAL PER-PUPIL PAYMENT. If section 1 of this Act relating to high schools including grades nine through twelve becomes law, the superintendent of public instruction shall distribute a separate and additional grades kindergarten through twelve educational support per-pupil weighted payment of five dollars during the first year of the biennium beginning July 1, 1987, and ending June 30, 1989."

And renumber the lines, sections, and pages accordingly

SEN. HEINRICH, Chairman

HB 1539 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Appropriations to which was referred Engrossed HB 1544 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, after the comma insert the words "providing legislative intent regarding energy development impact grants,"

On page 1 of the engrossed bill, line 9, delete the words "coal development impact" and insert in lieu thereof the word "general"

On page 1 of the engrossed bill, line 10, delete the words "and the oil and gas development impact fund,"

On page 2 of the engrossed bill, after line 13, insert the following new section:

"SECTION 5. LEGISLATIVE INTENT - GRANTS ALLOCATION.  
The grants line item in section 1 of this Act totaling \$3,500,000 from the general fund includes \$1,000,000 for coal development impact grants and \$2,500,000 for oil development impact grants."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Energy Development Impact Office

This amendment adds a section of legislative intent that the grants line item of \$3,500,000 from the general fund includes \$1,000,000 for coal development impact grants and \$2,500,000 from oil development impact grants.

SEN. TALLACKSON, Chairman

HB 1544 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred HCR 3029 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS AS AMENDED BY THE HOUSE.

SEN. STORMME, Chairman

HCR 3029 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

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

For the Senate: Sens. Dotzenrod, Satrom, Ingstad

For the House: Reps. Sorensen, Shaw, Skjerven

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

#### MOTIONS

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

SEN. MAIXNER MOVED that the Senate be on the Fourth order of business, and at the conclusion of the Fourth order of business, 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 the conclusion of the Seventh order of business, be on the



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Thirteenth order of business, and at the conclusion of the Thirteenth 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 HCR 3029, the Senate adjourn and convene at 8:00 a.m., Wednesday, April 8, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary