

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, April 11, 1989

The Senate convened at 8:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Galen Bell, Church of God of Prophecy, Cleveland, Tennessee.

Our Father which art in heaven, we approach You today with thankfulness in our hearts. We are thankful for the freedom we have in this country to govern ourselves through these, our elected officials. We are thankful also for those throughout the history of this country and this state who have made great sacrifices so that we could have a better way of life.

We are acutely aware of the challenges that are upon us now as we endeavor to preserve this freedom and we are humbled by the challenges that wait for us in the future. Although these challenges seem sometimes monstrous to us, we know that You not only see our struggles, but You also see the solutions. You see the farmer fighting dry ground to produce enough feed for his cattle; You see the single parent trying to provide a decent life for the children; You see the big businessman struggling to keep his business alive or hundreds will be out of work; and Lord, You are painfully aware of the teenager who will take his or her own life today because he sees no reason to live.

In Your sovereignty, You choose to use this body of leaders as part of the solution. Grant wisdom, guidance, and direction to this legislative body today. Grant peace to our country, our state, and to our families, O Lord.

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

The roll was called and all Senators were present, except Senators David, Keller, Langley, Lashkowitz, Peterson, and Wogsland.

A quorum was declared by the President.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

- SB 2001: Reprs. Gunsch, Gerntholz, Graba
- SB 2002: Reprs. Kingsbury, Gunsch, Laughlin

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has not adopted the conference committee report on SB 2153, and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

- SB 2153: Reprs. Clayburgh, Martinson, Carlson

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1499 and subsequently passed the same.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1499 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1529-1530 of the Senate Journal and that Engrossed HB 1499 be amended as follows:

Page 1, line 14, after "price" insert "until January 1, 1991, and subject to the tax at a rate of three percent after that date"

Page 3, line 9, after "finalized" insert ", packaged,"

Page 3, line 16, replace "when the testing function" with "on the production line or at a site in the immediate location of production."

Page 3, remove line 17

Page 3, after line 19, insert:

"(5) To package the product for sale and shipment."

Page 3, line 26, after "price" insert "until January 1, 1991, and subject to the tax at a rate of three percent after that date"

Page 5, line 10, after "finalized" insert ", packaged,"

Page 5, line 17, replace "when the testing function" with "on the production line or at a site in the immediate location of production."

Page 5, remove line 18

Page 5, after line 20, insert:

"(5) To package the product for sale and shipment."

Renumber accordingly

For the Senate: Sens. Satrom, Dotzenrod, Moore

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

Engrossed HB 1499 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on SB 2173, SB 2201, SB 2304, SB 2309, and SB 2468.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on SB 2187, SB 2256, SB 2262, SB 2291, SB 2320, SB 2322, and SB 2335 and subsequently passed the same.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KELSH MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2072, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on SB 2072: Sens. Mathern, Kelsh, Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do concur in the House amendments to SB 2062 as printed on page 1706 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to create and enact a new subdivision to subsection 6 of section 26.1-08-03 of the North Dakota Century Code, relating to the powers of the comprehensive health association board of directors; and to amend and reenact subsection 2 of section 26.1-08-03, sections 26.1-08-04, 26.1-08-05, 26.1-08-06, 26.1-08-07, and subsection 4 of section 26.1-08-12 of the North Dakota Century Code, relating to the comprehensive health association's board of directors and benefits.

ROLL CALL

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

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Keller; Langley; Lashkowitz

SB 2062 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2382 as printed on pages 1691-1692 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2382: A BILL for an Act to provide for an indigent civil legal services fund; to amend and reenact section 11-17-04 of the North Dakota Century Code, relating to court filing fees and fees to fund civil legal services for indigent persons; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Naaden; Nelson; Streibel; Tennefos

ABSENT AND NOT VOTING: David; Keller; Langley; Lashkowitz

SB 2382 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to SB 2470 as printed on page 1692 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2470: A BILL for an Act to create and enact a new subsection to section 15-47-38 of the North Dakota Century Code, relating to the reasons for the nonrenewal and discharge of a teacher.

ROLL CALL

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

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Keller; Langley; Lashkowitz

SB 2470 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2520 as printed on page 1707 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2520: A BILL for an Act to amend and reenact section 54-06-14 of the North Dakota Century Code, relating to partial payment of accrued sick leave to state employees at retirement.

ROLL CALL

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

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Keller; Langley; Lashkowitz

SB 2520 passed and the title was agreed to.

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MOTION

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

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

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: HB 1038, HB 1039, HB 1123, HB 1124, HB 1152, HB 1351, HB 1455, HB 1510, HB 1641, HB 1664, HCR 3022, HCR 3071, HCR 3086, HCR 3089.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed: HB 1038, HB 1039, HB 1123, HB 1124, HB 1152, HB 1351, HB 1455, HB 1510, HB 1641, HB 1664, HCR 3022, HCR 3071, HCR 3086, HCR 3089.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolution: SB 2017, SB 2128, SB 2384, SB 2395, SB 2518, SB 2528, SCR 4021.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2017, SB 2128, SB 2384, SB 2395, SB 2518, SB 2528, SCR 4021.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2062, SB 2382, SB 2470, and SB 2520 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has not adopted the conference committee report on SB 2072 and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2072: Sens. Mathern, Kelsh, Stenehjem

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 8:47 a.m., April 11, 1989: SB 2046, SB 2055, SB 2078, SB 2089, SB 2097, SB 2105, SB 2110, SB 2131, SB 2135, SB 2145, SB 2206, SB 2216, SB 2245, SB 2271, SB 2281, SB 2286, SB 2292, SB 2294, SB 2295, SB 2301, SB 2310, SB 2319, SB 2328, SB 2344, SB 2347, SB 2360, SB 2418, SB 2463, SB 2508, SB 2523.

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 8:47 a.m., April 11, 1989: SB 2009, SB 2026, SB 2152, SB 2213, SB 2238, SB 2242, SB 2278, SB 2354, SB 2371, SB 2378, SB 2388, SB 2394, SB 2461, SB 2465, SB 2482, SB 2483, SB 2491, SB 2502, SB 2510, SB 2514, SB 2526, SB 2527.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed: SB 2017, SB 2128, SB 2384, SB 2395, SB 2518, SB 2528, SCR 4021.

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

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

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

#### CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1297 as recommended by the Committee on Appropriations as printed on pages 1712-1713 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1297: A BILL for an Act to provide for cleanup of petroleum spills through the establishment of a petroleum release compensation fund; to provide a penalty; to provide a continuing appropriation; and to provide an appropriation.

#### ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Hoimberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Yockim

NAYS: None

ABSENT AND NOT VOTING: Langley; Lashkowitz; Meyer, W.; Tallackson; Wogsland  
HB 1297 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to HCR 3087 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1713 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3087: A concurrent resolution supporting the Attorney General of North Dakota in requesting the United States District Court for the District of North Dakota to modify the district court's orders to minimize or eliminate the role of the court monitor that was created by the court in the case concerning the deinstitutionalization of developmentally disabled persons.

REQUEST

SEN. PETERSON REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 29 YEAS, 20 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Freborg; Hilken; Holmberg; Kinnoin; Krebsbach; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper

NAYS: Ewen; Hanson; Heigaard; Heinrich; Keller; Kelsh; Krauter; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Richard; Robinson; Satrom; Schoenwald; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Ingstad; Langley; Lashkowitz; Meyer, W.

HCR 3087 was declared adopted on a roll call vote.

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SECOND READING OF SENATE BILL

SB 2539: A BILL for an Act to amend and reenact section 20.1-03-08 of the North Dakota Century Code, relating to nonresident fishing licenses.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 27 YEAS, 23 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Maixner; Mathern; Maxson; Meyer, J.; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Ewen; Freborg; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Langley; Lashkowitz; Meyer, W.

SB 2539 passed and the title was agreed to.

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REQUEST

SEN. HEIGAARD REQUESTED that a special roll call be taken in recognition of Sen. Lashkowitz's presence in the chamber, which request was granted.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Langley; Meyer, W.

SECOND READING OF HOUSE BILL

HB 1637: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to transportation aid payments to school districts for teacher travel; to amend and reenact section 15-34.2-03, subsection 2 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, 15-40.1-16, and 15-40.1-16.1 of the North Dakota Century Code, relating to the foundation aid weighting factors, the per-pupil payment, and transportation aid to schools; and to provide for contingent additional per-pupil foundation aid payments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Meyer, D.

ABSENT AND NOT VOTING: Langley; Meyer, W.

HB 1637 passed and the title was agreed to.

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## MOTION

SEN. HEIGAARD MOVED that the Senate be on a Special Order of Business, which motion prevailed.

## REMARKS OF SENATOR DONNA NALEWAJA

Senator Lashkowitz, we want to honor you today as Senate President Pro Tempore in our "Hearts and Flowers" Program.

We miss you! You are a very special member of our Senate -- a colleague, yes, but most especially you are a "true friend".

You have had a long and distinguished public service career and I believe it is most appropriate to share some highlights of it with your "friends" here today.

Seventy years ago this past week in April, in Fargo, little Herschel Lashkowitz made his entrance into the world. He grew up in a happy family, was educated in Fargo and received his BA and LLB from the University of Minnesota. After serving in World War II, Herschel established his attorney-at-law practice in Fargo.

Herschel was elected Mayor of Fargo in 1954 and served in that position for 20 years until 1974. As Senator Jens Tennesos once stated to the media -- Herschel served as Mayor of Fargo during a period of social upheaval nationwide. Herschel was an outspoken advocate for social justice and equality for all citizens.

Herschel Lashkowitz put the city of Fargo in the limelight and the media soon characterized the city commission meetings as entertainment -- the best show in town. As Mayor, Herschel was aggressive and battled, verbally, with the other city commissioners for the issues he so strongly believed in -- often as a coalition of one.

Herschel established an open city government policy and encouraged public dialogue. Among his major accomplishments as Mayor of Fargo were the "meals on wheels" program; urban renewal and development programs; flood control measures; model cities legislation and the low-income senior citizens high rise apartment building. Herschel somehow found the time to run, though unsuccessfully, for Governor and the United States Senate. In 1965, however, Mayor Lashkowitz was successfully elected Senator Lashkowitz and served a term in the state Senate and was elected again from 1975 to the present time.

Over the years of his public service, Herschel has been described as intelligent, colorful, articulate, forceful, compassionate, and impartial. In fact, Herschel was so impartial that it has been said that at a North versus South High School football game in Fargo that Herschel would sit the first half of the game on the North side and the second half of the game on the South side of the stadium.

Herschel also possesses a good sense of humor and quick wit. In the 1983 Legislative Session, during one Republican House caucus, I recall that Senator Lashkowitz nonchalantly walked into the Brynild Haugland Room while Majority Leader Earl Strinden was speaking, and Herschel sat down in the front row and began to listen intently. Suddenly he turned and looked to his right and then to his left and jumped up out of his chair and started for the door. Earl stopped talking and said to Herschel "Herschel, you're welcome to stay -- Democrats are always welcomed at our Republican caucuses". Herschel broke into a wide grin and with a "twinkle in his eye" replied to Earl,

"Sorry to break in on your caucus but you looked perfectly normal to me". We all laughed and Herschel even made Earl speechless for the moment.

Senator Lashkowitz truly has been a legislator for all seasons. Herschel himself once said, "there are different styles for different seasons". And yes, we recognize his style has changed over the "seasons" but not his substance. He has always been basically the same person with the same concerns. He is the "champion" of the common man.

Throughout his public service career, Senator Lashkowitz's chief constituency has always been the underprivileged, the handicapped, the laboring people, and the elderly. He has been their voice in government.

And, his "voice" was clearly heard. Senator Lashkowitz served primarily on Judiciary, Transportation, Rules, and Joint Constitutional Revision Committees over his legislative career and was the sponsor or co-sponsor of 218 bills or resolutions.

The law that Senator Lashkowitz is most proud of, as he recently stated, was the handicapped accessibility bill he sponsored back in the 1977 Legislative Session.

Some of the more interesting subjects in his legislation over the years have included: organizing of district boards of health; provisions for a modern council form of government for cities; plastic drivers licenses; vector control districts; authorizing a local spiritual assembly of the Baha'i faith pursuant to the North Dakota nonprofit corporation associations; home rule for cities and villages; services for alcoholics - in the 1965 session.

The sale and use of dynamite; No-fault Motor Vehicle Reparations Act; revenue bonds for industrial development; off-reservation Indian health care; chiropractic scholarships; requirements to be met in order to discontinue a water supply for nonpayment; veterans preference in employment; requirements for an annual wage cost-of-living increase by order of the labor commissioner; provide for a mental retardation coordinating committee; revenue bonds to finance housing for low-income families, elderly persons, veterans, and the handicapped; requirement of common carriers to inform passengers when hazardous materials are to be transported with the passengers; airline service to North Dakota cities; additional compensation to state employees - in the 1975 session.

The acceleration of the Garrison diversion project; workmen's compensation budgets; defacement of historical markers; open government meetings; parking privileges for the handicapped; urging state board of higher education and all political subdivisions to make buildings accessible to the physically handicapped; custody and visitation rights; damages for defamation and libel suits against newspapers - in the 1977 session.

The study of crime prevention methods with respect to controlled substances; licensure of locksmiths; licensure of burglar alarm dealers; change of school district boundaries automatically upon changing city boundaries; anatomical gift designation; music education center appropriation at NDSU; restrictions on giving away animals; voting machines and election procedures; definition of "motorized bicycle" and age of operation; motorcycle education for operator's license - in the 1979 session.

The licensing of respiratory therapists and property tax exemption for homes owned by blind persons - in the 1981 session.

Work experience programs; Lydia O. Jackson be designated as Poet Laureate of North Dakota, commemorating United States Marshal Kenneth Muir and Deputy United States Marshal Robert Chesire, Jr. whose lives were taken while in the line of duty; funding for comprehensive human service programs; funding to construct a computer center at NDSU - in the 1983 session.

Condemning the persecution of members of the Baha'i faith by the government of Iran; commending Roger Maris on his major league baseball career; exemption of social security and veteran's pension benefits from garnishment actions; county tax levy for animal shelters - in the 1985 session.

Expression of deep appreciation and affection of the 50th Legislative Assembly for Lieutenant Governor Ruth Meiers; establishment of a temporary court of appeals; establish procedures for anatomical gifts; POW number plates; contracts for recreational, social, or educational services to developmentally disabled individuals; funds for a computer center at NDSU - in the 1987 session.

And in the 1989 session, Senator Lashkowitz's legislation focused on solid waste management; licensing of insurance adjusters; establishment of an economic feasibility institute at NDSU; definition of hunt or hunting; pen registers and trap and trace devices; establishment of a public transportation fund; SPED program emergency appropriation; and four bills to provide for the construction of a computer center agriculture technology transfer center at NDSU.

Herschel Lashkowitz indeed has a secure place in our hearts as well as in North Dakota's history for his long and distinguished public service. Perhaps this accounts for Herschel's lifelong bachelorhood. He once explained this by stating, "You get into a situation where you're more or less public property. Time slips by - I wonder where all those years went."

In 1985, a tribute was held in the Fargo civic auditorium for Senator Herschel Lashkowitz. Hundreds of people came to join together and honor his years of service to Fargo and to the State of North Dakota. With typical humility, Herschel related that the event, though appreciated, was not necessary. However, his friends wanted to say "thank you". Reminiscing about the hard fought battles in City Hall as Mayor, Herschel said, "The human spirit has a healing force to it. And thank goodness for that! There's a time for pulling things together. I've always had a genuine affection for everyone I've served with".

Governor George Sinner, in attendance at the tribute, spoke of Herschel when he said that the difference between a politician and a statesman is that a politician thinks of the next election and a statesman thinks of the next generation. And a lot of generations of North Dakotans will continue to benefit from the public service work of Senator Lashkowitz.

And, Senator Lashkowitz, at his tribute, told everyone, "Each of you occupies a special place in my heart. There isn't a person towards whom I can say I have anything but good will".

Other memorable quotes from Senator Lashkowitz include these: "If at times - and there have been many - that I have considered myself a loser, it was always with a winning cause and that was the sustaining force that enabled all of us to go forward." And, encouraging young people to get involved with government, if that is their dream, Herschel said, "Do not let the cynics discourage you in your efforts to find your way into politics".

Senator Herschel Lashkowitz, you have always tried to help others and never thought of yourself. Today, we, your Senate colleagues, your friends, are thinking of you. We wish to honor you as our Senate President Pro Tempore with this very special gift. We hope you will enjoy and remember us always.

#### REMARKS OF SENATOR HERSCHEL LASHKOWITZ

Thank you Mr. President and members of the Senate. I am happy to be here today. I appreciate the honor that you, my colleagues, gave when you elected me President Pro-Tem. I am disappointed that my health has prevented me from being here each day, but I hope it has served to remind all of you of the importance of maintaining your health. I greatly enjoy serving the people of our State and I hope to be active in public affairs for many years to come. I appreciate the courtesy you have extended to me today. Let us continue in our deliberations to serve the people.

Thank you.

#### REQUEST

SEN. WOGSLAND REQUESTED that the remarks of Sens. Nalewaja and Lashkowitz be printed in the Journal, which request was granted.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Governor Art Link  
Governor George Sinner

#### MOTION

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

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

#### REQUEST

SEN. THANE REQUESTED that his remarks be printed in the Journal, which request was granted.

Mr. President, ladies and gentlemen of the Senate: It is with pleasure that I introduce to you and the members of the Senate two special guests, Mr. and Mrs. Roger Slotten.

Andrew Slotten, the great-grandfather of Roger, served as a member of the first Constitutional Convention held in Bismarck from July 4, 1889, to August 17, 1889. He was then elected on October first of that year as the first state Senator from the 12th District which included Wahpeton. The first legislative session began November 19, 1889, and adjourned March 18, 1890. Andrew was elected Railroad Commissioner in 1890 and served during the years 1891 and 1892. He was elected again to the North Dakota Senate in 1898.

John Miller, the first Governor of North Dakota, was also elected October first and served as Governor for two years. He declined reelection. He was the general manager of the Dwight Land Company. At that time, he lived either in the city of Dwight or at the headquarters one-half mile south. Dwight, as you know, is in my district and two miles from my farm.

I have had placed on your desks a folder containing more detailed information. I believe you will find it of interest. You can review the material at your leisure.

Roger and his wife, Helen, live in the adjoining section about one mile south of my home. It is a Centennial Farm and has been in their family for four generations.

Mr. President, members of the Senate: I have prepared this material and had my remarks printed in the Journal because of the unique part these individuals played in our state's history and because I am representing this district in our Centennial year. Thank you for the privilege.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2072: Reps. R. Larson, Myrdal, Scherber

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2037: Reps. O. Hanson, Myrdal, Hoffner

MOTION

SEN. D. MEYER MOVED that the Senate reconsider the action by which the Senate concurred with the House amendments and passed SB 2062, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do not concur in the House amendments to SB 2062 as printed on page 1706 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 APPOINTED as a Conference Committee on SB 2062: Sens. D. Meyer, Kinnoin, Lodoen.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3088: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of entering into reciprocal agreements with Indian tribes concerning the registration of motor vehicles, and the impact upon state funding provided to its political subdivisions as a result of an Indian tribe's exercise of its sovereign powers.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3088 was declared adopted on a voice vote.

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REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on SB 2042 as printed on page 1715 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to create and enact section 40-58-01.1 and a new section to chapter 40-58 of the North Dakota Century Code, relating to definitions concerning city development and renewal and the use of tax

increment financing by cities for the development of certain industrial or commercial property; to amend and reenact sections 40-58-02, 40-58-03, 40-58-04, 40-58-05, 40-58-06, 40-58-07, 40-58-08, 40-58-09, 40-58-10, 40-58-12, 40-58-13, 40-58-15, 40-58-16, 40-58-17, 40-58-18, and 40-58-20 of the North Dakota Century Code, relating to city development and renewal; and to repeal sections 40-58-01 and 40-58-19 of the North Dakota Century Code, relating to the short title and definitions under the urban renewal law.

#### ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Langley; Lashkowitz; Meyer, W.

SB 2042 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed SB 2072 as printed on page 1715 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact section 25-02-03 of the North Dakota Century Code, relating to the object of the state hospital at Jamestown.

#### ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Langley; Lashkowitz

SB 2072 passed and the title was agreed to.

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## MOTION

SEN. RICHARD MOVED that SB 2475 be moved to the bottom of the calendar, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed SB 2093 as printed on page 1716 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to amend and reenact section 26.1-01-03.1 of the North Dakota Century Code, relating to general penalties for violation of provisions of the insurance title.

## ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Langley; Lashkowitz; Meyer, W.

SB 2093 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed HB 1191 as printed on page 1709 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1191: A BILL for an Act to create and enact two new sections to chapter 65-05.1 of the North Dakota Century Code, relating to workers' compensation rehabilitation services; to amend and reenact sections 65-05.1-01, 65-05.1-02, and 65-05.1-04 of the North Dakota Century Code, relating to workers' compensation rehabilitation services; to repeal sections 65-05.1-05 and 65-05.1-06 of the North Dakota Century Code, relating to workers' compensation rehabilitation services; and to provide an effective date.

## ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Langley; Lashkowitz; Meyer, W.

HB 1191 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. ROBINSON MOVED that the conference committee report on Engrossed HB 1245 as printed on page 1692 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1245: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to property tax credits for persons sixty-five years of age or older with limited income; and to provide an effective date.

#### ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Langley; Lashkowitz

HB 1245 passed and the title was agreed to.

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#### MOTIONS

SEN. KELLER MOVED that HB 1294, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

SEN. MAIXNER MOVED that the Senate reconsider its action whereby the Senate did not concur with the House amendments to SB 2230, which motion prevailed.

SEN. MAIXNER MOVED that the conference committee on SB 2230 be dissolved, which motion prevailed.

SEN. MAIXNER MOVED that the Senate do concur with the House amendments to SB 2230, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2230: A BILL for an Act to amend and reenact section 38-08-16 of the North Dakota Century Code, relating to civil and criminal penalties for violation of gas and oil resource laws or rules; and to provide a penalty.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Langley; Lashkowitz

SB 2230 passed and the title was agreed to.

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REPORTS OF CONFERENCE COMMITTEES

SEN. MAXSON MOVED that the conference committee report on Engrossed HB 1365 as printed on page 1709 of the Senate Journal be adopted, which motion prevailed.

SEN. D. MEYER MOVED that the conference committee report on Engrossed HB 1422 as printed on pages 1709-1710 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1422: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to special number plates for farm vehicles; to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to registration of certain farm motor vehicles; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stenehjem;

Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Richard; Tennefos

ABSENT AND NOT VOTING: Langley; Lashkowitz; Maixner

HB 1422 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the conference committee report on Reengrossed HB 1504 as printed on pages 1692-1693 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1504: A BILL for an Act to provide for the development of career guidance and development programs for children and adults.

#### ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Langley; Lashkowitz; Maixner; Waldera

HB 1504 passed and the title was agreed to.

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#### MOTION

SEN. RICHARD MOVED that HB 1558, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

SEN. HILKEN MOVED that the conference committee report on Engrossed HB 1614 as printed on page 1693 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1614: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, subsection 1 of section 15-40.2-03, and section 57-15-27 of the North Dakota Century Code, relating to school district interim funds and deductions from foundation aid payments; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 13 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krebsbach; Lips; Lodoen; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper

NAYS: Ewen; Keller; Kinnoin; Krauter; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; O'Connell; Streibel; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Lashkowitz; Waldera

HB 1614 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

SEN. ROBINSON MOVED that the conference committee report on Engrossed HB 1634 as printed on pages 1693-1694 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1634: A BILL for an Act to amend and reenact section 57-38-35.2, subsection 1 of section 57-38-45, and subsection 1 of section 57-38-62 of the North Dakota Century Code, relating to interest on refunds and additional assessments of individual and corporation income tax and declarations of estimated tax; and to provide an effective date.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Langley; Lashkowitz; Maixner

HB 1634 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

SEN. RICHARD MOVED that the conference committee report on SB 2475 as printed on pages 1716-1718 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2475: A BILL for an Act to amend and reenact sections 57-36-10, 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to compensation available to distributors and the rate of excise tax on the wholesale purchase price of tobacco products; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 11 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Krebsbach; Lips; Lodoen; Mathern; Maxson; Meyer, J.; Mushik; Nalewaja; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Kinnoin; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Stretbel; Tennefos

ABSENT AND NOT VOTING: Langley; Lashkowitz; Maixner

SB 2475 passed and the title was agreed to.

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## MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1297, HB 1637, HB 1614, HB 1191, HB 1634, HB 1245, HB 1365, HB 1422, HB 1504, HCR 3087, HCR 3088, and SB 2539 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1297, HB 1637, HB 1614, HB 1191, HB 1634, HB 1245, HB 1365, HB 1422, HB 1504, HCR 3087, HCR 3088, and SB 2539 be messaged to the House immediately, which motion prevailed.

## REQUEST

SEN. SATROM REQUESTED that his remarks be printed in the Journal, which request was granted.

Mr. President, I wanted to inform the Senate that transportation for Senator Lashkowitz was provided today by a plane arranged by North Dakota State University and the cost of that flight will be reimbursed from private funds to North Dakota State or to the private charter service. I hope that this announcement will provide the media the information they requested in this area.

## MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 3:30 p.m., which motion prevailed.

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1016, HB 1022, HB 1029, HB 1041, HB 1101, HB 1186, HB 1196, HB 1210, HB 1320, HB 1480.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1098 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1155 and HB 1185 and subsequently passed the same.

#### REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1155 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1161 of the Senate Journal and that Engrossed HB 1155 be amended as follows:

Page 4, remove lines 6 through 10

Page 5, remove lines 1 through 5

Page 5, line 21, after "similar" insert "motor vehicle"

ReNUMBER accordingly

For the Senate: Sens. Schoenwald, Krauter, Nething

For the House: Reps. Dorso, Tollefson, Oban

Engrossed HB 1155 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 1185 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1545-1546 of the Senate Journal and that Engrossed HB 1185 be amended as follows:

Page 1, line 1, after "enact" insert "a new section to chapter 53-06.1 and"

Page 1, line 2, after "to" insert "prohibiting organizations that derive revenue from games of chance from using any money in certain political activities and"

Page 1, line 3, remove the first "and"

Page 1, line 8, remove "and" and after "penalty" insert "; and to declare an emergency"

Page 8, line 14, replace "Expenses may" with "After December 31, 1989, cash"

Page 8, remove lines 15 through 17

Page 8, line 18, remove "who is or has been a candidate for public office. Cash"

Page 8, after line 23, insert:

"SECTION 7. A new section to chapter 53-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Eligible organizations not to use any money in certain political activities - Penalty. An eligible organization that derives any revenue from games of chance it conducts under this chapter may not use money from any source for the placing on the ballot of any initiated or referred measure or for any activities consisting of attempts to participate in any political campaign on behalf of or in opposition to any active official or person who is or has been a candidate for public office. Any funds expended by an eligible organization to promote or oppose an initiated or referred measure that has been placed on the ballot or for any activities that qualify as activities of a lobbyist under section 54-05.1-02, that are not compensation or expenses paid to a lobbyist, and that are not otherwise required to be reported under section 54-05.1-03 must be reported to the attorney general in the manner and at the times prescribed by the attorney general. An eligible organization that violates this section is subject to a suspension of its license to conduct games of chance under this chapter for up to one year."

Page 10, after line 14, insert:

"SECTION 10. EMERGENCY. Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

For the Senate: Sens. J. Meyer, Holmberg, Stenehjem  
For the House: Reps. Howard, Stenehjem, Ulmer

Engrossed HB 1185 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has reconsidered its action whereby it did concur with the House amendments to SB 2062, and subsequently did not concur with the House amendments to SB 2062, and the President has appointed as a conference committee to meet with a like committee from the House on:

SB 2062: Sens. D. Meyer, Kinnoin, Lodoen

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3087, HB 1637.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1578.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has amended, reengrossed, further amended, and subsequently passed: HB 1297.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolution: SB 2020, SB 2029, SB 2032, SB 2096, SB 2212, SB 2298, SB 2334, SCR 4017.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2020, SB 2029, SB 2032, SB 2096, SB 2212, SB 2298, SB 2334, SCR 4017.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1365.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1191, HB 1245, HB 1422, HB 1504, and HB 1614 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1634 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2539.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HCR 3088.

#### MOTIONS

SEN. HEIGAARD MOVED that the vote by which SB 2230, SB 2042, SB 2072, SB 2093, and SB 2475 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that SB 2230, SB 2042, SB 2072, SB 2093, and SB 2475 be messaged to the House immediately, which motion prevailed.

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

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

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2230, and wishes to inform you that the Senate does now concur with the House amendments to SB 2230, and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2230.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed: SB 2020, SB 2029, SB 2032, SB 2096, SB 2212, SB 2298, SB 2334, SCR 4017.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1016, HB 1022, HB 1029, HB 1041, HB 1101, HB 1186, HB 1196, HB 1210, HB 1320, HB 1480.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed: HB 1016, HB 1022, HB 1029, HB 1041, HB 1101, HB 1186, HB 1196, HB 1210, HB 1320, HB 1480.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2072 and subsequently passed the same.

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a bill for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a surtax based on income tax liability of individuals, estates, and trusts; to provide an appropriation; and to provide an effective date and an expiration date.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

#### FIRST READING OF SENATE BILL

Sen. Heigaard introduced:

(Approved by the Committee on Delayed Bills)

SB 2541: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a surtax based on income tax liability of individuals, estates, and trusts; to provide an appropriation; and to provide an effective date and an expiration date.

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

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a bill for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to issuance of bonds by political subdivisions when emergency conditions exist; and to declare an emergency.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

#### FIRST READING OF SENATE BILL

Sen. Heigaard introduced:

(Approved by the Committee on Delayed Bills)

SB 2542: A BILL for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to issuance of bonds by political subdivisions when emergency conditions exist; and to declare an emergency.

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

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2417 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1325-1326 of the Senate Journal.

For the Senate: Sens. Maixner, Satrom, Ingstad  
For the House: Reps. R. Anderson, Belter, Hokana

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

## MOTIONS

SEN. MAIXNER MOVED that the rules be suspended and that SB 2417 be messaged to the House immediately, which motion prevailed.

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Seventh order of business, and at the conclusion of the Seventh order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of HB 1012 and HB 1659, the Senate stand adjourned until 8:00 a.m., Wednesday, April 12, 1989, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2538 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 15, after the semicolon insert "establishing a joint medicaid payment account; making an appropriation for the child evaluation and treatment program; providing for a legislative council study of the appropriations process;"

Page 4, after line 17, insert:

"SECTION 7. JOINT MEDICAID PAYMENT ACCOUNT - SCHOOL FOR THE BLIND. The state treasurer shall establish a joint medicaid payment account for the department of human services and the school for the blind for purposes of providing services including alternative living arrangements for persons determined eligible for the receipt of residential and/or other services by the school for the blind. This account shall be for the receipt and payment of school for the blind matching funds and department of human services federal medicaid funds for the purpose of making payments to the provider or providers of service as directed by the department of human services. The school for the blind shall provide the department of human services such administrative services in the documentation and payment of these funds as the department of human services may request.

SECTION 8. APPROPRIATION. There is hereby appropriated from special funds, not otherwise appropriated, the sum of \$1,015,000, or so much thereof as may be necessary, to the department of human services for the biennium beginning July 1, 1989, and ending June 30, 1991, for the purpose of providing matching funds for medicaid eligible services provided for visually impaired including multihandicapped individuals as first determined eligible by the school for the blind.

SECTION 9. CHILD EVALUATION AND TREATMENT PROGRAM - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, to the university of North Dakota medical center rehabilitation hospital to provide funds for the child evaluation and treatment program for the biennium beginning July 1, 1989, and ending June 30, 1991.

Grand total general fund appropriation S.B. 2538	\$ 250,000
Grand total special funds appropriation S.B. 2538	\$7,946,138
Grand total all funds appropriation S.B. 2538	\$8,196,138

**SECTION 10. LEGISLATIVE COUNCIL STUDY - APPROPRIATIONS PROCESS.**

The legislative council or an interim committee designated by the legislative council shall conduct a study during the 1989-90 interim of the appropriations process. The study must include consideration of recommendations for appropriate reference in appropriations bills to programs, departments, agencies, institutions, and activities. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-second legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment adds \$250,000 from the general fund for the child evaluation treatment program, establishes a joint Medicaid payment account for making payments for services provided visually impaired individuals, appropriates \$1,015,000 of federal funds to match School for the Blind funds for Medicaid eligible services for the visually impaired including multihandicapped persons, and provides for a Legislative Council study of the appropriations process.

SB 2538 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Engrossed HB 1002 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 5, after "15-21" insert "and two new sections to chapter 15-65"

Page 1, line 7, replace the first "and" with a comma, after "education" insert ", and school district telecommunications grants", after "reenact" insert "the new section to chapter 15-34.1 of the North Dakota Century Code as created by section 6 of House Bill No. 1421, as approved by the fifty-first legislative assembly, and", and replace "section" with "sections 15-21-02,"

Page 1, line 8, after "15-40.1-08" insert ", subdivision j of subsection 1 of section 57-15-14.2, and subsection 1 of section 57-15-17.1" and after "to" insert "foundation aid payments to school districts for supervising home-based instruction, the salary of the superintendent of public instruction,"

Page 1, line 9, after "programs" insert ", and asbestos abatement" and after the semicolon insert "to provide for appropriation reductions;"

Page 2, line 1, replace "7,061,378" with "7,317,892"

Page 2, line 3, replace "3,844,069" with "3,879,869"

Page 2, line 5, replace "376,898,570" with "376,441,457"

Page 2, line 9, replace "546,684,052" with "546,519,253"

Page 2, line 11, replace "413,425,177" with "413,260,378"

Page 2, line 14, replace "1,902,287" with "2,137,391"

Page 2, line 15, replace "2,000" with "10,000"

Page 2, line 19, replace "15,805,538" with "15,683,434"

Page 2, line 21, replace "22,828,852" with "22,949,852"

Page 2, line 22, replace "9,226,532" with "9,226,532"

Page 2, line 23, replace "13,602,320" with "13,723,320"

Page 2, line 24, replace "427,027,497" with "426,983,698"

Page 2, line 26, replace "569,512,904" with "569,469,105"

Page 3, line 20, remove "for the purpose of administering and providing grants for"

Page 3, line 21, remove "electronic media instruction"

Page 3, line 22, after "transferred" insert ", \$10,492 must be used to administer the state school construction fund, \$750,000 must be used for administering and providing grants"

Page 3, line 23, remove "\$250,000 shall be used to contract for public"

Page 3, line 24, remove "and educational broadcasting services"

Page 5, after line 19, insert:

"SECTION 8. Two new sections to chapter 15-65 of the North Dakota Century Code are hereby created and enacted to read as follows:

Telecommunications grants - Matching by school districts. The educational telecommunications council may require a school district to provide up to twenty-five percent in matching funds to receive any funds appropriated or that may otherwise become available for telecommunications.

Plan for statewide system of interactive telecommunications - Solicitation of grants. In developing and implementing a plan for a statewide system of interactive telecommunications, the educational telecommunications council shall solicit grants to be used in conjunction with moneys appropriated by the legislative assembly for telecommunications. Any moneys appropriated by the legislative assembly for telecommunications, unless specifically provided otherwise, and any grants received in accordance with this section must be used to implement the plan developed by the educational telecommunications council pursuant to this chapter.

SECTION 9. AMENDMENT. The new section to chapter 15-34.1 of the North Dakota Century Code as created by section 6 of House Bill

No. 1421, as approved by the fifty-first legislative assembly, is hereby amended and reenacted to read as follows:

State aid. For purposes of allocating foundation aid and other state assistance to local school districts, ~~students~~ a student receiving home-based instruction ~~shall be~~ is deemed enrolled in the school district in which ~~they reside~~ the student resides if the student is supervised by a certificated teacher employed by the public school district in which the parent resides. A school district is entitled to one-half of the per-pupil payment provided in section 15-40.1-06 times the appropriate factor in section 15-40.1-07 or 15-40.1-08 for each such student.

SECTION 10. AMENDMENT. Section 15-21-02 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-02. Salary and traveling expenses. The annual salary of the superintendent of public instruction is ~~forty seven fifty~~ thirty seven thousand ~~three hundred~~ three hundred dollars. ~~He shall be allowed in addition thereto his~~ The superintendent is also entitled to reimbursement for expenses incurred in the discharge of ~~his~~ his official duties, such expenses to be paid monthly on a warrant prepared by the office of management and budget and signed by the state auditor, upon the filing of an itemized and verified statement of expenses."

Page 8, after line 27, insert:

"SECTION 12. AMENDMENT. Subdivision j of subsection 1 of section 57-15-14.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- j. The removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any method approved by the United States environmental protection agency and any repair, replacement, or remodeling that results from such removal or abatement.

SECTION 13. AMENDMENT. Subsection 1 of section 57-15-17.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The governing body of any public school district may by resolution adopted by a two-thirds vote of the school board dedicate a tax levy for purposes of this section of not exceeding fifteen mills on the dollar of taxable valuation of property within the district for a period not longer than fifteen years. The school board may authorize and issue general obligation bonds to be paid from the proceeds of this dedicated levy for the purpose of providing funds for the removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any other method approved by the United States environmental protection agency and for any repair, replacement, or remodeling that results from removal or abatement of asbestos substances."

Page 9, after line 14, insert:

"SECTION 17. APPROPRIATION REDUCTIONS. If, as a result of action taken pursuant to article III of the Constitution of North Dakota, the amount of moneys available in the general fund is less than the estimate on adjournment of the legislative assembly, the director of the budget, notwithstanding North Dakota Century Code Section 54-44.1-13.1, shall first proportionally reduce the general fund appropriations contained in this and other Acts approved by the 1989 legislative assembly authorizing and identifying areas for reductions in appropriations to the extent of the reduced revenues to the state general fund before reducing budgets as provided by section 54-44.1-13.1. A reduction of the general fund appropriation contained in this Act must be proportionately made to the grants - foundation aid line item and is limited to the following amounts:

Foundation aid - per-pupil payments	\$20,000,000
Foundation aid - transportation payments	3,000,000
Total	<u>\$23,000,000"</u>

Page 9, line 28, replace "8" with "11"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

The amendment reduces the total appropriation for Public Instruction by \$164,799 from the general fund, a \$256,514 increase in salaries, a \$35,800 increase in operating expenses, and a \$457,113 decrease in the foundation aid grants line item.

The salaries and wages line item is increased as follows:

	GENERAL FUND
Provide increase for superintendent	\$ 7,478
Restore .5 secretary	16,405
Add 2 FTE for approval of teacher education programs	125,903
Add 1 FTE curriculum specialist	85,823
Add .5 FTE secretary for assessment and testing director	<u>20,905</u>
Total	<u>\$ 256,514</u>

The operating expenses line item is increased by \$35,800 from the general fund--\$20,800 for costs associated with revising accreditation standards per passage of House Bill No. 1472 and \$15,000 for increased reimbursement for county reorganization members per passage of Senate Bill No. 2208.

The following schedule compares the House version's foundation aid line item to the Senate version:

	HOUSE	SENATE	DIFFERENCE
<u>Foundation Program</u>			
Per-pupil payments	\$388,571,034*	\$377,181,800*	\$(11,389,234)
Less: School district mill levy deduction **	(47,920,893)	(38,720,082)	<u>9,200,811</u>

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## JOURNAL OF THE SENATE

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Total per-pupil payments	\$340,650,141	\$338,461,718	\$ (2,188,423)
Transportation payments	<u>36,248,429</u>	<u>37,979,739</u>	<u>1,731,310</u>
Total general fund - foundation program	\$376,898,570	\$376,441,457	\$ (457,113)
<u>Tuition Apportionment</u>	<u>\$ 48,200,000</u>	<u>\$ 48,200,000</u>	<u>                    </u>
Total foundation aid and tuition apportionment	\$425,098,570	\$424,641,457	\$ (457,113)

\* The House version's per-pupil payments amount included \$440,000 for bonus payments provided to high schools for cooperative education programs compared to the Senate version that includes \$200,000 for cooperative program transportation programs. The per-pupil payments amount also includes \$500,000 for both the Senate and House versions for elementary summer school programs during 1991 contained in House Bill No. 1002.

\*\* The different versions of the school district mill levy deduction are as follows:

Current law - 20 mills  
 Executive budget - 40 mills  
 House - 25 mills  
 Senate - 20 mills

The following is a schedule of the per-pupil and tuition fund payments and weighted units used in the House version and Senate version:

	HOUSE VERSION	SENATE VERSION	1989-91 HOUSE VERSION IF COMPUTED UNDER CURRENT BASIS (20-MILL DEDUCT AND CURRENT WEIGHTED UNITS FACTORS)
<u>First-year payments</u>			
Per-pupil base	\$ 1,550	\$ 1,500*	\$ 1,499
Tuition fund	200	200	200
Total first-year payments	<u>\$ 1,750</u>	<u>\$ 1,700</u>	<u>\$ 1,699</u>
<u>Second-year payments</u>			
Per-pupil base	\$ 1,604	\$ 1,550*	\$ 1,552
Tuition fund	200	200	200
Total second-year payments	<u>\$ 1,804</u>	<u>\$ 1,750</u>	<u>\$ 1,752</u>
<u>Weighted units</u>			
First year	\$ 122,907	\$ 123,557	\$ 124,208
Second year	\$ 122,896	\$ 123,546	\$ 124,196

The per-pupil payments during the 1987-89 biennium were \$1,400 for the first year and an estimated \$1,364 for the second year after the allotment and \$1,412 prior to the allotment.

The weighted units under the different versions were based on the following:

Executive budget - Most recent five-year average of actual costs.

House - One-half the difference between the present weighted unit factors and the most recent five-year average.

Senate - One-fourth the difference between the present weighted unit factors and the most recent five-year average.

\* The Senate version if computed under the current weighted unit factors would be approximately \$8 less per year, or \$1,492 for the first year and \$1,542 for the second year.

Transportation payments

	HOUSE	SENATE
Small bus	.345	.355
Large bus	.70	.72
Pupil per day	.19	.19 to .665

The salaries and wages line item is increased by \$7,478 from the general fund to provide for a \$50,300 annual salary for the Superintendent of Public Instruction. In addition, Section 15-21-02 is amended to provide for the \$50,300 salary.

The section which provides for a transfer from the state school construction fund to the Superintendent of Public Instruction is amended to reflect that of the \$1,160,492 transferred, \$10,492 is transferred to cover the costs to administer the state school construction fund; \$400,000 is to be used at matching funds to purchase a public television transmitter to serve South Central North Dakota; and the remaining \$750,000 is for administering and providing grants for electronic media instruction. The amendment removes language that provided that \$250,000 must be used to contract for public and educational broadcasting services.

This amendment provides that the educational telecommunications council may require school districts to match up to 25 percent of the telecommunication grants they receive and that the Educational Telecommunications Council shall solicit grants for telecommunications to be used with appropriated funds.

The amendment provides that payments for home school students are at one-half the per-pupil payment.

This amendment authorizes school districts to levy taxes to pay for the abatement of asbestos for methods approved by the Environmental Protection Agency.

This amendment provides for appropriation reductions on a proportional basis of up to \$23 million in the event any general fund revenue measures passed by the 1989 Legislative Assembly do not go into effect. Of the \$23 million reductions, \$20 million is for per-pupil payments and \$3 million is for transportation payments.

## DEPARTMENT 270 - BOARD FOR VOCATIONAL EDUCATION

The following is a schedule of changes made to the Vocational Education appropriation:

	GENERAL FUND	OTHER FUNDS	TOTAL
Add funds to restore 4 FTE deleted in Governor's budget (the House restored 4 of the 8 cut by the Governor)	\$ 121,000	\$ 114,104	\$ 235,104
Add funds to data processing for the new accounting system		8,000	8,000
Reduce other grants line item for federal funds transferred to fund the above two changes		(122,104)	(122,104)
Total	\$ 121,000	\$ 0	\$ 121,000

After these amendments, funding is provided to fund the following eight positions deleted in the Governor's budget (one-half was added by the Senate, \$121,000 general fund, \$114,104 other funds, \$235,104 total, and the other one-half was added by the House):

	TOTAL	GENERAL FUND	OTHER FUNDS
Administrative secretary II	\$ 34,400	\$ 34,400	\$
Administrative secretary II	36,865	36,865	
Administrative secretary II	41,572	41,572	
Accountant I	44,672	44,672	
Assistant state director	95,760	47,880	47,880
Assistant program director	76,242	10,674	65,568
Assistant program director	74,516	11,177	63,339
Assistant program director	67,077	14,757	52,320
Total	\$ 471,104	\$ 241,997	\$ 229,107

HB 1002 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Engrossed HB 1012 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1012 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Engrossed HB 1025 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "making" with "to make"

Page 1, line 2, replace "providing" with "to provide"

Page 1, line 3, replace "and providing" with "to provide"

Page 1, line 4, replace "and small business development centers" with "; and to amend and reenact sections 54-34-01, 54-34-03, and subsection 2 of section 54-34-06 of the North Dakota Century Code, relating to the purpose and membership of the economic development commission"

Page 1, line 13, replace "1,713,429" with "2,575,890"

Page 1, line 15, replace "2,647,344" with "4,295,606"

Page 1, line 16, replace "27,668" with "51,668"

Page 1, remove lines 17 through 19

Page 1, line 20, replace "287,896" with "2,685,529"

Page 1, line 21, replace "6,498,574" with "9,611,193"

Page 2, line 1, replace "2,578,487" with "2,631,628"

Page 2, line 2, replace "3,920,087" with "6,979,565"

Page 2, replace lines 8 through 29 with:

"SECTION 3. AMENDMENT. Section 54-34-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34-01. Purpose of chapter. The economic development commission and director of the economic development commission appointed under this chapter are intended to carry out a program of promotion and economic development to enhance the general welfare of the state through the establishment of new business and industry, the expansion of existing business and industry, the development of new markets for agricultural, and other products, the encouragement of international trade, the development of tourism, and the attraction of new residents, business, and industry. The primary mission and focus of the program is the establishment and expansion of primary sector business and industry.

SECTION 4. AMENDMENT. Section 54-34-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-34-03. Economic development commission - Membership - Appointment and removal - Expenses. The economic development commission consists of the governor as chairman and ~~nine~~ ten members appointed by the governor, with one member appointed from each of the eight planning districts ~~and~~, ~~one member to be appointed at large to represent minorities, and one member appointed to represent the state's system of higher education.~~ The members must be appointed for a term of five years staggered so that the term of at least one member expires each year. The governor shall fill vacancies in the same manner as the original appointment, except that vacancies occurring for other than

the expiration of a term must be filled by appointment for only the remainder of the term of the member causing the vacancy. The governor shall appoint members to the commission on the basis of the special knowledge, experience, and interest of each member in the economic development of the state. The governor may receive nominations of candidates for appointment to the commission from the private sector and from public and private economic development agencies and organizations in the state in such form as may be required by the governor, including nominations from the state board of higher education for appointment of the member to represent the state's system of higher education. Any member of the commission may be removed by the governor for neglect of duty or malfeasance in office. Members of the commission may not receive a salary for their services, but are entitled to reimbursement for expenses incurred in attending meetings and otherwise performing official duties at the same rate as allowed other state officers.

SECTION 5. AMENDMENT. Subsection 2 of section 54-34-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Plan, execute, and direct a program of publicity, research, and agricultural and industrial promotion, the primary mission and focus of which is the establishment and expansion of primary sector business and industry, which will:
  - a. Attract investors, investment capital, and new residents.
  - b. Foster and promote tourism and international trade.
  - c. Assist in improving the business and agricultural climate of North Dakota to encourage the growth and development of business and industry.

SECTION 6. LEGISLATIVE INTENT - COLLOCATION OF ECONOMIC DEVELOPMENT FUNCTIONS. It is the intent of the legislative assembly that if the North Dakota state university extension division develops area resource centers, the economic development commission, where practical and feasible, collocate the small business development centers and regional economic development council offices, or their equivalent, with the extension division's area resource centers.

SECTION 7. LEGISLATIVE INTENT - GRANTS, BENEFITS, AND CLAIMS. It is the intent of the legislative assembly that \$2,169,737 of the grants, benefits, and claims line item be made available to the North Dakota equity development corporation established by Senate Bill No. 2234 to be allocated as follows:

GRANT RECIPIENT	AMOUNT
1. University of North Dakota aerospace center	\$ 500,000
2. Center for innovation and business development at the university of North Dakota	169,737
3. University of North Dakota energy and mineral research center for energy research including mild gasification and other research in Bismarck,	500,000

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Mandan, and western North Dakota, conducted with the approval of the lignite research council, established by the governor's executive order dated February 9, 1989

4.	Economic development management committee for university functions necessary to bring technological innovations and product discoveries to commercialization	300,000
5.	North Dakota State University Extension Service - Rural economic development projects	200,000
6.	Equity development corporation in accordance with the provisions of Senate Bill No. 2234	<u>500,000</u>
	Total	\$ 2,169,737"

Page 3, remove lines 1 through 13

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 602 - ECONOMIC DEVELOPMENT COMMISSION

Description	Salaries and Wages	Date Processing	Operating Expenses	Equipment	Grants, Benefits, and Claims	Other Line Item	Total All Funds	General Fund	Other Funds
Engrossed House Bill No. 1025	\$1,713,429	\$2,500	\$2,647,344	\$27,668	\$287,896	\$1,819,737	\$6,498,574	\$3,920,087	\$2,578,487
Changes:									
1. Restore 6 FTE deleted by House	\$ 451,841						\$ 451,841	\$ 398,700	\$ 53,141
2. Add funds to grants and benefits line to be allocated by the Equity Development Corporation as follows:									
Equity Development Corporation					500,000		500,000	500,000	
Aerospace Center					500,000		500,000	500,000	
Center for Innovation Management Committee					169,737		169,737	169,737	
Energy Research Center					300,000		300,000	300,000	
Extension Service - Rural economic development projects					500,000		500,000	500,000	
Extension Service - Rural economic development projects					200,000		200,000	200,000	
3. Add funds for Canadian Free Trade Initiative and 1 FTE	70,871		129,429	3,000			203,000	203,000	
4. Add 2 FTE; tourism operating and advertising	122,107		837,893	6,000			966,000	966,000	
5. Add 2 FTE for industrial recruitment	162,579		432,997	6,000			601,576	601,576	
6. Add 2 FTE; 1 in community training and 1 secretary	119,769		144,462	6,000			270,231	270,231	

Description	Salaries and Wages	Date Processing	Operating Expenses	Equipment	Grants, Benefits, and Claims	Other Line Item	Total All Funds	General Fund	Other Funds
7. Add 1 FTE for new center in Hilliston; and add support for small business development centers program and home-based business program	\$ 73,437		\$ 313,050	\$ 3,000			\$ 389,487	\$ 389,487	
8. Add salary and operating support - government procurement program	10,000		98,223				108,223	108,223	
9. Increase regional councils funding to provide a total of \$448,000, \$28,000/region/year with \$107,792 transferred from operating expenses			1107,792		\$ 227,894		1335,686	1335,686	
10. Reduce salaries and wages for new positions added to reflect OMB guidelines at minimum of salary range and to remove salary and health insurance increases for 3 new positions not funded	(147,843)						(147,843)	(147,843)	
11. Delete funds for industrial and small business development program; Pacific rim; and Washington, D.C., office added by House						\$(1,369,737)	\$(1,369,737)	\$(1,369,737)	
						(250,000)	(250,000)	(250,000)	
						(200,000)	(200,000)	(200,000)	
<b>Total Senate changes</b>	<b>\$ 862,461</b>		<b>\$1,646,262</b>	<b>\$4,000</b>	<b>\$2,397,633</b>	<b>\$(1,819,737)</b>	<b>\$3,112,619</b>	<b>\$3,059,478</b>	<b>\$ 53,141</b>
House Bill No. 1025 as amended	\$2,575,890	\$2,500	\$4,295,606	\$51,468	\$2,485,629		\$9,611,193	\$4,979,565	\$2,631,628

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Description	Salaries and Wages	Data Processing	Operating Expenses	Equipment	Grants, Benefits, and Claims	Other Line Item	Total All Funds	General Fund	Other Funds
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In addition, these amendments replace the legislative intent in Sections 3, 4, and 5 with Sections 6 and 7 which provide legislative intent regarding the colllocation of economic development functions and the allocation of grant funds added.

In addition, Sections 54-34-01, 54-34-03, and 54-34-06, relating to the Economic Development Commission, are amended to include a member representing the Board of Higher Education on the commission and to clarify that the primary mission of the commission is the establishment and expansion of primary sector business and industry.

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HB 1025 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred Reengrossed HB 1077 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to reengrossed House Bill No. 1077 adopted by the Senate as printed on page 1397 of the Senate Journal, reengrossed House Bill No. 1077 is amended as follows:

Page 1, line 2, remove "and" and after "appropriation" insert "; and to declare an emergency"

Page 3, after line 10, insert:

"SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Reumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides that the bill is an emergency measure and removes language in the previous Senate amendments stating the public corporations, and their boards, are engaged in governmental functions for purposes of immunity and which would have removed language allowing the corporation's employer to participate in fringe benefits.

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

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Engrossed HB 1659 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1659 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1063 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has not adopted the conference committee report on HB 1267 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1267: Reps. Haugen, A. Olson, Tomac

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2417.

The Senate stood adjourned pursuant to Senator Maixner's motion.

PATRICIA CONRAD, Secretary