

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, April 7, 1989

The House convened at 8:00 a.m., with Speaker Kretschmar presiding.

The prayer was offered by Father Hugo Blotsky, Chaplain, University of Mary, Bismarck.

The roll was called and all Representatives were present, except Representatives Flaagan, Gerhardt, Goetz, Lang, D. Larson, Murphy, Rydell, Shaft, and Timm.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)
MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Sixty-fourth Day and finds it to be correct.

REP. HOKANA MOVED that the report be adopted, which motion prevailed.

DOCTOR OF THE DAY SCHEDULE

April 10:	Timothy W. Hockenberry, MD	- FP Resident	- Grand Forks
April 11:	Timothy W. Hockenberry, MD	- FP Resident	- Grand Forks
April 12:	Timothy W. Hockenberry, MD	- FP Resident	- Grand Forks
April 13:	Howard J. Eliason, DO	- Family Practice	- Beulah

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kretschmar presiding.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 9:44 a.m., April 7, 1989: HB 1052, HB 1075, HB 1078, HB 1127, HB 1144, HB 1254, HB 1262, HB 1283, HB 1302, HB 1323, HB 1352, HB 1353, HB 1368, HB 1370, HB 1372, HB 1375, HB 1379, HB 1387, HB 1389, HB 1415, HB 1424, HB 1444, HB 1451, HB 1462, HB 1475, HB 1476, HB 1481, HB 1483, HB 1494, HB 1495, HB 1498, HB 1526, HB 1527, HB 1537, HB 1538, HB 1539, HB 1540, HB 1559, HB 1580, HB 1585, HB 1599, HB 1621, HB 1631, HB 1640, HB 1657, HB 1666, HB 1667.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1021 as printed on pages 1956-1957 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1021: Reps. O. Hanson, K. Thompson, Nowatzki.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2237: Reps. Dorso, Shide, Enget.

REPORT OF CONFERENCE COMMITTEE

REP. WALD MOVED that the conference committee report on HB 1022 as printed on page 1935 of the House Journal be adopted, which motion prevailed.

HB 1022, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the game and fish department of the state of North Dakota; to amend and reenact subsection 22 of section 20.1-03-12 of the North Dakota Century Code, relating to motorboat license fees; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 13 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Brokaw; Gunsch; Hanson, O.; Haugen; Knell; Melby; Murphy; Tokach; Tomac; Whalen; Wilkie

ABSENT AND NOT VOTING: Goetz; Lindgren; Martin

HB 1022 passed, the title was agreed to, and the emergency clause carried.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1041 and HB 1320 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2009 and SB 2026 and subsequently passed the same.

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

MR. SPEAKER: The President has signed: HB 1010, HB 1019, HB 1130, HB 1228, HB 1292, HB 1337, HB 1466, HB 1543, HCR 3056.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2001 as recommended by the Committee on Appropriations as printed on page 1867 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2001, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; and declaring an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 81 YEAS, 23 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Koibo; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Martin; Martinson; Mertens; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Berg, R.; Bernstein; Dorso; Gilmore; Gorman; Gunsch; Hanson, O.; Haugen; Howard; Kouba; Melby; Murphy; Myrdal; Ness; Olson, A.; O'Shea; Schmidt; Shide; Smette; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Goetz; Lindgren

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

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2002 as recommended by the Committee on Appropriations as printed on pages 1901-1903 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2002, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch of the government of the state of North Dakota; and to amend and reenact sections 27-02-02, 27-05-03, 27-07.1-04, and 27-24-04 of the North Dakota Century Code, relating to the salaries of the judges of the supreme, district, and county courts and reimbursement for temporary judge appointments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 20 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Gates; Gerntholz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Dorso; Frey; Gerhardt; Gerl; Gilmore; Gunsch; Hanson, O.; Howard; Melby; Murphy; Nelson; Ness; Oban; O'Shea; Ring; Shockman; Thompson, K.; Whalen; Wilkie

ABSENT AND NOT VOTING: Goetz

SB 2002 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that SB 2017 be placed at the head of the Sixth order of business on the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2017 as recommended by the Committee on Appropriations as printed on pages 1767-1768 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion failed on a verification vote.

SB 2017 was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act making an appropriation for defraying the expenses of the motor vehicle department of the state of North Dakota.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt;

Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Goetz; Gorman

SB 2017 passed and the title was agreed to.

MOTIONS

REP. KLOUBEC MOVED that SB 2332 be placed at the head of the Sixth order on the calendar.

REP. SORENSEN MOVED a substitute motion that SB 2332 be placed at the foot of the Sixth order on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1626 as printed on pages 1892-1893 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1626: Reps. Gunsch, O. Hanson, Laughlin.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2261: Reps. K. Thompson, Payne, Hoffner.

REPORT OF CONFERENCE COMMITTEE

REP. SHAFT MOVED that the conference committee report on HB 1210 as printed on page 1936 of the House Journal be adopted, which motion prevailed.

HB 1210, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1210: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 and subsections 1 and 3 of section 53-06.1-14 of the North Dakota Century Code, relating to the amount of gaming license fees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 16 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Martin; Martinson; Melby;

Mertens; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Urlacher; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Hanson, O.; Haugen; Lindgren; Murphy; Nelson; Olsen, D.; Olson, A.; Payne; Schindler; Schmidt; Thompson, K.; Timm; Uimer; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Goetz

HB 1210 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

REP. DALRYMPLE: Mr. Speaker: I rise on a point of personal privilege.

Mr. Speaker, members of the assembly: Yesterday's Bismarck Tribune carried an article on the subject of human services. The article had a headline that said "Democrats Protective of Human Services". The first sentence read "Senate Democrats are acting to ensure House Republicans cannot take a knife to the \$237 million budget for the State Department of Human Services in the waning days of the 1989 session." I cannot let this go by. I do not believe that I have ever stood up before this body and in any way objected to the kind of press coverage that we receive here in our assembly, but that is one that I just cannot let go by. The fact of the matter is that there has never been any discussion of any kind on the part of the majority party about taking a knife to the human services budget, not by the leadership, not by the Committee on Appropriations, and not by the Committee on Human Services. And I think it is very important to occasionally set the record straight on what the majority party did do in the area of human services.

Just to refresh your memory, the Republican-controlled House added to HB 1012 \$800,000 for the SPED program, \$534,000 for a community chemical dependency treatment program, \$500,000 over the executive recommendation for the senior citizens mill levy match, and other funds in a number of smaller areas. This was done in a bipartisan way with a great deal of discussion on the part of the subcommittee on human resources and appropriations. We decided that these were legitimate areas of need and we addressed those needs. Now that bill has gone to the Senate and I ask it to be told to everyone in the state, how many dollars did the Senate Democrats add to human services in that budget, in the Department of Human Services where all of these programs are administered and carried out. I am not complaining. I am just saying let's get it straight about who is going to take a knife to the human services budget. Thank you.

MOTIONS

REP. WALD MOVED that the remarks of Rep. Dalrymple be printed in the Journal, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that all bills on which final action has been taken be messaged to the Senate immediately, which motion prevailed.

REP. KLOUBEC MOVED that the House stand in recess until 12:30 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kretschmar presiding.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Sixty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1837, after line 13, insert:

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2079, SB 2220, SB 2361, SB 2365, and SB 2398 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2497, SB 2500, SB 2532, SCR 4041, and SCR 4047 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2410, SB 2416, SB 2440, SB 2449, and SB 2462 and subsequently passed the same."

REP. HAUGEN MOVED that the report be adopted, which motion prevailed.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2025 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2025 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1191 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1726 of the House Journal and that Engrossed HB 1191 be amended as follows:

Page 7, line 4, after the underscored period insert "The bureau shall establish, by administrative rule, an hourly rate to compensate a worker's attorney from the date the bureau has notified the worker to identify a rehabilitation plan under section 65-05.1-04. The bureau may establish, by administrative rule, absolute maximum fees for such representation."

Renumber accordingly

For the Senate: Sens. Keller, Krauter, Mutch
For the House: Reps. Dorso, Tokach, Enget

Engrossed HB 1191 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1422 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1728 of the House Journal and that Engrossed HB 1422 be amended as follows:

Page 3, replace lines 14 through 25 with:

"82,001- 84,000	406.00	345.00	293.00	249.00
84,001- 86,000	426.00	362.00	307.00	261.00
86,001- 88,000	446.00	379.00	321.00	273.00
88,001- 90,000	466.00	396.00	335.00	285.00
90,001- 92,000	486.00	413.00	349.00	297.00
92,001- 94,000	506.00	430.00	363.00	309.00
94,001- 96,000	526.00	447.00	377.00	321.00
96,001- 98,000	546.00	464.00	391.00	333.00
98,001-100,000	566.00	481.00	405.00	345.00
100,001-102,000	586.00	498.00	419.00	357.00
102,001-104,000	606.00	515.00	433.00	369.00
104,001-105,500	626.00	532.00	447.00	381.00"

Renumber accordingly

For the Senate: Sens. D. Meyer, Axtman, Krebsbach
For the House: Reps. Knell, Dorso, Ness

Engrossed HB 1422 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: 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 page 1815 of the House 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 HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HB 1038, HB 1664, HCR 3022, HCR 3071, HCR 3086, HCR 3089.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4070, SCR 4074.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1196, HB 1507.

SENATE AMENDMENTS TO REENGROSSED HB 1196

Page 1, line 5, remove "6-06-08.1,"

Page 1, line 12, after the semicolon insert "to repeal section 6-06-08.1 of the North Dakota Century Code, relating to additional assessments of credit unions;"

Page 1, line 22, remove "6-06-08.1,"

Page 10, line 16, after "unions" insert "However, credit unions may only be required to pay eighty percent of the credit unions' portion of the budget from July 1, 1989, to June 30, 1990, and ninety percent of the credit unions' portion of the budget from July 1, 1990, to June 30, 1991. Credit unions shall pay one hundred percent of the credit unions' portion of the budget after June 30, 1991"

Page 11, remove lines 7 through 29

Page 12, remove lines 1 through 5

Page 19, after line 2, insert:

"SECTION 20. REPEAL. Section 6-06-08.1 of the North Dakota Century Code is hereby repealed."

ReNUMBER accordingly

SENATE AMENDMENTS TO REENGROSSED HB 1196

In lieu of the amendments to reengrossed House Bill No. 1196 adopted by the Senate as printed on pages 1313-1314 of the Senate Journal, reengrossed House Bill No. 1196 is amended as follows:

Page 1, line 5, remove "6-06-08.1,"

Page 1, line 12, after the semicolon insert "to repeal section 6-06-08.1 of the North Dakota Century Code, relating to additional assessments of credit unions;"

Page 1, line 22, remove "6-06-08.1,"

Page 11, remove lines 7 through 29

Page 12, remove lines 1 through 5

Page 19, after line 2, insert:

"SECTION 20. REPEAL. Section 6-06-08.1 of the North Dakota Century Code is hereby repealed."

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 413 - DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS

This amendment repeals Section 6-06-08.1 authorizing the Department of Banking and Financial Institutions to impose an assessment on credit unions for additional examinations. The section is being repealed because this bill authorizes the Department of Banking and Financial Institutions to impose an annual assessment on credit unions that is sufficient to cover all costs related to the regulation of state-chartered credit unions.

In addition, this amendment provides that credit unions will pay 100 percent of the cost of their examinations rather than 80 percent the first year of the 1989-91 biennium and 90 percent the second year as the amendments previously passed by the Senate provide.

SENATE AMENDMENTS TO REENGROSSED HB 1507

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-40.1 and seven new sections to title 15 of the North Dakota Century Code, relating to bonus payments for cooperative education programs and the establishment of planning grants and supplemental pupil payments for the restructuring of school district boundaries; to amend and reenact paragraph 2 of subdivision a of subsection 11 of section 15-39.1-04 of the North Dakota Century Code, relating to membership in the teachers' fund for retirement; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Paragraph 2 of subdivision a of subsection 11 of section 15-39.1-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- (2) The superintendent of public instruction, assistant superintendents of public instruction, county superintendents, assistant superintendents, supervisors of instruction, state school supervisors and inspectors, every person engaged as president, dean, school librarian, or registrar of any state institution, the secretary of

the North Dakota education association, all assistant secretaries and professional staff of such association, the commissioner of higher education, the professional staff of an interim school district, and the professional staff of the North Dakota high school activities association.

SECTION 2. A new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

School district restructuring - Rules. The superintendent of public instruction, with assistance from the state board of public school education, shall adopt rules under chapter 28-32 for the purpose of administering planning grants and supplemental payments to contiguous school districts or parts of school districts for the purposes of planning and implementing the restructuring of school district boundaries for the purpose of increasing the educational opportunities of students and the sharing of school administrators. The superintendent of public instruction, if requested, shall provide assistance to school districts in the development and implementation of a plan for the restructuring of contiguous school districts. The superintendent of public instruction may provide other services if requested by the school districts. The plan and any subsequent amendments must be adopted by a majority vote of the membership of each of the participating school boards and the state board of public school education prior to becoming eligible to receive supplemental pupil payments.

SECTION 3. A new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

School district restructuring - Planning grant.

1. Upon receipt of a request for a planning grant from a consortium of school districts whose school boards have by majority vote approved participation in a planning grant to study the restructuring of school boundaries and upon approval of the state board of public school education, the superintendent of public instruction shall provide financial assistance and, if requested, technical assistance.
2. The planning grant must include the study and analysis of:
 - a. Past and projected enrollment trends and other student demographic characteristics and special service needs.
 - b. School facilities.
 - c. Student transportation systems.
 - d. Financial resources available from local, state, and federal sources.
 - e. Personnel characteristics, capabilities, and assignments.
 - f. Other factors as deemed important.
3. The final report must include:
 - a. An analysis of data studied, the findings, and recommendations.

- b. A plan for the restructuring of the participating school districts.
 - c. A time line for the implementation of the plan.
 - d. Plans for the establishment of an interim board to oversee the implementation of the plan.
4. Upon approval of the preliminary plan for the restructuring of the participating school districts by a majority vote of the school board members and the state board of public school education, the superintendent of public instruction shall make available supplemental payments as provided in section 6 of this Act.

SECTION 4. A new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Interim district board. The interim district board is composed of at least one school board member appointed by the school board of each participating school district. Each representative must be a member of the school board of the school district of the appointing school board. The representative shall serve at the pleasure of the appointing school board and may be recalled by a majority vote of the appointing board. Each board member's term expires at the end of that member's term on the local school board. The board shall adopt bylaws for the conduct of its business and is governed, unless specifically provided otherwise, by the laws applicable to school districts.

SECTION 5. A new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Interim district board - Powers and duties.

1. The interim district board shall:

- a. Coordinate the programs and services according to the terms of the approved plan for school district restructuring.
- b. Implement the plan for delivering education services.
- c. Implement methods for sharing administrative and management services. For the purposes of this subdivision an administrator includes:
 - (1) Executive administrators, which include the superintendent and such assistants as deputy, associate, and assistant superintendents who perform activities with respect to the general direction and management of the affairs of the local school district.
 - (2) Business administrators, which includes personnel associated with activities concerned with purchasing, paying for, transporting, exchanging, and maintaining goods and services for the school district.
- d. Develop a process for school districts or parts of school districts to join or withdraw from the projected restructured school district.

- e. Develop procedures for a pupil who is a resident of a member district to enroll in programs or courses offered by another member district and the sharing of costs.
- f. Develop procedures whereby a parent or guardian of a child may petition the school district of residence for authorization to enroll the parent or guardian's child in a contiguous nonmember school district as provided in chapter 15-40.2.
- g. Establish methods for involving parents and other constituents of the participating school districts.
- h. Review the plan annually and propose necessary amendments to the member school districts and to the state board of public school education for adoption by a majority vote of each body.
- i. Submit an annual report to the participating school boards of the participating school districts at their annual meetings in July of each year and to the superintendent of public instruction on the same date.

SECTION 6. A new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

State aid - Planning grants - Supplemental pupil payments.

1. Payments for approved planning grants must be made quarterly for a period not to exceed one year.
2. Each participating school district is entitled to receive state aid for a period not to exceed three years in the amount of two hundred dollars per full-time equivalent pupil in average daily membership the previous year in the participating school districts. The superintendent of public instruction shall distribute the payments pursuant to section 15-40.1-05.
3. For each full-time equivalent pupil in average daily membership the previous year in school districts in which one or more administrators is jointly assigned an additional weighting of five-hundredths for each administrator who is jointly employed times the percent of the administrator's time in which the administrators are employed in the school district is multiplied by the pupil payment specified in section 15-40.1-06. The payment is limited to no more than fifteen units for the sharing of one administrator and no more than twenty-five units for the sharing of more than one administrator as defined in section 5 of this Act.
4. Upon adoption of the restructuring plan by the voters of the participating school districts pursuant to chapter 15-27, the newly formed school district is eligible to receive the supplemental pupil payment for an additional period of five years following the effective date of the reorganization based on the number of full-time equivalent students in average daily membership during the year prior to the effective date of the reorganization.

SECTION 7. A new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Assistance from superintendent of public instruction. The superintendent of public instruction may hire a state school district restructuring coordinator and assistants as may be necessary to assist school districts in the planning, organizing, and implementation of the plan to restructure school districts.

SECTION 8. A new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Report to the legislative council and legislative assembly. The superintendent of public instruction shall report to the legislative council interim committee on education at the committee's first meeting after July 1, 1990, regarding the status of the planning grants and the known number of interim school districts and to the legislative assembly at the organizational session in 1990 regarding the status of planning grants for the biennium and the number of school districts that are implementing the plans developed under the planning grants during the second year of the 1989-91 biennium.

SECTION 9. If House Bill No. 1637 is approved by the fifty-first legislative assembly and becomes effective, then a new section to chapter 15-40.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Cooperative education program - Bonus payments not available to unified school districts. No unified school district may receive bonus payments under section 1 of House Bill No. 1637.

SECTION 10. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much as may be necessary, to the superintendent of public instruction for the purpose of defraying the salary and expenses of the state school district restructuring coordinator, and the sum of \$1,600,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of making planning grants and payments of \$200 per pupil to the projected restructured districts, with an approved plan, for the biennium beginning July 1, 1989, and ending June 30, 1991. For the budget year 1990-91, if the state aid required to meet section 9 of this Act exceeds the amount available, the superintendent of public instruction shall reduce the supplemental pupil payments proportionally so that the state aid to be paid during the 1989-91 biennium does not exceed \$1,600,000."

ReNUMBER accordingly

SENATE AMENDMENTS TO REENGROSSED HB 1507

That the proposed amendments to reengrossed House Bill No. 1507 as printed on pages 1165-1169 of the Senate Journal be amended as follows:

Page 1169 of the Senate Journal, line 30, replace "\$1,600,000" with "\$2,300,000"

Page 1169 of the Senate Journal, line 39, replace "\$1,600,000" with "\$2,300,000"

ReNUMBER accordingly

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4070: A concurrent resolution urging the Congress of the United States to remove the highway trust fund and the airport and airway trust fund from the unified federal budget process and enact legislation to apportion to the states over a five-year period the surpluses currently retained in the trust funds and to repeal the "trigger tax" affecting the airport and airway trust fund before the January 1, 1991, effective date of that tax.

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

SCR 4074: A concurrent resolution urging the Postmaster General of the United States Postal Service to issue a stamp commemorating the late John L. Lewis.

Was read the first time and referred to the Committee on Industry, Business and Labor.

MOTION

REP. KLOUBEC MOVED that SB 2470 be placed at the head of the Sixth order on the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. GATES MOVED that the amendments to Engrossed SB 2470 as recommended by the Committee on Education as printed on pages 1954-1955 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2470, as amended, was placed on the Fourteenth order of business on the calendar.

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 94 YEAS, 3 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Hanson, O.; Melby

ABSENT AND NOT VOTING: Anderson, R.; Brokaw; Dalrymple; Goetz; Hausauer, A.; Hokana; Kingsbury; Shockman; Stenehjem

SB 2470 passed and the title was agreed to.

MOTION

REP. RYDELL MOVED that the House reconsider its action whereby SCR 4017 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution for the amendment of section 21 of article X of the Constitution of North Dakota, relating to use of coal severance taxes deposited in the permanent coal development trust fund; and to provide an effective date.

ROLL CALL

The question being on the adoption of the resolution, which has been read, the roll was called and there were 83 YEAS, 18 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Thompson, V.; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.

NAYS: Anderson, R.; Gilmore; Hanson, O.; Hausauer, A.; Hokana; Kouba; Martin; Melby; Murphy; Scherber; Smette; Soukup; Thompson, K.; Timm; Tokach; Urlacher; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Dorso; Goetz; Kingsbury; Shockman; Stenehjem

SCR 4017 was declared adopted on a roll call vote.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2016 as recommended by the Committee on Appropriations as printed on pages 1906-1907 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

MOTION

REP. SCHMIDT MOVED the previous question, which motion prevailed.

REQUEST

REP. GUNSCH REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2016, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2016, the roll was called and there were 51 YEAS, 50 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; Enget; Frey; Gerhardt; Gerl; Gerntholz; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Nelson; Nicholas; Nowatzki; Oban; Peterson; Scherber; Schneider; Shaft; Shockman; Skjervén; Smette; Solberg; Starke; Stofferahn; Thompson, V.; Tollefson; Trautman; Ulmer; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Flaagan; Gates; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Howard; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Ness; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Schindler; Schmidt; Shide; Sorensen; Soukup; Thompson, K.; Timm; Tokach; Tomac; Urlacher; Vander Vorst; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Goetz; Kingsbury; Kloubec; Ring; Stenehjem

The motion to adopt the amendments to Engrossed SB 2016 passed.

Engrossed SB 2016, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the highway department of the state of North Dakota; to provide for a statement of legislative intent; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 23 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Kouba; Lang; Larson, D.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shide; Shockman; Smette; Solberg; Starke; Stofferahn; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Dorso; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Howard; Knell; Larson, R.; Melby; Murphy; Myrdal; Olson, A.; Schindler; Schmidt; Skjervén; Sorensen; Soukup; Thompson, K.; Tokach; Vander Vorst; Whalen; Wilkie

ABSENT AND NOT VOTING: Goetz; Hausauer, R.; Kingsbury; Kloubec; Stenehjem

SB 2016 passed, the title was agreed to, and the emergency clause carried.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2382 as recommended by the Committee on Appropriations as printed on pages 1871-1872 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2382, as amended, was placed on the Fourteenth order of business on the calendar.

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 77 YEAS, 23 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Scherber; Schneider; Shaft; Shockman; Skjerven; Smette; Sorensen; Starke; Stofferahn; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Dorso; Gorman; Gunsch; Hanson, O.; Haugen; Knell; Lang; Larson, D.; Melby; Olsen, D.; Payne; Schatz; Schindler; Schmidt; Shide; Solberg; Soukup; Thompson, K.; Tokach; Tomac; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Goetz; Hausauer, A.; Hausauer, R.; Kingsbury; Kloubec; Stenehjem

SB 2382 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Reengrossed SB 2399 as recommended by the Committee on Appropriations as printed on page 1872 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

Reengrossed SB 2399, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2399: A BILL for an Act to establish the North Dakota youth conservation corps; 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 49 YEAS, 54 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hokana; Jensen; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; O'Shea; Peterson; Ring; Rydell; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Goetz; Kingsbury; Stenehjem

SB 2399 lost.

MOTION

REP. GUNSCH MOVED that the vote by which SB 2399 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1039, HB 1123, HB 1124, HB 1351, HB 1510 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 1152.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1058: Sens. Mathern, Heinrich, Peterson
 HB 1158: Sens. Tallackson, Ewen, Lips
 HB 1164: Sens. Maixner, Satrom, Moore

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1455 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 SB 2201 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 SB 2173, SB 2187, SB 2291, SB 2304, and SB 2335 and subsequently passed the same.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 1:00 p.m., April 7, 1989: HCR 3056.

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 12:59 p.m., April 7, 1989: HB 1010, HB 1019, HB 1130, HB 1228, HB 1292, HB 1337, HB 1466, HB 1543.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kretschmar presiding.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred SB 2062 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "Act" insert "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"

Page 1, line 2, remove "26.1-08-08,"

Page 1, line 4, replace the first comma with "and" and remove ", and"

Page 1, line 5, remove "premium rates"

Page 2, after line 11, insert:

"SECTION 2. A new subdivision to subsection 6 of section 26.1-08-03 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Exempt, by a two-thirds majority vote, an applicant from the provisions of subsection 4 of section 26.1-08-12 when required under emergency circumstances to allow the applicant access to medical procedures deemed necessary to preserve life."

Page 5, line 26, overstrike "one thousand" and insert immediately thereafter "five hundred"

Page 6, line 15, remove "be less than five", overstrike "hundred", and after "~~fifty~~" insert "be less than one thousand"

Page 10, remove lines 5 through 27

Page 11, line 5, remove the overstrike over "~~six~~" and remove "nine"

Renumber accordingly

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

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2530 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 32-07 of the North Dakota Century Code, relating to the hearing on an order to show cause, notice, available defenses, and use of bond and undertaking in claim and delivery.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 32-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

Show cause hearing - Notice - Available defenses - Use of bond.

1. Unless the plaintiff is proceeding under the provisions of subdivision b of subsection 6 of section 32-07-02, the plaintiff must give the defendant twenty days notice of the hearing on an order to show cause. If necessary, the notice may contain a temporary restraining order issued pursuant to section 32-06-07 to preserve the status quo of the property pending the hearing.
2. Within five working days of service of the notice of the hearing, the defendant shall, at the plaintiff's request, report to the plaintiff the identification and location of the property and allow the plaintiff reasonable inspection of the property. If the request by the plaintiff is denied by the defendant, the court may not deny the delivery of the property notwithstanding any defenses raised by the defendant, and the plaintiff's request must so advise the defendant.
3. The court must consider all meritorious defenses presented by the defendant and issue a written order.
4. If the court finds for the defendant in the trial of the action on the merits after delivery is ordered, it shall tax the defendant's costs of the trial, and shall assess the damages proven to have been sustained by the defendant and proximately caused by the prejudgment delivery of the property. The bond and undertaking filed by the plaintiff pursuant to section 32-07-04 must be available to the

defendant to pay all costs and damages awarded to the defendant."

Renumber accordingly

SB 2530 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1229, HB 1563.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1365 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 1727-1728 of the House Journal.

For the Senate: Sens. Maxson, Stenehjem, Holmberg
For the House: Reps. D. Larson, Wentz, Ring

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

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2173 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1489 of the House Journal.

For the Senate: Sens. Keller, Schoenwald, Todd
For the House: Reps. Tollefson, Tokach, Gerhardt

Engrossed SB 2173 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2187 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1563-1565 of the House Journal and that Engrossed SB 2187 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 49-11-24, 49-11-28, 49-11-29, and 49-11-30 of the North Dakota Century Code, relating to fencing on railroad rights of way and maintenance of cattleguards and gates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-11-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-24. Railroad right of way to be fenced - Fences.

1. Every person, company, or corporation owning or operating any line of railroad or railway within this state shall construct a fence on each side of its right of way and shall maintain such fence and keep it in good repair. Such fence shall be constructed within six months after the completion of the railroad or railway owner or lessee of land abutting any operating railroad's right of way who has a legal fence, as defined in section 47-26-01, along all sides of the land

except the side abutting the right of way may make a written request of the owners or operators of the railroad to construct a fence along the right of way. Upon receipt of the request, the owners or operators shall erect, within a reasonable time, a legal fence along the right of way to confine livestock as required by section 36-11-01. The owners or operators shall maintain the fence so long as the owner or lessee maintains the fence around the other sides of the enclosure.

2. Where the railroad has a fence along its right of way, the owners or operators of the railroad shall maintain the fence without necessity of a request by the owner or lessee so long as the owner or lessee maintains a fence around the other sides of the enclosure.
3. Except for the penalty and liability imposed by sections 49-11-29 and 49-11-30, the failure to comply with the requirements of this section is not, in itself, evidence of negligence and the fact that this section has been violated is not admissible in any other action.

SECTION 2. AMENDMENT. Section 49-11-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-28. Cattle guards and swinging ~~Swinging~~ gates - When railroad required to maintain. ~~Every person, company, or corporation owning or operating any line of railroad within this state shall:~~

- 1- ~~Construct and maintain suitable and safe cattle guards on both sides of all public crossings; and~~
- 2- ~~Construct and maintain suitable and safe swinging gates on both sides of all private crossings~~ Upon the written request of the owner or lessee of land abutting the railroad's right of way, the owners or operators of a railroad shall construct and maintain suitable and safe swinging gates on any side of a private crossing enclosed by the railroad under section 49-11-24. The request must be made at the same time a request is made under subsection 1 of section 49-11-24.

SECTION 3. AMENDMENT. Section 49-11-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-29. ~~Failure to construct fence, cattle guard, or swinging gate - Penalty.~~ Any person owning or operating any line of railroad within this state and refusing or neglecting to comply with any of the provisions of sections 49-11-24 through 49-11-28 shall be ~~is~~ guilty of a class A misdemeanor. A prosecution or conviction under sections 49-11-24 through 49-11-28 ~~shall~~ does not relieve such person from liability for the maiming or killing of livestock on such ~~the~~ right of way by reason of his ~~that~~ person's negligence.

SECTION 4. AMENDMENT. Section 49-11-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-30. ~~Failure of railroad to fence - Damage to owner of stock - How collected.~~ Any corporation operating a railroad and

failing to fence the same against livestock running at large ~~and failing to maintain proper and sufficient cattle guards at all points~~ where the duty to fence or maintain cattle guards exists, ~~shall be is~~ liable to the owner of any stock killed or injured by reason of the want of such fence or ~~cattle guard~~ for the full amount of the damages sustained by the owner, unless the injury was occasioned by the grossly negligent act of the owner of the stock or ~~his~~ the owner's agent. To recover the same, ~~it shall be necessary for~~ the owner of the stock to must prove only the loss of or injury to ~~his~~ the owner's property. Notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, ~~shall~~ must be served upon an officer of the corporation or upon a station or ticket agent employed by ~~said~~ the corporation in the county where ~~such the~~ loss or injury occurred. If the corporation fails or neglects to pay ~~such damage~~ the damages within ninety days after the notice is served on it, the owner ~~shall be is~~ entitled to recover from the corporation double the amount of damages actually sustained by ~~him~~ the owner, and ~~twenty five dollars as an~~ a reasonable attorney's fee when it ~~shall be is~~ adjudged by a court of competent jurisdiction that the claimant is entitled to the amount claimed."

Remember accordingly

For the Senate: Sens. Richard, Schoenwald, Mutch
For the House: Reps. Christman, Urlacher, B. Anderson

Engrossed SB 2187 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SB 2201 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on pages 1818-1820 of the House Journal.

For the Senate: Sens. Satrom, Dotzenrod, Moore (refused to sign)
For the House: Reps. R. Anderson, A. Hausauer, Hokana (refused to sign)

SB 2201 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2291 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1579-1584 of the House Journal and that Engrossed SB 2291 be amended as follows:

Page 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the creation of a human services advisory board; to amend and reenact sections 50-06-01, 50-06-01.3, 50-06-05.1, 50-06-16, and 50-06-17 of the North Dakota Century Code, relating to the authority of the human services advisory board and the structure of the department of human services; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-01. Definition Definitions. Whenever the word
~~"department"~~ is As used in this chapter, it shall mean unless the
context otherwise requires:

1. "Board" means the human services advisory board.
2. "Department" means the department of human services.

SECTION 2. AMENDMENT. Section 50-06-01.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-01.3. Executive Appointment of executive director -
~~Appointment - Compensation.~~ The governor shall appoint the executive
director of the department shall be appointed by, and who shall serve
at the pleasure of, the governor. The board may advise the governor
concerning the appointment or reappointment of an executive director.
The executive director shall take the oath of office required of civil
officers by section 44-01-05 and shall must be bonded as required of
civil officers by section 44-01-06. The executive director shall is
entitled to receive compensation in the amount established by the
governor within the limits of legislative appropriations.

SECTION 3. A new section to chapter 50-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Human services advisory board - Membership - Meetings -
Compensation and expenses - Responsibilities.

1. The governor shall appoint nine members of the human services
advisory board. Each member appointed to the board must
possess expertise that the governor determines will assist
the board in recommending and reviewing department policy for
the delivery of human services. The board must represent a
broad constituency from across the state, and must include
persons who are recipients of human services. No board
member may be an employee of the department or serve
simultaneously on a regional human service center advisory
council.
2. The governor shall appoint three members with terms ending
June 30, 1992, three members with terms ending June 30, 1994,
and three members with terms ending June 30, 1996. One
member must be appointed from each regional human service
area and one member must be appointed at large. All
subsequent appointments are for terms of six years, with the
terms commencing on July first. A vacancy on the board may
be filled for the unexpired term only. Members serve until
their successors are appointed and may serve for no more than
one full six-year term. The governor may remove a member for
cause.
3. The governor or the governor's designee, who may not be an
employee of the department, shall act as president of the
board. Before September 1, 1990, and every July first
thereafter, the board shall meet and elect a vice president,
a secretary, and other officers as the board determines
necessary. The board shall meet quarterly and at other times

determined necessary by the executive director, the president, or a majority of the members of the board.

4. All board members are entitled to receive the same compensation for their services as provided in section 54-35-10 for members of the legislative council. Members are entitled, as provided in sections 44-08-04 and 54-06-09, to receive reimbursement for their necessary travel and mileage expenses incurred in attending meetings of the board and while engaged in the performance of their duties.
5. The board shall recommend and review policy for the department, and shall advise the executive director with respect to other issues and concerns.

SECTION 4. AMENDMENT. Section 50-06-05.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-05.1. Powers and duties of the department. The department ~~shall have~~ has the following powers and duties to be administered, ~~with the advice of the board,~~ by the department through its state office or through regional human service centers or otherwise as directed by it:

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of deprived, unruly, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate social legislation to the legislative assembly.
8. To direct and supervise county social service board activities as may be financed in whole or in part by or with funds allocated or distributed by the department.

9. To inform the public as to social conditions and ways of meeting social needs.
10. To secure, hold, and administer for the purpose for which it is established, any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the board or department, and to administer ~~said~~ those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
11. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department including child-care facilities, nonmedical adult-care facilities and maternity homes, and persons or organizations receiving and placing children, and to require ~~such~~ those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
12. To permit the making of any surveys of human service needs and activities if ~~deemed by the department~~ determined to be necessary and ~~expedient~~.
13. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever ~~the department deems it~~ necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena ~~shall~~ may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or maternity hospital or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
14. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, and marital counseling, and related consultation, when referred by self, parent, guardian, county social service board, court, physician, or other individual or agency, and when application is made by self (if an adult or emancipated youth), parent, guardian, or agency having custody; also, on the same basis, to provide human services to children and adults in relation to their placement in or return from the Grafton state school, state hospital, or North Dakota industrial school.
15. To provide marital counseling to individuals ordered to participate in such treatment by the family court.
16. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, probation, and aftercare services when requested by the judge of a juvenile court, all reports to be

kept confidential for the use of the judge except as may be disclosed by the judge.

17. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, and probation and parole services, when requested by the judge in a criminal case, all reports to be kept confidential for use by the judge except as may be disclosed by the judge.
18. To act as the official agency of the state in the administration of the food stamp program and to direct and supervise county administration of that program. Provided, however, that the department with the consent of the budget section of the legislative council may terminate the program ~~should~~ if the rate of federal financial participation in administrative costs provided under Public Law 93-347 ~~be is~~ decreased or limited, or ~~should~~ if the state or counties become financially responsible for all or a portion of the coupon bonus payments under the Food Stamp Act.
19. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing assistance payments, and rental subsidies under any rental assistance programs initiated by the federal government not otherwise by law made the responsibility of another state agency possessing statewide jurisdiction.
20. To act as the official agency of the state in the administration of the energy assistance program; to direct and supervise county administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. Provided, however, that the department with the consent of the budget section of the legislative council may terminate the program ~~should~~ if the rate of federal financial participation in administrative costs ~~be is~~ decreased or limited to less than fifty percent of total administrative costs, or ~~should~~ if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits.
21. ~~Repealed by S.L. 1987, ch. 582, § 30, effective July 14, 1987.~~
22. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of ~~such~~ the child.

22. To exercise and carry out any other powers and duties granted the department under state law.

SECTION 5. AMENDMENT. Section 50-06-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-16. Authority to adopt rules Rulemaking authority. The department may adopt rules necessary to carry out its the responsibilities under this chapter of the department in conformity with any statute administered or enforced by the department. The board shall review the adoption, amendment, or repeal of any rules by the department. All rules adopted shall must be published in the North Dakota Administrative Code. Rules adopted by agencies prior to January 1, 1982, which relate to functions or agencies covered by this chapter shall remain in effect until such time as they are specifically amended or repealed by the department.

SECTION 6. AMENDMENT. Section 50-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-17. Biennial report to governor and office of management and budget - Budget estimates. The department shall submit to the governor and the office of management and budget a board shall review and make recommendations concerning the biennial report as prescribed by section and budget estimate prior to the department's submission of the report and estimate in accordance with sections 54-06-04 and 54-44.1-04.

SECTION 7. EFFECTIVE DATE. This Act becomes effective on January 1, 1990."

Renumber accordingly

For the Senate: Sens. J. Meyer, Mathern, Peterson
For the House: Reps. Clayburgh, Haugland, J. DeMers

Engrossed SB 2291 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SB 2304 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1568 of the House Journal.

For the Senate: Sens. Robinson, Holmberg, Lodoen
For the House: Reps. Lindgren, Wentz, Enget

SB 2304 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2335 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on pages 1533-1534 of the House Journal and that Engrossed SB 2335 be further amended as follows:

Page 1, line 5, after the first semicolon insert "to repeal subsection 3 of section 39-01-15 of the North Dakota Century Code, relating to the committee appointed to develop guidelines for qualification and the

issuance of certificates or insignia for parking privileges for the mobility impaired;" and remove "and"

Page 1, line 6, after "appropriation" insert "; and to provide an effective date"

Page 3, line 9, remove the overstrike over "~~The registrar shall appoint a three member committee. The~~"

Page 3, remove the overstrike over lines 10 through 14

Page 3, line 15, remove the overstrike over "~~under this subsection. The committee shall~~", after "develop" insert "review", and remove the overstrike over "~~guidelines for~~"

Page 3, remove the overstrike over lines 16 and 17

Page 3, line 18, remove the overstrike over "~~4.~~"

Page 4, line 22, replace "4." with "5."

Page 5, line 9, replace "5." with "6."

Page 5, line 16, replace "6." with "7."

Page 5, line 26, replace "7." with "8."

Page 6, line 6, replace "8." with "9."

Page 7, line 1, replace "9." with "10."

Page 7, line 15, replace "10." with "11."

Page 8, after line 23, insert:

"SECTION 6. REPEAL. Subsection 3 of section 39-01-15 of the North Dakota Century Code is hereby repealed.

SECTION 7. EFFECTIVE DATE. Section 6 of this Act becomes effective on July 1, 1992."

Renumber accordingly

For the Senate: Sens. Schoenwald, Richard, Tennesfos

For the House: Reps. Belter, D. Larson, Hokana

Engrossed SB 2335 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: A majority of your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was rereferred Engrossed SB 2397 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 4, line 28, after "Mondays." insert "The governing body of a city may on its own motion submit to the qualified electors of the city a proposed ordinance authorizing businesses to operate on Sunday. The qualified

electors of a city, equal in number to at least fifteen percent of the votes cast in the last regular city election, may submit to the governing body a petition containing a proposed ordinance authorizing businesses to operate on Sunday. Upon receipt of the petition, the governing body of the city shall call a special election, unless a general city election is scheduled within ninety days, and submit to the vote of the electors of the city the proposed ordinance. If approved by the electors, the proposed ordinance is a valid ordinance of the city. However, the governing body of a city may not authorize the sale of motor vehicles on Sundays."

Page 6, line 7, replace "on Sunday" with "seven days a week or on any particular day"

Re-number accordingly

For the Majority: Reps. Skjerven, Haugen, Brokaw, Wentz, Lang, V. Olson, Enget, Howard.

MR. SPEAKER: A minority of your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was rereferred Engrossed SB 2397 has had the same under consideration and recommends that the same DO PASS.

For the Minority: Reps. Gerl, Gorman, Flaagan, Shaft, Carlson, Lindgren.

The reports of the majority and the minority were placed on the Sixth order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

REP. GOETZ MOVED that the conference committee report on HB 1245 as printed on page 1937 of the House Journal be adopted, which motion prevailed.

REP. DORSO MOVED that the conference committee report on HB 1294 as printed on page 1945 of the House Journal be adopted, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that HB 1504, HB 1614, HB 1634, and SB 2212 be placed at the head of the Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. GATES MOVED that the conference committee report on Reengrossed HB 1504 as printed on page 1978 of the House Journal be adopted, which motion prevailed.

Reengrossed HB 1504, as amended, was placed on the Eleventh order of business on the calendar.

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 89 YEAS, 10 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget;

Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Carlson; DeMers, J.; Gunsch; Murphy; Ness; Olsen, D.; O'Shea; Ring; Williams, A.

ABSENT AND NOT VOTING: Goetz; Hausauer, R.; Kingsbury; Olson, A.; Olson, V.; Schmidt; Stenehjem

HB 1504 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. MYRDAL MOVED that the conference committee report on Engrossed HB 1614 as printed on pages 1955-1956 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1614, as amended, was placed on the Eleventh order of business on the calendar.

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 71 YEAS, 28 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shockman; Skjervan; Sorensen; Soukup; Starke; Stofferahn; Thompson, V.; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Brokaw; Enget; Gilmore; Gunsch; Hanson, O.; Haugen; Knell; Kouba; Lang; Martin; Melby; Murphy; Ness; Olsen, D.; O'Shea; Schindler; Shide; Smette; Solberg; Thompson, K.; Timm; Tokach; Tomac; Urlacher; Wald; Whalen

ABSENT AND NOT VOTING: Goetz; Hausauer, R.; Kingsbury; Olson, A.; Olson, V.; Schmidt; Stenehjem

HB 1614 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. GORMAN MOVED that the conference committee report on Engrossed HB 1634 as printed on page 1956 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1634, as amended, was placed on the Eleventh order of business on the calendar.

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 98 YEAS, 2 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Hanson, O.

ABSENT AND NOT VOTING: Goetz; Kingsbury; Olson, A.; Olson, V.; Schmidt; Stenehjem

HB 1634 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. AAS MOVED that the conference committee report on SB 2212 as printed on page 1985 of the House Journal be adopted, which motion prevailed.

MOTIONS

REP. KLOUBEC MOVED that HB 1267, HB 1558, and SB 2032 be placed at the head of the Seventh order on the calendar, which motion prevailed.

REP. KLOUBEC MOVED that Engrossed HB 1267 be placed at the foot of the Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. GOETZ MOVED that the conference committee report on Engrossed HB 1558 as printed on page 1955 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1558, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1558: A BILL for an Act to create and enact three new sections to chapter 10-24 and a new section to chapter 57-38 of the North Dakota Century Code, relating to certification of nonprofit development corporations and providing income tax credits for purchase of memberships, payment of dues, or making contributions by individuals and corporations to certified nonprofit development corporations; 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 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Goetz; Kingsbury; Mertens; Olson, A.; Olson, V.; Schmidt; Stenehjem

HB 1558 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on SB 2032 as printed on page 1985 of the House Journal be adopted, which motion prevailed.

SB 2032, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2032: A BILL for an Act to amend and reenact section 52-05-07 of the North Dakota Century Code, relating to the appointment of a state council by the job service North Dakota bureau.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjervem; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Goetz; Kingsbury; Olson, A.; Olson, V.; Schmidt; Stenehjem

SB 2032 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HB 1641.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has adopted the conference committee report on SB 2309 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2518 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 2536.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has adopted the conference committee report on SB 2042, stating that the conference committee is unable to agree and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2042: Sens. Maxson, Dotzenrod, Lodoen

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on SB 2042: Reps. Haugen, Lindgren, Carlson.

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 2042: Reps. Haugen, Lindgren, Carlson

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1674 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1674 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1554 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on page 1749 of the House Journal.

For the Senate: Sens. Krauter, O'Connell, Moore

For the House: Reps. Aas, Martin, G. Berg

Engrossed HB 1554 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2153 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1463-1464 of the House Journal and that Engrossed SB 2153 be amended as follows:

Page 1, line 2, after "to" insert "a personal holiday for state employees and"

Page 1, line 7, replace "Closing of state offices" with "Personal holiday election" and after the period insert "With administrative approval, state employees may elect, in such a way as to allow each state agency to remain open, one of the following days as a personal holiday: the day after Thanksgiving; the day after the Christmas holiday, or the Monday after Christmas if the holiday falls on a Friday or Saturday; or Martin Luther King Day, the third Monday of January."

Page 1, line 8, replace "twelve noon" with "two-thirty p.m."

Re-number accordingly

For the Senate: Sens. Dotzenrod, Maxson, Ingstad (absent)

For the House: Reps. Clayburgh, Schatz, Carlson

Engrossed SB 2153 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2256 has had the same under consideration and recommends that the HOUSE

RECEDE from the House amendments as found on page 1490 of the House Journal and that Engrossed SB 2256 be amended as follows:

Page 5, line 22, after "voluntary" insert "nonpaid"

Page 11, line 11, after the period insert "The loss must be determined in accordance with and based upon the most current edition of the American medical association's "Guides to the Evaluation of Permanent Impairment." Any impairment award, not expressly contemplated within the American medical association's "Guides to the Evaluation of Permanent Impairment," must be determined by clear and convincing medical evidence."

Page 15, line 12, after the underscored period insert "Any rating of the percentage of functional impairment should be in accordance with the standards for the evaluation of permanent impairment as published in the most recent edition of the American medical association's "Guides to the Evaluation of Permanent Impairment" unless proven otherwise by clear and convincing medical evidence."

Renumber accordingly

For the Senate: Sens. Maxson, Nalewaja, Stenehjem

For the House: Reps. Dorso, Shide, Enget

Engrossed SB 2256 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2262 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1577-1579 of the House Journal and that Engrossed SB 2262 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to declare legislative intent; to create and enact chapter 23-09.2 of the North Dakota Century Code, relating to education of food preparers; to amend and reenact subsections 14 and 15 of section 43-15-10 of the North Dakota Century Code, relating to powers of the state board of pharmacy; and to repeal sections 19-02-13, 19-02-14, 19-02-15, 19-02-16, 19-02-17, 19-02-18, 19-02-19, 19-02-20, 19-02-21, 19-02-22, 19-02-23, and 19-02-24 of the North Dakota Century Code, relating to food and drug regulation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE INTENT. Because facilities are not always available for the preparation of food onsite by nonprofit public-spirited organizations not regularly engaged in the business of selling food or to persons not regularly engaged in the business of preparing or selling food and who prepare food for sale directly to the ultimate consumer at a farmers' market, bake sale, or similar enterprise, it is the intent of the legislative assembly to exempt organizations and persons in those situations from preparing food in licensed or approved kitchens. Because the unintentional mishandling of food may jeopardize the public health and welfare, whether the mishandling is done by an establishment open to public patronage or by a nonprofit public-spirited organization or a person providing a limited type of food service, it is the intent of the legislative

assembly to authorize the department of health and consolidated laboratories to offer educational support to food preparers.

SECTION 2. Chapter 23-09.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

23-09.2-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Department" means the department of health and consolidated laboratories.
2. "Food preparer" means any person who manufactures, processes, sells, handles, or stores food and who is not required to obtain a license from the department under chapter 19-02.1, 23-09, or 23-09.1.
3. Any term used in this chapter has the same meaning as when used in a comparable context in chapters 19-02.1, 23-09, and 23-09.1.

23-09.2-02. Rules. The department may adopt rules regarding education of food preparers.

23-09.2-03. Minor violations. The department, local boards of health, and district health units shall attempt to resolve minor violations of this chapter through education. The department, local boards of health, and district health units are not required to report for prosecution minor violations of this chapter.

23-09.2-04. Exclusions. This chapter does not apply to private homes where food is prepared or stored for individual family consumption and to the use of home-canned goods, nongrade A dairy products and food prepared using nongrade A dairy products, and to meat not inspected under the Federal Meat Inspection Act [34 Stat. 1260-1265; 21 U.S.C. 603 et seq.].

SECTION 3. AMENDMENT. Subsections 14 and 15 of section 43-15-10 of the 1987 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

14. To make, adopt, amend, and repeal rules as may be deemed necessary by the board from time to time for the proper administration and enforcement of this chapter, ~~chapters 19-02 and chapter 19-02.1 as those chapters pertain that chapter pertains~~ to drugs, subject to approval of the director of the state department of health and consolidated laboratories, and chapter 19-03.1 subject to approval of the controlled substances board.
15. The board or its authorized representatives may investigate and gather evidence concerning alleged violations of the provisions of chapter 43-15, ~~chapters 19-02 and chapter 19-02.1 that pertain~~ pertains to drugs, chapters 19-03.1, 19-03.2, and 19-04, or of the rules of the board. Board investigative files are confidential and may not be considered public records or open records for purposes of

section 44-04-18, until a complaint is filed or a decision made by the board not to file a complaint.

SECTION 4. REPEAL. Sections 19-02-13, 19-02-14, 19-02-15, 19-02-18, 19-02-19, 19-02-21, 19-02-22, and 19-02-23 of the North Dakota Century Code, and sections 19-02-16, 19-02-17, 19-02-20, and 19-02-24 of the 1987 Supplement to the North Dakota Century Code are hereby repealed."

Renumber accordingly

For the Senate: Sens. Kelsh, J. Meyer, Stenehjem
For the House: Reps. Stenehjem, Clayburgh, Kolbo

Engrossed SB 2262 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Reengrossed SB 2309 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on pages 1466-1467 of the House Journal.

For the Senate: Sens. Dotzenrod, Maxson (absent), Ingstad
For the House: Reps. A. Hausauer, R. Anderson, W. Williams

Reengrossed SB 2309 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SB 2322 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1533 of the House Journal and that SB 2322 be amended as follows:

Page 1, line 3, after "funds" insert "; and to provide an expiration date"

Page 2, after line 5, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date is ineffective."

Renumber accordingly

For the Senate: Sens. Mathern, O'Connell, Freborg
For the House: Reps. R. Berg, Gates, Wilkie

SB 2322 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred SB 2468 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on pages 1628-1629 of the House Journal.

For the Senate: Sens. Hanson, Nalewaja, Stenehjem
For the House: Reps. Wentz, Stenehjem, Kaldor

SB 2468 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 adopted the conference committee report on SB 2153, SB 2256, SB 2262, SB 2322, and SB 2468 and subsequently passed the same.

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 2237: Reps. Dorso, Shide, Enget

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1021 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1021: Reps. O. Hanson, K. Thompson, Nowatzki

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1626 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1626: Reps. Gunsch, O. Hanson, Laughlin

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 2261: Reps. K. Thompson, Payne, Hoffner

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

MR. PRESIDENT: The House has passed unchanged: SB 2017, SB 2096, SB 2128, SB 2384, SB 2395, SB 2528, SCR 4021.

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

MR. PRESIDENT: The House has failed to pass: SB 2396, SB 2415, SB 2451, SCR 4008.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2524.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2001, SB 2002.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1022 and HB 1210 and subsequently passed the same.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: HB 1229, HB 1563.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1229, HB 1563.

MOTIONS

REP. KLOUBEC MOVED that the absent members be excused, which motion prevailed.

REP. KLOUBEC MOVED that the House be on the Fourth order of business, and at the conclusion of the Fourth order, the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 8:00 a.m., Monday, April 10, 1989, which motion prevailed.

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 7, 1989

The Honorable William Kretschmar
Speaker of the House
House Chamber
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on April 6, 1989, I signed the following: HB 1008, HB 1030, HB 1126, HB 1167.

Sincerely,

GEORGE A. SINNER
Governor

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 7, 1989

The Honorable William Kretschmar
Speaker of the House
House Chamber
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on April 7, 1989, I signed the following: HB 1181, HB 1207, HB 1213, HB 1249, HB 1266, HB 1276, HB 1281, HB 1284, HB 1295, HB 1298, HB 1321, HB 1421, HB 1489, HB 1668, HB 1671, HB 1673.

Sincerely,

GEORGE A. SINNER
Governor

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 7, 1989

The Honorable William Kretschmar
Speaker of the House
House Chamber
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Speaker:

House Bill 1076 would amend N.D.C.C. Section 43-17-41 which presently provides for the duty of physicians or other medical or mental health professionals to report any person they treat that may be suffering from any self-inflicted injuries or injuries inflicted by another in violation of any criminal law. House Bill 1076 would exempt from this reporting requirement a suspected violation of the DUI law as long as there are no additional persons injured, other than the driver.

Driving while under the influence of alcohol or other drugs is a very serious offense in our state as evidenced by the nearly 3,000 persons arrested per year for this violation. Furthermore, nearly one-half of all traffic fatalities in our state continue to have measurable amounts of alcohol or other drugs. To eliminate the responsibility of physicians and other medical and mental health professionals from reporting these offenders could seriously jeopardize our DUI enforcement efforts by delaying or even preventing a timely investigation of the facts and circumstances of an automobile accident.

Furthermore, forcing medical professionals to determine the possibility of other victims being at risk is not appropriate. Timely investigations of the scene of an accident save relevant evidence and more importantly enable a quick on-site investigation to accurately determine whether other individuals were injured.

Finally, N.D.C.C. Section 43-17-41, without these amendments, has served the criminal justice community well since it was initially enacted in 1977.

Therefore, I veto House Bill 1076.

Sincerely,

GEORGE A. SINNER
Governor

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Reengrossed SB 2003 has had the same under consideration

and recommends by a vote of 21 YEAS, 2 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 3, after the semicolon insert "to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the remodeling and/or expansion of the student union at Minot state university;"
- Page 1, line 6, remove "higher"
- Page 1, line 7, replace "education planning, board of higher education staff support," with "telecommunications, unified academic calendar,"
- Page 1, line 21, replace "1,348,591" with "1,016,859"
- Page 2, line 1, replace "573,872" with "308,872"
- Page 2, line 2, replace "16,600" with "6,000"
- Page 2, line 3, replace "1,250,000" with "700,000"
- Page 2, line 5, replace "1,972,100" with "2,364,600"
- Page 2, line 12, replace "3,900,000" with "1,500,000"
- Page 2, line 13, replace "13,099,788" with "9,934,956"
- Page 2, line 15, replace "11,030,807" with "7,865,975"
- Page 2, line 18, replace "11,192,914" with "11,213,789"
- Page 2, line 23, replace "14,952,579" with "14,973,454"
- Page 2, line 25, replace "7,503,969" with "7,524,844"
- Page 2, line 28, replace "3,222,454" with "3,143,918"
- Page 2, line 29, replace "1,138,058" with "1,108,058"
- Page 3, line 3, replace "274,204" with "407,204"
- Page 3, line 4, replace "4,777,620" with "4,802,084"
- Page 3, line 6, replace "2,560,682" with "2,585,146"
- Page 3, line 9, replace "3,538,446" with "3,406,564"
- Page 3, line 14, replace "4,875,699" with "4,743,817"
- Page 3, line 16, replace "2,666,937" with "2,535,055"
- Page 3, line 19, replace "78,624,293" with "78,928,698"
- Page 3, line 20, replace "23,376,664" with "23,326,664"
- Page 3, line 24, replace "106,073,266" with "106,327,671"
- Page 3, line 26, replace "71,031,658" with "71,286,063"
- Page 3, line 29, replace "65,258,807" with "65,507,117"
- Page 4, line 1, replace "20,414,103" with "20,364,103"
- Page 4, line 5, replace "89,542,568" with "89,740,878"
- Page 4, line 7, replace "60,850,930" with "61,049,240"
- Page 4, line 10, replace "18,872,243" with "18,907,278"
- Page 4, line 12, replace "865,491" with "1,365,491"
- Page 4, line 15, replace "25,336,119" with "25,871,154"
- Page 4, line 17, replace "19,284,314" with "19,819,349"
- Page 4, line 20, replace "9,807,102" with "9,586,119"
- Page 4, line 24, replace "197,935" with "647,935"
- Page 4, line 25, replace "13,359,468" with "13,588,485"
- Page 4, line 27, replace "10,300,586" with "10,529,603"
- Page 5, line 1, replace "6,302,736" with "6,223,058"
- Page 5, line 2, replace "2,009,075" with "1,827,763"
- Page 5, line 6, replace "8,612,750" with "8,351,760"
- Page 5, line 8, replace "6,615,916" with "6,354,926"
- Page 5, line 11, replace "22,113,021" with "22,137,902"
- Page 5, line 16, replace "26,980,404" with "27,005,285"
- Page 5, line 18, replace "19,063,662" with "19,088,543"
- Page 5, line 21, replace "8,525,423" with "8,534,079"
- Page 5, line 22, replace "2,301,958" with "2,099,687"
- Page 5, line 26, replace "11,312,328" with "11,118,713"
- Page 5, line 28, replace "8,475,964" with "8,282,349"
- Page 6, line 2, replace "3,072,174" with "3,076,959"
- Page 6, line 7, replace "4,160,832" with "4,165,617"

Page 6, line 9, replace "3,066,863" with "3,071,648"
 Page 6, line 21, replace "429,449" with "329,449"
 Page 6, line 24, replace "1,766,293" with "1,666,293"
 Page 6, line 26, replace "1,082,152" with "982,152"
 Page 6, line 29, replace "38,150,518" with "38,285,577"
 Page 7, line 1, replace "15,428,598" with "14,399,998"
 Page 7, line 3, replace "54,601,238" with "53,707,697"
 Page 7, line 4, replace "28,315,992" with "26,876,142"
 Page 7, line 5, replace "26,285,246" with "26,831,555"
 Page 7, line 12, replace "250,355,647" with "248,342,409"
 Page 7, line 13, replace "153,304,485" with "152,714,635"
 Page 7, line 14, replace "403,660,132" with "401,057,044"
 Page 9, line 4, after "grants" insert "and reciprocal agreements"
 Page 9, line 5, replace "appropriation" with "appropriations"
 Page 9, line 7, replace "this appropriation" with "these appropriations"
 Page 9, line 8, remove "student assistance"
 Page 9, remove lines 17 through 29
 Page 10, remove lines 1 through 17
 Page 11, remove lines 3 through 15 and insert:

"Bismarck state college	\$ 629,800
University of North Dakota - lake region	216,400
University of North Dakota - Williston	212,200
University of North Dakota	5,966,400
North Dakota state university	5,109,600
North Dakota state college of science	1,658,800
Dickinson state university	881,300
Mayville state university	531,900
Minot state university	1,597,600
Valley City state university	693,200
North Dakota state university - Bottineau	257,100
University of North Dakota - medical center	<u>2,245,700</u>
Total	\$ 20,000,000"

Page 11, after line 15, insert:

"SECTION 12. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding eight hundred fifty thousand dollars for the purpose of remodeling/expanding the student union at Minot state university. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 13. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 12, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and the equipment of the facility authorized in section 12. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the authorized bonds.

SECTION 14. LEGISLATIVE INTENT - UNIFIED ACADEMIC CALENDAR. It is the intent of the legislative assembly that by June 30, 1991, the board of higher education will have a plan developed for the institutions under its control to be on a unified academic calendar.

SECTION 15. TELECOMMUNICATION/TECHNOLOGY PROGRAMS. The amount included in the telecommunications line item in subdivision 1 of section 1 of this Act or such greater amounts as may become available for telecommunications or technology-related programs shall only be spent and/or distributed after consultation with the North Dakota educational telecommunications council to best coordinate telecommunication programs."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

SUMMARY OF GENERAL FUND CHANGES TO ENGROSSED SENATE BILL NO. 2003

	General Fund Appropriation in Engrossed Senatg Bill No. 2003	Increase to Adjust Faculty Salary Increases ²	Reduce Some of Faculty and Support Positions Added by Senate ³	Other Increases ⁴	Other Decreases ⁵	Total General Fund Appropriation With Proposed Changes	Proposed Increase (Decrease) to Engrossed Bill
Board of Higher Education	\$ 11,030,807			\$ 392,500	\$(3,557,332)	\$ 7,865,975	\$(3,164,832)
Bismarck State College	7,503,969	\$ 20,875				7,524,844	20,875
UND-Lake Region	2,560,682	5,716	\$ (114,252)	133,000		2,585,146	24,464
UND-Williston	2,666,937	7,841	(139,723)			2,535,055	(131,882)
University of North Dakota	71,031,658	304,405			(50,000)	71,286,063	254,405
UND Medical Center	26,285,246	74,909 ⁴		1,500,000	(1,028,600)	26,831,555	546,309
College of Science	19,284,314	35,035		500,000		19,819,349	535,035
Dickinson State University	10,300,586	10,288	(231,271)	450,000		10,529,603	229,017
Mayville State University	6,615,916	6,502	(267,492)			6,354,926	(260,990)
Minot State University	19,063,662	24,881				19,088,543	24,881
Valley City State University	8,475,964	8,656	(202,271)			8,282,349	(193,615)
Forest Service	1,082,152				(100,000)	982,152	(100,000)
NDSU-Bottineau	3,066,863	4,785				3,071,648	4,785
State Toxicologist	535,961					535,961	
North Dakota State University	<u>60,850,930</u>	<u>248,310</u>			<u>(50,000)</u>	<u>61,049,240</u>	<u>198,310</u>
Total Senate Bill No. 2003	<u>\$290,355,647</u>	<u>\$752,203</u>	<u>\$(955,009)</u>	<u>\$2,975,500</u>	<u>\$(4,785,932)</u>	<u>\$248,342,409</u>	<u>\$(2,013,238)</u>

*An additional \$60,150 is added from other funds.

- ¹ Provides annual faculty salary increases of eight percent and seven percent at the four-year universities and six percent and five percent at the two-year colleges, and annual support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1005 at all institutions.
- ² Provides a faculty salary increase on July 1, 1989, of 12.6 percent at UND and NDSU, of 12 percent at the other four-year universities, of nine percent at the two-year colleges, and support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1005 at all institutions.

NOTE: The following is a comparison of faculty salary increases:

	Executive Budget	Equivalent Increase 7/1/89	Senate Version	Equivalent Increase 7/1/89	Proposed House Version 7/1/89	Increase (Decrease) Over Equivalent Executive Budget
UND/NDSU	9.31%/9.31%	14.4%	8%/7%	11.8%	12.6%	(1.8)%
Other four-year universities	8.93%/8.93%	13.8%	8%/7%	11.8%	12%	(1.8)%
Two-year colleges	6.84%/6.84%	10.5%	6%/5%	8.7%	9%	(1.5)%

3 Changes detailed as follows:

	Salaries and Wages	Operating Expenses	Total
UND-Lake Region - (1.85) FTE	\$ (84,252)	\$ (30,000)	\$ (114,252)
UND-Williston - (2.02) FTE	(139,723)		(139,723)
Dickinson State University - (2.63) FTE	(231,271)		(231,271)
Mayville State University - (1.5) FTE	(86,180)	(181,312)	(267,492)
Valley City State University		(202,271)	(202,271)
Total	<u>\$(541,426)</u>	<u>\$(413,583)</u>	<u>\$ (955,009)</u>

4

	General Fund
Other increases:	
Board of Higher Education - Reciprocal agreements	\$ 392,500
UND-Lake Region - Roof	133,000
UND-Medical Center - Restores general fund portion of Family Practice Center expenses	1,500,000
College of Science - Equipment	500,000
Dickinson State University - Electrical switch	<u>450,000</u>
Total	<u>\$2,975,500</u>

5

Consists of:

Board of Higher Education

4 FTE in enhancement	\$ (432,332)
Funds for study of merging medical schools	(175,000)
Reduce telecommunications to \$700,000	(550,000)
Eliminate increase in student financial assistance	(2,400,000)
	<u>\$(3,557,332)</u>

UND - Data processing reduction	\$ (50,000)
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NDSU - Data processing reduction	\$ (50,000)
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Forest Service

Delete Senate addition for lands management program	\$ (100,000)
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UND Medical Center

Reduce postgraduate residency program	\$ (232,100)
Reduce postgraduate stipend funding	(224,000)
Reduce funds for community faculty teaching fees	(180,000)
Reduce operating expenses	(392,500)
	<u>\$(1,028,600)</u>

Grand total	<u>\$(4,785,932)</u>
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In addition, these amendments change the allocation of the general fund appropriation reduction of \$20 million to reflect the revised proportion at risk as a result of changes to the general fund appropriations contained in engrossed Senate Bill No. 2003 and authorize the issuance of \$850,000 of revenue bonds for remodeling or constructing an addition to the Student Union at Minot State University.

SB 2003 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed SB 2520 has had the same under consideration and recommends by a vote of 22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2520 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILL

SB 2536: A BILL for an Act to amend and reenact section 57-51-03 of the North Dakota Century Code, relating to the gross production tax being a real property tax.

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

The House stood adjourned pursuant to Representative Kloubec's motion.

ROY GILBREATH, Chief Clerk