

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

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Bismarck, April 11, 1989

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

The prayer was offered by former Representative David Koland and staff assistant to the Majority Leader.

The roll was called and all Representatives were present, except Representatives G. Berg, Flaagan, Gerl, Gunsch, Lang, Lindgren, Nicholas, Shaft, and V. Thompson.

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-sixth Day and finds it to be correct.

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

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

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

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

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

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

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

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

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

SB 2072: Sens. Mathern, Kelsh, Stenehjem

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

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

SB 2153: Reps. Clayburgh, Martinson, Carlson

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

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

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

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

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

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

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

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

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

#### MOTIONS

REP. A. HAUSAUER MOVED that HB 1674, which is on the Eleventh order, be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Rep. A. Hausauer's motion, HB 1674 was rereferred.

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.

#### SIXTH ORDER OF BUSINESS

REP. TIMM MOVED that the amendments to Engrossed SB 2243 as recommended by the Committee on Transportation as printed on pages 2071-2078 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2243, as amended, was placed on the Fourteenth order of business on the calendar.

#### MOTION

REP. R. ANDERSON MOVED that SB 2243 be laid over one legislative day, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Reengrossed SB 2270 as recommended by the Committee on Appropriations as printed on pages 2055-2057 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Reengrossed SB 2270, as amended, was placed on the Fourteenth order of business on the calendar.

#### MOTION

REP. KLOUBEC MOVED that SB 2270 be placed at the foot of the Fourteenth order on the calendar, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. NICHOLAS MOVED that the amendments to Engrossed SB 2274 as recommended by the Committee on Agriculture as printed on page 2045 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

Engrossed SB 2274, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2274: A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to county weed board mill levies for noxious weed control; to amend and reenact section 57-43.2-18 of the North Dakota Century Code, relating to allocation of a portion of the two percent special excise tax on special fuels; 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 30 YEAS, 73 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Brokaw; DeMers, P.; Enget; Frey; Gerhardt; Gilmore; Graba; Hokana; Huether; Kaldor; Kolbo; Laughlin; Marks; Martin; Nelson; Ness; Nowatzki; O'Shea; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Ulmer; Urlacher; Vander Vorst; Watne; Speaker Kretschmar

NAYS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Flaagan; Gates; Gerntholz; Goetz; Gorman; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Howard; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Mertens; Murphy; Myrdal; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gerl; Gunsch; Hausauer, A.

SB 2274 lost.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2501 as recommended by the Committee on Appropriations as printed on page 2057 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2501, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2501: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to transfers from the Bank of North Dakota profits to the beginning farmer revolving loan fund.

#### 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, 11 NAYS, 5 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; Gerntholz; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Knell; Kolbo; Kouba; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martin; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Dorso; Gorman; Jensen; Kingsbury; Kloubec; Martinson; Murphy; Rydell; Sorensen; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Gerl; Gunsch; Hausauer, A.; Larson, D.; Wald

SB 2501 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that SB 2270 be placed at the head of the Fourteenth order on the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2270: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to formation, composition, and duties of the special road advisory committee; to amend and reenact section 24-02-37 of the North Dakota Century Code, relating to investment of the state highway fund and the use of income generated; 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 67 YEAS, 37 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Brokaw; Carlson; Christman; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gerhardt; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, R.; Hokana; Howard; Jensen; Kaldor; Kelly; Knell; Kolbo; Larson, R.; Laughlin; Lindgren; Marks; Martin; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Scherber; Schneider; Shide; Shockman; Smette; Solberg; Starke; Stenehjem; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Berg, R.; Bernstein; Clayburgh; Dalrymple; Gates; Gerntholz; Goetz; Gorman; Hanson, O.; Haugen; Hausauer, A.; Hoffner; Huether; Kingsbury; Kloubec; Kouba; Lang; Larson, D.; Martinson; Murphy; Oban; Olsen, D.; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Skjerven; Sorensen; Soukup; Stofferahn; Thompson, K.; Tokach; Wald; Whalen

ABSENT AND NOT VOTING: Gerl; Gunsch

SB 2270 passed and the title was agreed to.

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SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)  
 THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolution: SB 2017, SB 2128, SB 2384, SB 2395, SB 2518, SB 2528, SCR 4021.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
 MR. PRESIDENT: The Speaker has signed: SB 2017, SB 2128, SB 2384, SB 2395, SB 2518, SB 2528, SCR 4021.

#### MOTION

REP. KLOUBEC MOVED that SB 2030 be placed at the head of the Fourteenth order on the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2030: A BILL for an Act to create and enact a new chapter to title 54 and a new section to chapter 54-52 of the North Dakota Century Code, relating to the establishment of the North Dakota state retirement and investment office and the investment of the public employees retirement system fund; to amend and reenact sections 15-39.1-06, 15-39.1-26, 21-10-01, 21-10-02, 21-10-02.1, 21-10-06, 21-10-06.2, 21-10-07, 21-10-09, and 54-52-04 of the North Dakota Century Code, relating to the teachers' fund for retirement, state investment board, and public employees retirement system; to repeal sections 21-10-10 and 54-52-25 of the North Dakota Century Code, relating to the state investment board and public employees retirement system; to provide for a legislative council study; to provide an appropriation; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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; Stenehjem; 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: Gerl; Gunsch; Starke

SB 2030 passed and the title was agreed to.

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#### MOTION

REP. R. ANDERSON MOVED that SB 2025 be placed at the head of the Fourteenth order on the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act making an appropriation for defraying the expenses of the various retirement and investment agencies 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 103 YEAS, 0 NAYS, 3 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; 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: Gerl; Gunsch; Peterson

SB 2025 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that SB 2333 and following bills be placed at the head of the Fourteenth order on the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2333: A BILL for an Act to create and enact two new sections to chapter 54-35 of the North Dakota Century Code, relating to creation of the initiative and referendum measures committee; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 42 YEAS, 62 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Gerhardt; Gilmore; Halmrast; Hanson, L.; Haugland; Hokana; Kaldor; Kolbo; Laughlin; Marks; Martin;

Mertens; Nelson; Ness; Nowatzki; Oban; O'Shea; Peterson; Ring; Scherber; Schneider; Shockman; Solberg; Starke; Stofferah; Thompson, V.; Trautman; Ulmer; Urlacher; Watne; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dorso; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Gerl; Gunsch

SB 2333 lost.

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#### APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on SB 2072: Reps. R. Larson, Myrdal, Scherber.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2037: Reps. O. Hanson, Myrdal, Hoffner.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 11:00 a.m., April 11, 1989: HCR 3022, HCR 3071, HCR 3086, HCR 3089.

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 11:07 a.m., April 11, 1989: HB 1038, HB 1039, HB 1123, HB 1124, HB 1152, HB 1351, HB 1455, HB 1510, HB 1641, HB 1664.

#### HOUSE ENROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1320, HB 1210, HB 1041, HB 1022.

#### HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1016, HB 1029, HB 1101, HB 1186, HB 1196, HB 1480.

#### MOTION

REP. KLOUBEC MOVED that the House stand in recess until 1:00 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 Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2412 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In addition to the amendments to engrossed Senate Bill No. 2412, adopted by the House as printed on page 1628 of the House Journal, engrossed Senate Bill No. 2412 is amended as follows:

Page 1, line 3, after "program" insert "; and to provide a contingent appropriation"

Page 2, after line 23, insert:

"SECTION 3. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated, subject to section 4 of this Act, out of any moneys in the general fund and from special funds in the state treasury, not otherwise appropriated, to the agencies and institutions of state government listed below for the purpose of implementing the provisions of this bill for the period beginning July 1, 1989, and ending June 30, 1991:

DEPARTMENT	GENERAL FUND	SPECIAL FUND	TOTAL
Governor	\$ 1,776	\$ 314	\$ 2,090
Lieutenant governor	129	0	129
Secretary of state	886	0	886
Office of management and budget	2,976	567	3,543
Information services division	0	5,136	5,136
State auditor	2,023	164	2,187
Central duplicating	0	805	805
State treasurer	383	0	383
Attorney general	4,780	284	5,064
Tax commissioner	6,589	0	6,589
Director of institutions	3,047	0	3,047
Motor vehicle department	0	2,129	2,129
Legislative assembly	5,677	0	5,677
Legislative council	1,320	0	1,320
Supreme court	8,950	0	8,950
Commission on judicial conduct	164	0	164
State retirement and investment office	0	715	715
Public employees retirement system	0	625	625
Superintendent of public instruction	1,807	3,143	4,950
Board of higher education	657	0	657
Board of university and school lands	82	762	844
Bismarck state college	5,828	0	5,828
University of North Dakota- Lake Region	2,200	0	2,200
University of North Dakota- Williston	2,152	0	2,152
University of North Dakota	40,918	0	40,918
Medical center rehabilitation hospital	0	12,533	12,533
University of North Dakota medical center	7,735	4,543	12,278
State toxicologist	222	0	222
North Dakota state university	34,677	0	34,677

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North Dakota state college of science	12,912	0	12,912
Dickinson state university	6,360	0	6,360
Mayville state university	3,695	0	3,695
Minot state university	12,054	0	12,054
Valley City state university	5,563	0	5,563
North Dakota state university- Bottineau	2,235	0	2,235
North Dakota forest service	734	0	734
State library	960	0	960
School for the deaf	2,477	0	2,477
School for the blind	2,016	0	2,016
Board of vocational education	388	675	1,063
Department of health and consolidated laboratories	7,474	4,983	12,457
Veterans' home	1,176	0	1,176
Indian affairs commission	74	0	74
Department of veterans' affairs	293	0	293
Children's services coordinating committee	55	55	110
Department of human services	54,227	57,301	111,528
Insurance commissioner	0	1,336	1,336
Industrial commission	0	1,984	1,984
Labor commissioner	312	0	312
Public service commission	1,565	880	2,445
Atmospheric resource board	103	26	129
Aeronautics commission	0	274	274
Department of banking and financial institutions	0	1,082	1,082
Securities commissioner	274	0	274
Bank of North Dakota	0	7,918	7,918
Municipal bond bank	0	109	109
Housing finance agency	0	1,774	1,774
Mill and elevator association	0	6,104	6,104
Job service North Dakota	0	19,225	19,225
Workers compensation bureau	0	4,106	4,106
Highway patrol	0	9,901	9,901
Radio communications	0	1,285	1,285
Division of emergency management	256	658	914
Department of corrections and rehabilitation	14,183	1,405	15,588
Adjutant general	782	172	954
Economic development commission	1,336	0	1,336
Agriculture commissioner	1,012	237	1,249
Milk stabilization board	0	113	113
Sunflower council	0	55	55
Seed department	0	1,594	1,594
Livestock sanitary board	148	0	148
Wheat commission	0	383	383
Upper great plains transportation institute	242	0	242
Cooperative extension service	6,081	752	6,833
Cooperative extension division food-nutrition program	0	985	985
Northern crops institute	219	0	219

Main experiment station	8,183	2,875	11,058
Dickinson experiment station	612	0	612
Central grasslands experiment station	238	0	238
Hettinger experiment station	238	0	238
Langdon experiment station	293	0	293
North central experiment station	274	0	274
Williston experiment station	219	0	219
Carrington experiment station	422	0	422
Agronomy seed farm	0	129	129
Land reclamation research center	0	477	477
Historical society	2,438	0	2,438
Council on the arts	203	0	203
Soil conservation committee	184	0	184
Game and fish department	0	5,255	5,255
Parks and recreation department	1,640	0	1,640
Water commission	3,266	0	3,266
Southwest water pipeline	0	492	492
Highway department	0	46,381	46,381
	\$292,394	\$212,701	\$505,095

SECTION 4. CONTINGENT APPROPRIATION. The amounts identified in section 3 of this Act shall be made available only upon determination of the director of the office of management and budget that sufficient funds are not projected to be available in the health insurance fund for the biennium beginning on July 1, 1989, and ending June 30, 1991, to implement the provisions of this Act."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

This amendment adds funds to each department's budget to provide for increased health insurance rates for the 1989-91 biennium due to retired state employees participating in the state employee group health insurance program. The funds will be made available only if sufficient funds are not projected to be available in the health insurance fund for the 1989-91 biennium.

SB 2412 was placed on the Sixth order of business on the calendar.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred SCR 4073 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4073 was placed on the Tenth order of business on the calendar.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred SCR 4074 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4074 was placed on the Tenth order of business on the calendar.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred HB 1235 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1639-1643 of the House Journal and that HB 1235 be amended as follows:

Page 1, line 1, remove "a new section to chapter 19-02,"

Page 1, line 4, after "foods" insert "; and to amend and reenact sections 23-05-01 and 23-14-06 of the North Dakota Century Code, relating to the sale and use of certain home-prepared foods"

Page 1, remove lines 6 through 21

Page 2, line 3, underscore "Exemption for certain home-prepared food." and replace "This chapter does not" with "Nothing in this chapter may be construed to prohibit"

Page 2, line 4, remove "apply to" and underscore "a person not regularly engaged in the business of preparing or"

Page 2, line 5, underscore "selling food", replace "and who prepares" with "from preparing wholesome", and underscore "food for sale directly to the ultimate"

Page 2, line 6, underscore "consumer", replace "; for" with "at a farmers' market, flea market, bake sale, or similar enterprise, or if the", underscore "sale or use", after "use" insert "is", and underscore "for political purposes, including the raising of"

Page 2, underscore lines 7 through 14

Page 2, line 15, replace "and to" with an underscored comma and underscore "meat not inspected under the Federal Meat Inspection Act [34 Stat."

Page 2, line 16, underscore "1260-1265; 21 U.S.C. 603 et seq.]", after the bracket insert "and to food that is unwholesome, adulterated, or mislabeled, or which contains any deleterious substance", underscore the period, and after the period insert "inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."

Page 2, line 19, underscore "Exemption for home-prepared beverages." and replace "This chapter does not apply" with "Nothing in this chapter may be construed to prohibit"

Page 2, line 20, remove "to" and underscore "a person not regularly engaged in the business of preparing or selling"

Page 2, line 21, underscore "beverages", replace "and who prepares" with "from preparing wholesome", and underscore "beverages for sale directly to the ultimate"

Page 2, line 22, underscore "consumer", replace "; for" with "at a farmers' market, flea market, bake sale, or similar enterprise, or if the",

underscore "sale or use", after "use" insert "is", and underscore "for political purposes, including the raising of"

Page 2, underscore lines 23 through 28

Page 3, underscore line 1

Page 3, line 2, underscore "products", after "products" insert ", or to grade A dairy products or food prepared with grade A dairy products which is unwholesome, adulterated, or mislabeled, or which contains any deleterious substance", underscore the period, and after the period insert "Inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."

Page 3, line 5, underscore "Exemption for home-prepared", remove "rolls and white", underscore "bread", after "bread" insert "products", underscore the period, and replace "This chapter does" with "Nothing in this chapter may be construed to prohibit"

Page 3, line 6, remove "not apply to" and underscore "a person not regularly engaged in the business of preparing or"

Page 3, line 7, underscore "selling rolls", replace "or white" with an underscored comma, underscore "bread", replace "and who prepares" with ", or other bread products from preparing wholesome", underscore "rolls", replace "or white" with an underscored comma, underscore "bread", after "bread" insert ", or other bread products", and underscore "for sale"

Page 3, line 8, underscore "directly to the ultimate consumer", replace "; for" with "at a farmers' market, flea market, bake sale, or similar enterprise, or if the", underscore "sale or use", after "use" insert "is", and underscore "for political purposes,"

Page 3, underscore lines 9 through 14

Page 3, line 15, underscore "business of selling rolls", replace "or white" with an underscored comma, underscore "bread", after "bread" insert ", or other bread products", and underscore ". The exemption provided by this"

Page 3, line 16, underscore "section does not apply to rolls", replace "or white" with an underscored comma, underscore "bread", after "bread" insert ", or other bread products", and underscore "prepared using nongrade A"

Page 3, line 17, underscore "dairy products", after "products" insert "or to rolls, bread, or other bread products prepared using grade A dairy products and which are unwholesome, adulterated, or mislabeled, or which contain any deleterious substance", underscore the period, and after the period insert "Inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."

Page 3, after line 17, insert:

"SECTION 4. AMENDMENT. Section 23-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-05-01. Powers and duties of local board of health. The county, city, and township boards of health shall be known as local boards of health, and each board shall have the following powers and duties within its jurisdiction:

1. To employ such persons as may be necessary to carry into effect the regulations established by it and the provisions of this title.
2. To inquire into all nuisances, sources of filth, and causes of sickness, and make such regulations regarding the same as are necessary for the public health and safety, but the regulations of the township board of health shall be temporary, and such board, immediately upon taking such action, shall report the same to the county superintendent of public health, who shall give the board specific instructions or take such action as he deems necessary for the protection of public health.
3. To adopt such quarantine and sanitary measures as are necessary when an infectious or contagious disease exists in its jurisdiction.
4. To provide such necessities of life as in its judgment shall be needed for the maintenance, welfare, and comfort of persons afflicted with contagious and infectious diseases.
5. To enter into and examine at any time all buildings, lots, and places of any description within its jurisdiction for the purpose of ascertaining the conditions thereof insofar as public health may be affected.
6. To make such rules and regulations as are necessary and proper for the preservation of public health and safety.

Nothing in this chapter may be construed to prohibit a person not regularly engaged in the business of preparing or selling food from preparing wholesome food for sale directly to the ultimate consumer at a farmers' market, flea market, bake sale, or similar enterprise, or if the sale or use is for political purposes, including the raising of funds for use in supporting or opposing the nomination or election of any candidate, promoting the passage or defeat of any initiated or referred measure, or supporting or opposing any other political issue; or for sale or use by nonprofit charitable, educational, fraternal, religious, or veterans organization, civic or service club, or other nonprofit public-spirited organization not regularly engaged in the business of selling food. The exemption provided by this section does not apply to home-canned goods, nongrade A dairy products and food prepared using nongrade A dairy products, meat not inspected under the Federal Meat Inspection Act [34 Stat. 1260-1265; 21 U.S.C. 603 et seq.], and to food that is unwholesome, adulterated, or mislabeled, or which contains any deleterious substance. Inspections conducted or rules adopted under this chapter may not be used by a local board of health to prohibit or restrict the sale and use of home-prepared foods as provided in this section.

SECTION 5. AMENDMENT. Section 23-14-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-14-06. Powers of the district boards of health - Fees. Each district board of health shall have and shall exercise all the powers and duties which now or hereafter may be given to a local board of health by the laws of the state insofar as the same are not inconsistent with this chapter. District health units may establish by regulation a schedule of reasonable fees which may be charged for services rendered. However, services may not be withheld because of inability to pay any fees established under this section. Nothing in this chapter may be construed to prohibit a person not regularly engaged in the business of preparing or selling food from preparing wholesome food for sale directly to the ultimate consumer at a farmers' market, flea market, bake sale, or similar enterprise, or if the sale or use is for political purposes, including the raising of funds for use in supporting or opposing the nomination or election of any candidate, promoting the passage or defeat of any initiated or referred measure, or supporting or opposing any other political issue; or for sale or use by nonprofit charitable, educational, fraternal, religious, or veterans organization, civic or service club, or other nonprofit public-spirited organization not regularly engaged in the business of selling food. The exemption provided by this section does not apply to home-canned goods, nongrade A dairy products and food prepared using nongrade A dairy products, meat not inspected under the Federal Meat Inspection Act [34 Stat. 1260-1265; 21 U.S.C. 603 et seq.], and to food that is unwholesome, adulterated, or mislabeled, or which contains any deleterious substance. Inspections conducted or rules adopted under this chapter may not be used by a district health unit to prohibit or restrict the sale and use of home-prepared foods as provided in this section."

Renumber accordingly

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

For the House: Reps. Stenehjem, Clayburgh, Kolbo

HB 1235 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1660 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1682-1683 of the House Journal and that Engrossed HB 1660 be amended as follows:

Page 2, line 18, after "~~vehicle~~" insert "with the additional limitation that reimbursement for travel by common carrier may not exceed thirty-five cents per mile based upon air mileage"

Renumber accordingly

For the Senate: Sens. D. Meyer, Axtman, Lodoen

For the House: Reps. Martinson, Clayburgh, Carlson

Engrossed HB 1660 was placed on the Seventh order of business on the calendar.

## MOTION

REP. KLOUBEC MOVED that SB 2413 be placed at the head of the Fourteenth order on the calendar, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2413: A BILL for an Act to provide for application of herbicides or mechanical weed control within tree rows to encourage the planting of trees; 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 34 YEAS, 69 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; Enget; Flaagan; Gilmore; Halmrast; Hanson, L.; Haugen; Hausauer, A.; Hausauer, R.; Hokana; Kaldor; Kolbo; Laughlin; Marks; Mertens; Ness; Nicholas; Nowatzki; O'Shea; Ring; Solberg; Starke; Stenehjem; Thompson, V.; Trautman; Ulmer; Vander Vorst; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Frey; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Graba; Hanson, O.; Haugland; Hoffner; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Sorensen; Soukup; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie

ABSENT AND NOT VOTING: Gerl; Gunsch; Kouba

SB 2413 lost.

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SB 2375: A BILL for an Act to amend and reenact subsection 2 of section 16.1-11-30 of the North Dakota Century Code, relating to the name of the democratic party entitled to a separate column on the primary election ballot.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 45 YEAS, 58 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.;

Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjøm; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Gunsch; Peterson

SB 2375 lost.

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SB 2422: A BILL for an Act to create and enact a new section to chapter 32-03.1 of the North Dakota Century Code, relating to immunity from civil liability for certain physicians rendering emergency obstetrical care.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 98 YEAS, 5 NAYS, 3 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; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; 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; Shaft; Shide; Shockman; Skjervem; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjøm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

NAYS: Frey; Kaldor; Kelly; Schneider; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Gunsch; Hausauer, A.

SB 2422 passed and the title was agreed to.

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

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

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

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

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

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

#### SECOND READING OF SENATE BILLS

SB 2438: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to transportation

aid payments to school districts for teacher travel; and to amend and reenact sections 15-34.2-03, 15-40.1-16, and 15-40.1-16.1 of the North Dakota Century Code, relating to school board payments to families for student transportation and per-pupil transportation aid to school districts.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 14 YEAS, 89 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Brokaw; Enget; Hokana; Kaldor; Kolbo; Ness; O'Shea; Ring; Shockman; Stofferahn; Thompson, V.; Ulmer; Williams, A.

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

ABSENT AND NOT VOTING: Gerl; Gunsch; Hausauer, A.

SB 2438 lost.

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SB 2537: A BILL for an Act to authorize the director of the department of human services to transfer title and convey certain land owned by the state of North Dakota to job service North Dakota for use as a job service office.

#### 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, D.; Haugen; 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; Stenehjem; 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: Gerl; Gunsch

SB 2537 passed and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4026: A concurrent resolution directing the Legislative Council to study the feasibility of appointing county officials who are elected under existing law in counties of relatively small population.

The question being on the adoption of the resolution, which has been read.

SCR 4026 was declared adopted on a voice vote.

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SCR 4040: A concurrent resolution for the amendment of section 12 of article V of the Constitution of North Dakota, relating to the office of the state treasurer.

#### ROLL CALL

The question being on the adoption of the resolution, which has been read, the roll was called and there were 55 YEAS, 49 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kolbo; Laughlin; Marks; Martin; Martinson; Melby; Mertens; Nelson; Ness; Nowatzki; Oban; Olson, V.; O'Shea; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Urlacher; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Dalrymple; Dorso; Gerntholz; Goetz; Gorman; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Wald; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Gunsch

SCR 4040 was declared adopted on a roll call vote.

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#### APPOINTMENT OF ACTING SPEAKER

SPEAKER KRETSCHMAR APPOINTED Rep. A. Hausauer as Acting Speaker in order that Speaker Kretschmar could speak on SCR 4043.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4043: A concurrent resolution to create a new section to article IV of the Constitution of North Dakota, relating to the office of state auditor; to amend sections 12 and 13 of article V of the Constitution

of North Dakota, relating to the office of state auditor; 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 100 YEAS, 3 NAYS, 3 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Martin; Stofferahn; Urlacher

ABSENT AND NOT VOTING: Gerl; Gunsch; Olson, V.

SCR 4043 was declared adopted on a roll call vote.

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#### SECOND READING OF HOUSE BILL

HB 1098: A BILL for an Act to amend and reenact sections 15-39.1-04, 15-39.1-06, subdivision b of subsection 1 of section 15-39.1-10.3, subsection 3 of section 15-39.1-18, and section 15-39.1-20 of the North Dakota Century Code, relating to definitions, board organization, multiple plan membership, disability retirement, and withdrawal under the teachers' fund for retirement.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; 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; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; 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: Gerl; Gunsch; Hausauer, R.

HB 1098 passed and the title was agreed to.

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REQUEST

REP. KINGSBURY REQUESTED that SCR 4074 be removed from the consent calendar and be placed on the Fourteenth order of business on the calendar, which request was granted.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS  
ON CONSENT CALENDAR

SCR 4065: A concurrent resolution directing the Legislative Council to study the balance between the various tax systems in North Dakota, policies and issues of taxing gaming in North Dakota, and policies, planning, and funding of local and regional airports in North Dakota.

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.

SCR 4071: A concurrent resolution urging Congress to provide funds to replace the Four Bears Bridge west of New Town, North Dakota.

SCR 4073: A concurrent resolution directing the Legislative Council to monitor the Department of Human Services' service payments to the elderly and disabled and long-term care programs during the 1989-91 biennium.

The question being on the adoption of the resolutions, which have been read.

The resolutions were adopted on a voice vote.

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REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on Engrossed HB 1155 as printed on pages 2045-2046 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1155, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to create and enact seven new sections to chapter 26.1-40 of the North Dakota Century Code, relating to uninsured and underinsured motorist coverage on motor vehicle liability insurance policies; and to repeal sections 26.1-40-13, 26.1-40-14, and 26.1-40-15 of the North Dakota Century Code, relating to uninsured and underinsured motorist coverage.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerl; Gunsch; Williams, A.

HB 1155 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. HOWARD MOVED that the conference committee report on Engrossed HB 1185 as printed on pages 2046-2047 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1185, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1185: A BILL for an Act to create and enact a new section to chapter 53-06.1 and a new subsection to section 53-06.1-06 of the North Dakota Century Code, relating to prohibiting organizations that derive revenue from games of chance from using any money in certain political activities and prohibiting certain people from gaming; to amend and reenact sections 53-06.1-03, 53-06.1-05, 53-06.1-06.1, subsection 4 of section 53-06.1-07.2, subsections 1 and 3 of section 53-06.1-11, sections 53-06.1-16.1, and 53-06.1-17 of the North Dakota Century Code, relating to fees for local authorization, monetary fines, the removal of a tax credit, the clarification of expense restrictions, and prohibited gaming activity; to provide a penalty; 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 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.;

DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Anderson, B.; Gerl; Gunsch; Peterson; Whalen

HB 1185 passed, the title was agreed to, and the emergency clause carried.

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#### MOTION

REP. KLOUBEC MOVED that the House stand in recess until 3:30 p.m., which motion prevailed.

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

#### REPORTS OF STANDING COMMITTEE

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 19 YEAS, 3 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 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; to amend and reenact section 4-19-03 of the North Dakota Century Code, relating to the state forester's authority to charge for seeds and planting stock;"

Page 1, line 5, remove "to provide for appropriation reductions;"

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 29

Page 11, remove lines 1 through 15 and insert:

"SECTION 11. AMENDMENT. Section 4-19-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-19-03. Distribution of seeds and planting stock - ~~Regulations governing.~~ Seeds and planting stock from the state nursery may be distributed by the state forester to citizens and landowners of this state upon payment by them of a price not greater than one hundred ten percent of the cost to the state of production in the case of planting stock or collection in the case of seeds, and the cost of transportation from the nursery, except that planting stock distributed for the specific purpose of ~~live snow fence or~~ highway beautification plantings may be distributed free of charge.

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."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	General Fund Appropriation in Engrossed Senate Bill No. 2003	Increase to Adjust Faculty Salary Increases	Reduce Some of Faculty and Support Positions Added by Senate	Other Increases	Other Decreases	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
ND-Lake Region	2,560,682	5,716	\$( 114,252)	133,000		2,585,146	24,464
ND-Williston	2,666,937	7,861	(139,723)			2,535,055	(131,882)
University of North Dakota	71,031,658	304,405			(50,000)	71,286,063	254,405
ND Medical Center	26,285,246	74,909*		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)
North 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)
DSU-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>			(50,000)	<u>61,049,240</u>	<u>198,310</u>
Total Senate Bill No. 2003	<u>\$250,355,647</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.

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.

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
ND/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)%

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>

	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>

Consists of:

Board of Higher Education

* 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	<u>(2,400,000)</u>
	<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	<u>(392,500)</u>
	<u>\$(1,028,600)</u>

Grand total	<u>\$(4,785,932)</u>
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addition, these amendments delete the general fund appropriation reduction allocation of \$20 million, authorizes the issuance of \$850,000 of venue bonds for remodeling or constructing an addition to the Student Union at Minot State University, and amends current law to allow the State reater to charge 110 percent of the cost of production for seeds and planting stock.

SB 2003 was placed on the Sixth order of business on the calendar.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed SB 2005 has had the same under consideration and recommends by a vote of 20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to engrossed Senate Bill No. 2005 adopted by the House as printed on pages 1963-1974 of the House Journal, engrossed Senate Bill No. 2005 is amended as follows:

Page 1, replace line 2 with "North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station"

Page 1, line 3, remove "state university of agriculture and applied science"

Page 1, line 5, remove "to provide for appropriation"

Page 1, line 6, remove "reductions;"

Page 1, line 7, replace "and to amend and reenact sections 4-05-01, 4-05-02, 4-05-03," with "to change the name of the North Dakota state university extension division; to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the agricultural experiment station and the agricultural research station and centers; to amend and reenact section 4-28-03, subsection 2 of section 15-10-01, sections 15-12-05, 15-12-08, 15-12-17, subdivision c of subsection 16 of section 19-18-02, and section 23-20-04 of the North Dakota Century Code, relating to the name of the agricultural experiment station; and to repeal chapter 4-05 of the North Dakota Century Code, relating to the agricultural experiment stations."

Page 1, remove lines 8 through 15

Page 1, replace line 21 with "North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station"

Page 1, line 22, remove "university of agriculture and applied science"

Page 2, line 4, replace "COOPERATIVE EXTENSION DIVISION" with "NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE"

Page 2, line 5, replace "16,772,597" with "16,574,615"

Page 2, line 6, replace "3,494,602" with "3,436,102"

Page 2, line 8, replace "20,827,199" with "20,570,717"

Page 2, line 9, replace "10,590,411" with "10,594,374"

Page 2, line 10, replace "10,236,788" with "9,976,343"

Page 2, line 12, replace "DIVISION" with "SERVICE"

Page 2, line 27, after "UNIVERSITY" insert "MAIN"

Page 2, line 28, replace "28,781,477" with "29,158,690"

Page 2, line 29, replace "6,157,165" with "6,169,665"

Page 3, line 4, replace "37,619,227" with "38,008,940"

Page 3, line 5, replace "15,935,408" with "15,960,684"

Page 3, line 6, replace "21,683,819" with "22,048,256"

Page 3, line 8, replace "STATION" with "CENTER"

Page 3, line 9, replace "755,175" with "757,153"

Page 3, line 11, replace "41,076" with "41,076"

Page 3, after line 11, insert:

"Capital improvements 2,000"

Page 3, line 12, replace "1,220,170" with "1,224,148"

Page 3, line 13, replace "268,990" with "270,990"

Page 3, line 14, replace "951,180" with "953,158"

Page 3, line 16, replace "STATION" with "CENTER"

Page 3, line 17, replace "372,638" with "373,289"

Page 3, line 19, replace "116,705" with "116,705"

Page 3, after line 19, insert:

"Capital improvements 2,000"

Page 3, line 20, replace "819,326" with "821,977"

Page 3, line 21, replace "250,001" with "252,001"

Page 3, line 22, replace "569,325" with "569,976"

Page 3, line 24, remove "EXTENSION"

Page 3, line 25, replace "360,034" with "361,204"

Page 3, line 27, replace "108,463" with "108,463"

Page 3, after line 27, insert:

"Capital improvements 2,000"

Page 3, line 28, replace "648,806" with "651,976"

Page 3, line 29, replace "201,245" with "203,245"

Page 4, line 1, replace "447,561" with "448,731"

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Page 4, line 3, replace "STATION" with "CENTER"

Page 4, line 4, replace "381,213" with "382,282"

Page 4, line 6, replace "40,000" with "40,000"

Page 4, after line 6, insert:

"Capital improvements 2,000"

Page 4, line 7, replace "602,948" with "606,017"

Page 4, line 8, replace "91,000" with "93,000"

Page 4, line 9, replace "511,948" with "513,017"

Page 4, line 11, remove "EXTENSION"

Page 4, line 12, replace "396,820" with "398,067"

Page 4, line 14, replace "59,000" with "59,000"

Page 4, after line 14, insert:

"Capital improvements 2,000"

Page 4, line 15, replace "723,836" with "727,083"

Page 4, line 16, replace "327,016" with "329,016"

Page 4, line 17, replace "396,820" with "398,067"

Page 4, line 19, replace "STATION" with "CENTER"

Page 4, line 20, replace "449,347" with "450,808"

Page 4, line 22, replace "10,122" with "10,122"

Page 4, after line 22, insert:

"Capital improvements 2,000"

Page 4, line 23, replace "594,374" with "597,835"

Page 4, line 24, replace "80,002" with "82,002"

Page 4, line 25, replace "514,372" with "515,833"

Page 4, line 27, remove "EXTENSION"

Page 4, line 28, replace "1,009,529" with "1,011,843"

Page 5, line 1, replace "137,500" with "137,500"

Page 5, after line 1, insert:

"Capital improvements 2,000"

- Page 5, line 2, replace "1,750,573" with "1,754,887"
- Page 5, line 3, replace "910,134" with "912,134"
- Page 5, line 4, replace "840,439" with "842,753"
- Page 5, line 7, replace "238,835" with "239,452"
- Page 5, line 11, replace "802,765" with "803,382"
- Page 5, line 14, replace "1,400,267" with "1,403,540"
- Page 5, line 17, replace "1,525,128" with "1,528,401"
- Page 5, remove lines 18 through 21
- Page 5, line 22, replace "39,274,813" with "36,830,627"
- Page 5, line 23, replace "31,880,734" with "31,927,863"
- Page 5, line 24, replace "71,155,547" with "68,758,490"
- Page 5, line 27, replace "state university research" with "agricultural experiment"
- Page 5, line 28, remove "branch stations, land reclamation research center,"
- Page 5, line 29, replace "cooperative extension division" with "North Dakota state university extension service"
- Page 6, line 15, replace "state university research" with "agricultural experiment"
- Page 7, line 25, replace "state university research" with "agricultural experiment" and remove "or any"
- Page 7, line 26, remove "of its branch stations"
- Page 7, line 28, after "station" insert "or center"
- Page 8, remove lines 14 through 29
- Page 9, remove lines 1 through 4
- Page 9, line 5, after "INTENT" insert "- RESOURCE CENTERS - COUNTY SERVICES"
- Page 9, line 6, replace "extension division" with "North Dakota state university extension service"
- Page 9, line 11, after the period insert "Without a county's board of county commissioners approval, the extension service shall not change the manner in which it provides extension services to that county."
- Page 9, line 13, after "university" insert "main"
- Page 9, line 15, after "university" insert "main"
- Page 9, line 19, replace "state" with "agricultural experiment"

Page 9, line 20, remove "university research"

Page 9, after line 24, insert:

"SECTION 12. NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE - AUTHORITY TO CODIFY NAME CHANGE. The legislative council is authorized to replace, where appropriate, "extension division of the North Dakota state university of agriculture and applied science", "cooperative extension division of the North Dakota state university of agriculture and applied science", "extension division", "cooperative extension service of North Dakota state university", "North Dakota cooperative extension service", "state extension service", "extension service", "cooperative extension service", "state cooperative extension service", and "North Dakota state university of agriculture and applied science extension service" wherever they appear in the North Dakota Century Code or in the supplements to the North Dakota Century Code with "North Dakota state university extension service". The legislative council shall make the changes when any volume or supplement of the North Dakota Century Code is reprinted."

Page 9, line 25, replace "AMENDMENT. Section 4-05-01 of the North Dakota Century" with "A new chapter to title 4 of the North Dakota Century Code is hereby created and enacted to read as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Agricultural experiment station" means the North Dakota state university main research station, the Dickinson research center, the Williston research center, the Langdon research center, the central grasslands research center, the Carrington research center, the Hettinger research center, the north central research center, and any other department or agency designated by the state board of higher education.
2. "Director" means the director of the North Dakota agricultural experiment station.
3. "Superintendent" means an administrator in charge of a research center.

Agricultural experiment station. The North Dakota agricultural experiment station is under the control of and subject to the supervision of the state board of higher education. The agricultural experiment station shall develop research programs involving the basic and applied biological, physical, and social sciences that will enhance agricultural systems and improve the quality of life.

Director - Superintendents - Research station and research centers. The director is under the direction of the president of the North Dakota state university of agriculture and applied science. The research station and research centers of the North Dakota agricultural experiment station are under the jurisdiction of the director. Each research center must be administered by a superintendent who shall report to the director.

Reports to director and state board of higher education. Each superintendent shall submit a biennial report to the director on or

before the first day of August of each odd-numbered year. Each report must set forth in detail the investigations and experiments made during the preceding fiscal biennium, recommendations for the welfare of the center, the financial condition of the center, how all moneys have been expended, and the results of experiments. The director shall submit these reports, with a biennial report of the North Dakota state university main research station, to the board of higher education on or before the first day of September of each odd-numbered year. In addition to any requirements established under section 54-06-04, the board of higher education shall include a composite of the reports from the research station and each research center in its biennial report to the governor and the office of management and budget.

North Dakota state university main research station. The North Dakota state university main research station must be located on the campus of North Dakota state university of agriculture and applied science. The station is the administrative location of the agricultural experiment station. The station shall conduct research and coordinate all research activities of the agricultural experiment station. The research must have as a purpose, the development and dissemination of technology important to the production and utilization of food, feed, fiber, and fuel from crop and livestock enterprises. The research must provide for an enhancement of the quality of life, sustainability of production, and protection of the environment. The research station shall keep detailed records of all research activities and publish the information that will be of value to the residents of this state.

Dickinson research center. The Dickinson research center must be located at or near Dickinson in Stark County. The center shall conduct research on increasing the carrying capacity of native rangeland, with emphasis on conservation and preservation for future generations. The center shall conduct research on grass production to determine how to best compensate for the vagaries of the weather as it influences forage production in the dryland agriculture of western North Dakota. The center shall conduct research at the ranch location in Dunn County with beef cattle and swine breeding, feeding, management, and disease control for the benefit of livestock producers of western North Dakota and the entire state. The center shall conduct research designed to increase productivity of all agricultural products of the soil by maintaining or improving the soil resource base in the dryland agricultural region of southwestern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstock; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Williston research center. The Williston research center must be located at or near Williston in Williams County. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland agricultural region of northwestern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center

shall disseminate research results and information for the benefit of this state.

Langdon research center. The Langdon research center must be located at or near Langdon in Cavalier County. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland agricultural region of northeastern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Central grasslands research center. The central grasslands research center must be located within an area bounded by the Missouri River on the west and the James River on the east. The center shall conduct research designed to fulfill needs within an area bounded by the Missouri River on the west and the James River on the east. Research objectives must be to increase the range-carrying capacity of native range, with emphasis on conservation and preservation for future generations; stabilization of grass production to discover how to best compensate for the vagaries of the weather and precipitation as it influences forage production in a dryland agriculture; identification of the impact of different management systems upon beef production in the central region of the state; and exploration of increased use of crop residues and byproducts for the maintenance of the cowherd.

Carrington research center. The Carrington research center must be located at or near Carrington in Foster County. The center shall conduct research designed to determine the potential of irrigated agriculture in the region proposed for irrigation development in the state which must be related to both crop and livestock production. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland and irrigated agricultural region of east central North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping and integrated crop and livestock systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Hettinger research center. The Hettinger research center must be located at or near Hettinger in Adams County. The center shall develop the best available technology in breeding, feeding, management, and disease control pertinent to the production of sheep in the state. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in southwestern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

North central research center. The north central research center must be located at or near Minot in Ward County. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland agricultural region of north central North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems which achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Board of visitors - Members - Inspection - Expenses - Duties. The boards of county commissioners of Renville, Bottineau, Rolette, Benson, Ward, McHenry, Pierce, McLean, Mountrail, Sheridan, Burke, and Wells Counties shall name two farmers operating farms in their respective counties to serve as a board of visitors to the north central research center. A member of the board of visitors shall serve for three years and is not eligible for reappointment until after a lapse of three years following each term of office. The board of county commissioners of the county from which a vacancy occurs shall fill the vacancy. The board of visitors shall make an annual inspection of the north central research center upon call of the director. At least one inspection a biennium must be during the growing season. The board of visitors is entitled to a fee for each visit, plus mileage at the same rate as provided by law for other state officials for every mile [1.61 kilometer] actually traveled to and from the farm. The board of visitors shall inspect the work of the north central research center and counsel and advise with the officials in charge. The board of visitors shall name one of its members to serve as chairman and another to serve as secretary. The chairman and the secretary shall make a written report to the director.

Mandan experiment station. The Mandan experiment station is an agricultural, grass, and tree experiment station. The station must be maintained on the grounds of the state industrial school and operated in connection with the North Dakota state university of agriculture and applied science. The Mandan experiment station is under the direction of the state board of higher education."

Page 9, remove lines 26 through 29

Page 10, remove lines 1 through 29

Page 11, remove lines 1 through 28

Page 12, remove lines 1 through 29

Page 13, remove lines 1 through 29

Page 14, remove lines 1 through 29

Page 15, remove lines 1 through 29

Page 16, remove lines 1 through 28

Page 17, remove lines 1 through 9

- Page 17, line 27, remove "North Dakota", overstrike "state" and insert immediately thereafter "North Dakota agricultural", and remove the overstrike over "experiment"
- Page 17, line 28, remove "university research" and after the second "the" insert "North Dakota" and after "state" insert "university"
- Page 18, line 28, after "the" insert "North Dakota" and after "state" insert "university"
- Page 19, line 6, after the first "the" insert "North Dakota" and after "state" insert "university"
- Page 19, remove lines 19 through 29
- Page 20, remove lines 1 through 7
- Page 20, line 12, after "the" insert "agricultural", remove the overstrike over "experiment", and remove "research"
- Page 20, line 19, after the first comma insert "agricultural", remove the overstrike over "experiment", and remove "research"
- Page 20, line 27, remove the overstrike over "an", after "an" insert "agricultural", remove the overstrike over "experiment", and remove "a research"
- Page 21, remove lines 1 through 12
- Page 21, line 15, after "Dakota" insert "agricultural", remove the overstrike over "experiment", and remove "state university"
- Page 21, line 16, remove "research"
- Page 21, line 17, after "Dakota" insert "agricultural", remove the overstrike over "experiment", and remove "state university research"
- Page 21, line 29, after "state" insert "agricultural"
- Page 22, line 1, remove the overstrike over "experiment" and remove "research"
- Page 22, remove lines 5 through 22
- Page 22, line 27, after the second comma insert "agricultural", remove the overstrike over "experiment", and remove "research"
- Page 23, after line 8, insert:  
"SECTION 21. REPEAL. Chapter 4-05 of the North Dakota Century Code is hereby repealed."
- Page 23, remove lines 9 through 28
- Page 24, remove lines 1 through 29
- Page 25, remove lines 1 through 29

Page 26, remove lines 1 through 27

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The section relating to the development of the NDSU-Extension Service's area resource centers is amended to provide that the NDSU-Extension Service shall not change the manner in which extension services are provided to a county without the approval of that county's board of county commissioners.

Section 9 of the bill, which identified specific general fund appropriation reductions of \$1,472,000 from the NDSU-Main Research Station and \$528,000 from the NDSU-Extension Service which would take effect in the event an initiated or referred measure would reduce general fund revenues during the 1989-91 biennium, is removed.

Section 13 of the bill provides that the Legislative Council is to replace, in the North Dakota Century Code, the varying names of the Extension Division with North Dakota State University Extension Service.

Section 14 of the bill revises Chapter 4-05 which relates to the Agricultural Experiment Station and includes changing the names of the branch experiment stations to research centers. The major change from the Senate version is the reference to the NDSU Main Research Station and the role of the North Dakota Agricultural Experiment Station which was clarified to include the NDSU Main Research Station and all of the research centers including the Agronomy Seed Farm.

Other changes are shown on the attached schedules.

## SCHEDULE "A"

## SUMMARY OF GENERAL FUND CHANGES TO ENGROSSED SENATE BILL NO. 2005

	Engrossed Senate Bill No. 2005 as Passed by the Senate	Faculty Salary Increases Adjustment	General Fund Appropriation After Faculty Salary Adjustment	Other Changes	General Fund Appropriation as Amended
NDSU-Extension Service	910,236,788	9 32,055	910,268,843	9 (292,500)	9 9,976,343
Extension Service - Food and Nutrition					
Northern Cross Institute	564,493		564,493		564,493
NDSU-Main Research Station	21,483,819	71,937	21,755,756	292,500	22,048,256
Dickinson Research Center	951,180	1,978	953,158		953,158
Central Grasslands Research Center	569,325	651	569,976		569,976
Hettinger Research Center	447,641	1,170	448,731		448,731
Langdon Research Center	511,940	1,069	513,017		513,017
North Central Research Center	396,820	1,247	398,067		398,067
Williston Research Center	914,372	1,461	915,833		915,833
Carrington Research Center	840,439	2,314	842,753		842,753
Agronomy Seed Farm					
Land Reclamation Research Center					
Dickinson Experiment Station bond payments	2,558,048		2,558,048	(2,558,048)	
Total	939,274,813	813,082	939,308,695	9(2,850,048)	936,030,627

<sup>1</sup> Provides annual salary increases for faculty of eight percent the first year of the biennium and seven percent the second year and support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1005.

<sup>2</sup> Provides a salary increase for faculty on July 1, 1989, of 12.6 percent and support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1005.

<sup>3</sup> Funding for the development of the NDSU-Extension Service's area resource centers is reduced by \$292,500 from the general fund from \$888,000 to \$292,500. The extension service anticipated creating 14 to 18 area resource centers. The \$292,500 of general fund support remaining is to be used to develop a plan for the establishment of area resource centers and to establish two area resource center pilot projects. The reductions are as follows:

## GENERAL FUND

Salaries and wages	9 (274,000)
Operating expenses	158,500
Total	9 (292,500)

<sup>4</sup> Funding for the NDSU-Main Research Station is increased by \$292,500 from the general fund for foliar disease research in cereal grains. The additional funding will permit the NDSU-Main Research Station to hire two scientists (\$90,000 each) and two technicians (\$50,000 each). Because the NDSU-Main Research Station has unfilled positions, no additional authorized FTE positions are necessary. The increases are as follows:

## GENERAL FUND

Salaries and wages	9 280,000
Operating expenses	12,500
Total	9 292,500

<sup>5</sup> The Dickinson Experiment Station bond payments of \$2,558,048 from the general fund are deleted because an appropriation for the bond payments is included in House Bill No. 1017. In addition, the section exempting the bond payments from budget reductions caused by an initiated or reserved measure is removed.

SUMMARY OF TOTAL CHANGES TO ENGROSSED SENATE BILL NO. 2005

	Engrossed Senate Bill No. 2005 as Passed by the Senate <sup>1</sup>	Faculty Salary Increase Adjustment <sup>2</sup>	Total Appropriation After Faculty Salary Adjustment	Other Changes	Total Appropriation as Amended
NDSU-Extension Service	\$20,827,199	\$ 36,018	\$20,863,217	\$ 1,292,500 <sup>3</sup>	\$20,570,717
Extension Service - Food and Nutrition	737,270		737,270		737,270
Northern Crops Institute	725,857		725,857		725,857
NDSU-Main Research Station	37,619,227	97,213	37,716,440	292,500 <sup>4</sup>	38,008,940
Dickinson Research Center	1,220,170	1,978	1,222,148	2,000 <sup>5</sup>	1,224,148
Central Grasslands Research Center	819,326	651	819,977	2,000 <sup>5</sup>	821,977
Mettinger Research Center	648,806	1,170	649,976	2,000 <sup>5</sup>	651,976
Langdon Research Center	602,948	1,069	604,017	2,000 <sup>5</sup>	606,017
North Central Research Center	723,836	1,247	725,083	2,000 <sup>5</sup>	727,083
Milliston Research Center	894,374	1,441	895,815	2,000 <sup>5</sup>	897,815
Carrington Research Center	1,750,573	2,314	1,752,887	2,000 <sup>5</sup>	1,754,887
Agronomy Seed Farm	802,765	617	803,382		803,382
Land Reclamation Research Center	1,828,128	3,275	1,831,403		1,831,403
Dickinson Experiment Station bond payments	2,588,068		2,588,068	(2,558,068) <sup>6</sup>	
<b>Total</b>	<b>\$71,158,567</b>	<b>\$167,031</b>	<b>\$71,325,598</b>	<b>\$12,544,068</b>	<b>\$68,781,690</b>

- <sup>1</sup> Provides annual salary increases for faculty of eight percent the first year of the biennium and seven percent the second year and support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1008.
- <sup>2</sup> Provides a salary increase for faculty on July 1, 1989, of 12.6 percent and support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1008.
- <sup>3</sup> Funding for the development of the NDSU-Extension Service's area resource centers is reduced by \$292,500 from the general fund from \$888,000 to \$595,500. The extension service anticipated creating 14 to 18 area resource centers. The \$292,500 of general fund support remaining is to be used to develop a plan for the establishment of area resource centers and to establish two area resource center pilot projects. The reductions are as follows:

	GENERAL FUND
Salaries and wages	\$ (234,000)
Operating expenses	(58,500)
<b>Total</b>	<b>\$ (292,500)</b>

- <sup>4</sup> Funding for the NDSU-Main Research Station is increased by \$292,500 from the general fund for foliar disease research in cereal grains. The additional funding will permit the NDSU-Main Research Station to hire two scientists (\$90,000 each) and two technicians (\$90,000 each). Because the NDSU-Main Research Station has unfilled positions, no additional authorized FTE positions are necessary. The increases are as follows:

	GENERAL FUND
Salaries and wages	\$ 260,000
Operating expenses	12,500
<b>Total</b>	<b>\$ 272,500</b>

- <sup>5</sup> A capital improvements line item of \$2,000 is added from other funds for facilities maintenance.
- <sup>6</sup> The Dickinson Experiment Station bond payments of \$2,558,068 from the general fund are deleted because an appropriation for the bond payments is included in House Bill No. 1037. In addition, the section exempting the bond payments from budget reductions caused by an initiated or referred measure is removed.

SB 2005 was placed on the Sixth order of business on the calendar.

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

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

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1205 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1677-1678 of the House Journal and that Engrossed HB 1205 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a committee on protection and advocacy for persons with developmental disabilities or mental illnesses; to amend and reenact sections 25-01-01.1, 50-26-01, 50-26-03, 50-26-04, and 50-27-03 of the North Dakota Century Code, relating to the placement of the state council on developmental disabilities and the governor's council on human resources within the office of the governor; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. In sections 1 through 12 of this Act, unless the context otherwise requires:

1. "Abuse" means:

- a. Willful use of offensive, abusive, or demeaning language by a caretaker that causes mental anguish of any person with developmental disabilities;
- b. Knowing, reckless, or intentional acts or failures to act which cause injury or death to a developmentally disabled or mentally ill person or which placed that person at risk of injury or death;
- c. Rape or sexual assault of a developmentally disabled or mentally ill person;
- d. Corporal punishment or striking of a developmentally disabled or mentally ill person;
- e. Unauthorized use or the use of excessive force in the placement of bodily restraints on a developmentally disabled or mentally ill person; and
- f. Use of bodily or chemical restraints on a developmentally disabled or mentally ill person which is not in compliance with federal or state laws and administrative regulations.

2. "Advocacy" means action to assist or represent a person or group of persons with developmental disabilities or mental illnesses in securing their rights, obtaining needed services, investigating complaints, and removing barriers to identified needs.

3. "Advocate" means an employee of the project.
4. "Caretaker" means a person, organization, association, or facility who has assumed legal responsibility or a contractual obligation for the care of a person with developmental disabilities or mental illness, or a parent, spouse, sibling, other relative, or person who has voluntarily assumed responsibility for the person's care.
5. "Committee" means the committee on protection and advocacy.
6. "Complaint" means an allegation of a violation of human or legal rights, or a lack of needed services, which is not a report of abuse, neglect, or exploitation.
7. "Developmental disability" is a disability as defined in section 25-01.2-01.
8. "Eligibility for services" means persons eligible for services of the project, including:
  - a. An adult with developmental disabilities.
  - b. An adult suffering from a mental illness who is an inpatient or resident in a facility rendering care or treatment, even if the location of the person is unknown.
  - c. An adult suffering from a mental illness who is in the process of being admitted to a facility rendering care or treatment, including persons being transported to such a facility.
  - d. An adult suffering from a mental illness who within the last ninety days was an inpatient or resident of a facility rendering care or treatment.
  - e. A child with developmental disabilities or a child with mental illness who meets the criteria of subdivision b, c, or d of this subsection is eligible for advocacy services.
  - f. A child with developmental disabilities or mental illness who is not an abused or neglected child as defined in chapter 50-25.1 is eligible for protective services.
9. "Exploitation", when committed by a caretaker or relative of, or any person in a fiduciary relationship with, a person with developmental disabilities or mental illness, means:
  - a. The taking or misuse of property or resources of a person with developmental disabilities or mental illness by means of undue influence, breach of fiduciary relationship, deception, harassment, criminal coercion, theft, or other unlawful or improper means;
  - b. The use of the services of a person with developmental disabilities or mental illness without just compensation;  
or

- c. The use of a person with developmental disabilities or mental illness for the entertainment or sexual gratification of others under circumstances that cause degradation, humiliation, or mental anguish to the person with developmental disabilities or mental illness.
10. "Facility" means a school, residence center, group home, nursing home, foster home, boarding home, or other facility operated by any public or private agency, organization, or institution, which provides services to a person with developmental disabilities or mental illness.
11. "Mental health professional" means a mental health professional as defined in section 25-03.1-02.
12. "Mental illness" means significant mental illness or emotional impairment as determined by a mental health professional.
13. "Neglect" means:
- a. Inability of a person with developmental disabilities or mental illness to provide food, shelter, clothing, health care, or services necessary to maintain the mental and physical health of that person;
  - b. Failure by any caretaker of a person with developmental disabilities or mental illness to meet, either by commission or omission, any statutory obligation, court order, administrative rule or regulation, policy, procedure, or minimally accepted standard for care of persons with developmental disabilities or mental illnesses;
  - c. Negligent act or omission by any caretaker which causes injury or death to a person with developmental disabilities or mental illness or which places that person at risk of injury or death;
  - d. Failure by any caretaker, who is required by law or administrative rule, to establish or carry out an appropriate individual program or treatment plan for a person with developmental disabilities or mental illness;
  - e. Failure by any caretaker to provide adequate nutrition, clothing, or health care to a person with developmental disabilities or mental illness;
  - f. Failure by any caretaker to provide a safe environment for a person with developmental disabilities or mental illness; and
  - g. Failure by any caretaker to maintain adequate numbers of appropriately trained staff at a facility providing care and services for persons with developmental disabilities or mental illnesses.
14. "Project" means the protection and advocacy project.

15. "Protective services" means actions to assist persons with developmental disabilities or mental illnesses who are unable to manage their own resources or to protect themselves from abuse, neglect, exploitation, or other hazards.
16. "Report" means a verbal or written communication, including an anonymous communication, alleging the abuse, neglect, or exploitation of a person with developmental disabilities or mental illness.

SECTION 2. Committee on protection and advocacy. The governor shall appoint a committee on protection and advocacy. The committee must consist of seven members who broadly represent or are knowledgeable about the needs of the persons served by the protection and advocacy project. The committee is responsible for the administrative supervision and direction and for the planning, design, implementation, and functioning of the project. The committee in its capacity of supervising and directing the project shall operate independently of the governor or any state agency that provides treatment, services, or habilitation to persons with developmental disabilities or mental illness.

SECTION 3. Director - Administrative authority. The committee shall appoint a director, who serves at the will of the committee. The committee shall set the salary of the director within the limits of the amount appropriated for salaries by the legislative assembly. The director shall employ necessary staff, including advocates, who must be classified under the state personnel merit system. The director and other employees of the project are entitled to reimbursement for expenses incurred in carrying out their duties at the same rate and in the same manner as other state officials and employees. The director, with the advice and consent of the committee, may adopt rules for administration of the project, the conduct of its employees, the performance of its business, and the custody, use, and preservation of the records, documents, and property pertaining to the committee. The director shall submit to the committee bimonthly reports concerning the status of revenue, expenditures, and protection or advocacy efforts engaged in by project personnel.

SECTION 4. Reporting of abuse, neglect, or exploitation - Immunity for good faith reports.

1. Every medical, mental health, or developmental disabilities professional, educational professional, police or law enforcement officer, or caretaker having knowledge of or reasonable cause to suspect that an adult with developmental disabilities or mental illness coming before the individual providing services in that individual's official or professional capacity is abused, neglected, or exploited shall report the circumstances of that abuse, neglect, or exploitation to the project. For the purposes of this section:
- a. "Educational professional" means a professional providing educational services either at a school, academy, or other educational facility, or at a private facility or residence, as a teacher, professor, tutor, aid, administrator, or other education professional.

- b. "Medical, mental health, or developmental disabilities professional" means a professional providing health care or services to persons with developmental disabilities or mental illnesses, on a full-time or part-time basis, on an individual basis or at the request of a caretaker, and includes a physician, medical examiner, coroner, dentist, optometrist, chiropractor, nurse, physical therapist, mental health professional, hospital personnel, nursing home personnel, congregate care personnel, social worker, or any other person providing medical, mental health, or developmental disabilities services.
2. An individual not listed in subsection 1 having knowledge of or reasonable cause to suspect that an adult with developmental disabilities or mental illness is abused, neglected, or exploited may report those circumstances to the committee or the project.
3. An individual other than the alleged perpetrator participating in good faith in the making of a report, assisting an investigator, furnishing information to an advocate or other employee of the committee, or in providing protective services under this section, is immune from any liability, civil or criminal, that otherwise might result from the reporting of the alleged case of abuse, neglect, or exploitation.

SECTION 5. Retaliation - Presumptions - Penalty.

1. An employer that imposes any form of discipline or retaliation against an employee solely because the employee reported having knowledge of or reasonable cause to suspect that a person with developmental disabilities or mental illness was abused, neglected, or exploited is guilty of a class B misdemeanor.
2. A rebuttable presumption that retaliation has occurred arises when an adverse action is taken within ninety days of the report. For the purpose of this subsection, "adverse action" means any action taken against the reporter or the person with developmental disabilities or mental illness about whom the report was made by a facility or person involved in a report because of the report. Adverse action includes:
- a. Discharge from or termination of the employment of the employee.
- b. Demotion, negative work performance evaluation, reduction of hours worked or benefits or work privileges, or reduction in remuneration for services of the employee.
- c. Restriction or prohibition of access by the employee to a facility or to the residents of the facility.
- d. Discharge or transfer of the person with developmental disabilities or mental illness from or within a facility or from the supervision of a caretaker.

- e. Failure of a facility to perform customary services for the person with developmental disabilities or mental illness.
3. It is a defense to any charge brought under this section that the good faith of the individual making the report, described in subsection 3 of section 4 of this Act, has been rebutted, but only as to actions taken against the employee.

SECTION 6. Authority of project. Pursuant to rules adopted by the committee, the project, within the limits of legislative appropriations, shall provide advocacy and protective services for persons with developmental disabilities and persons with mental illnesses. The rules adopted by the committee relating to the need for the consent of the client must balance the rights of persons with developmental disabilities or mental illnesses to privacy and to refuse services under section 11 of this Act with the committee's duties to protect the human and legal rights of persons eligible for services and to monitor facilities for compliance with federal and state laws and rules. The project may:

1. Represent persons with developmental disabilities or mental illnesses so that they may realize the rights and services to which they are entitled.
2. Investigate complaints and reports if the alleged incidents are reported to the committee or the project or if there is probable cause to believe that the incidents occurred.
3. Monitor individual habilitation or treatment plans, program plans, educational plans, facilities and programs, and all other services and care provided to persons with developmental disabilities or mental illnesses.
4. Employ counsel to represent clients to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of persons with developmental disabilities or mental illnesses, and employ counsel to represent the project or the committee when, in the opinion of the attorney general, a conflict of interest under the North Dakota Rules of Professional Conduct exists between the office of attorney general and the committee or the project, and the conflict cannot be avoided by the appointment of counsel under subsection 3 of section 54-12-01 or section 54-12-08.
5. Pursue legal, administrative, and other appropriate remedies to ensure the protection and the rights of persons with developmental disabilities or mental illnesses. Prior to instituting any legal action in a federal or state court on behalf of a person with developmental disabilities or mental illnesses, the project shall exhaust in a timely manner all administrative remedies if appropriate. If, in pursuing administrative remedies, the project determines that any matter with respect to that person will not be resolved within a reasonable time, the project may pursue alternative remedies, including the initiation of a legal action with the consent of the committee. However, exhaustion of

administrative remedies is not a prerequisite to initiation of a legal action when that action is instituted to prevent or eliminate imminent serious harm to a person with developmental disabilities or mental illnesses.

6. Sign any criminal complaint necessary to protect the interests of any person with developmental disabilities or mental illness, or group of persons with developmental disabilities or mental illnesses, who appear to have been victimized by or subjected to criminal conduct.
7. Review each annual survey report and plan of corrections for cited deficiencies made pursuant to titles XVIII and XIX of the Social Security Act with respect to any facility rendering care or treatment to persons with developmental disabilities or mental illnesses.
8. Provide the public, on an annual basis, an opportunity to comment on the priorities established by, and the activities of the committee.
9. Establish a grievance procedure for clients or prospective clients to ensure that persons with developmental disabilities or mental illnesses have full access to the services of the committee.
10. Prepare an annual report to the legislative assembly and the governor describing the priorities, activities, accomplishments, and expenditures of the system.
11. Provide information on and referral to programs and services addressing the needs of persons with developmental disabilities or mental illnesses.
12. Accept and administer gifts, grants, or contracts with persons or organizations, including the federal government, on such terms as may be beneficial to the state.
13. Contract with any person, public or private, to carry out any responsibilities of the project under this Act.

SECTION 7. Access to records, facilities, and persons - Rules. A caretaker shall provide the project access to the person with developmental disabilities or mental illness and to the facility where the person resides. The committee shall adopt rules regarding access to the records of a client for the purpose of investigating complaints or reports and monitoring service delivery systems. Any rules adopted under this section must comply with subsection 4 of section 25-01.2-03, section 25-16-07, 42 U.S.C. 6042, and 42 U.S.C. 10805.

SECTION 8. Investigation of reports.

1. Upon receipt of any report of suspected abuse, neglect, exploitation, or a complaint made pursuant to sections 1 through 12 of this Act, the project shall assess the need for an investigation of the report or complaint. If the project determines that the report or complaint is warranted, the project shall investigate or cause the report or complaint to

be investigated. For the purpose of investigating a report or a complaint, the project may:

- a. Interview the alleged victim who has developmental disabilities or mental illness at any time of the day or night, with or without notice.
  - b. Interview any other individual who may have knowledge of the situation.
  - c. Access all locations under the control of the caretaker where records or other information exist, including the residence of the alleged victim.
  - d. Coordinate investigations with other agencies, departments, or other entities providing services necessary or advisable for the person with developmental disabilities or mental illness.
  - e. Delegate investigatory powers to the extent necessary and appropriate to any person or entity.
2. This section does not limit the responsibilities of law enforcement agencies to enforce the laws of this state or preclude law enforcement agencies from investigating, as appropriate, any alleged criminal conduct.

SECTION 9. Conflict of interest. In any situation in which the project is representing, or has been requested to represent, two or more persons with developmental disabilities or mental illnesses, if those persons have conflicting interests in the matter for which the project is requested to act, the project may provide services to the first person making application for services for that purpose. Any additional person, with conflicting interests, may be referred to another agency or individuals for assistance.

SECTION 10. Confidentiality and privileged information.

1. All documents, records, information, memoranda, reports, complaints, or written or nonwritten communication in the possession of the committee, project, or any advocate relating to an identified or identifiable person with developmental disabilities or mental illness are confidential and are not subject to disclosure, except:
  - a. When release is consented to in writing by all persons with developmental disabilities or mental illnesses identified or identifiable in the documents, records, information, memoranda, reports, complaints, or written or nonwritten communications;
  - b. In a judicial proceeding when ordered by the presiding judge; or
  - c. To officers of the law or, in the discretion of the committee, any other legally constituted board or agency serving the interests of persons with mental illness or developmental disabilities; or

- d. To the parents of a minor who is an eligible person under sections 1 through 12 of this Act or legal guardians of the person with mental illness or developmental disability except that no information may be released to the person with mental illness who is the subject of the information when such release is prohibited by state or federal law.
2. Unless ordered by a court of competent jurisdiction, the name of a person who in good faith makes a report or complaint may not be released or disclosed by the committee or the project.

SECTION 11. Refusal of services - Alternatives. If a person with developmental disabilities or mental illness refuses an offer of services from the project and, in the judgment of the project, the person's life, safety, or health is seriously jeopardized, the project may petition a court of competent jurisdiction for the appointment of a guardian or conservator. The project may also refer the matter to an appropriate agency, department, or authority for possible civil action on behalf of the person with mental illness or developmental disabilities, or for criminal prosecution of any individual abusing, neglecting, or exploiting a person with mental illness or developmental disabilities.

SECTION 12. Penalties.

1. A person who permits or allows the unauthorized disclosure of reports or complaints obtained under sections 1 through 12 of this Act is guilty of an infraction.
2. A person who willfully fails to report the abuse, neglect, or exploitation of any person with developmental disabilities or mental illness, if required to report pursuant to sections 1 through 12 of this Act, is guilty of an infraction.

SECTION 13. AMENDMENT. Section 25-01-01.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01-01.1. State council on developmental disabilities. There is hereby created and shall must be maintained in the state department of human services office of the governor a state council on developmental disabilities consisting of one representative of each of the following departments, divisions, institutions, and organizations designated by the head of such agency or organization:

1. Office of superintendent of public instruction.
2. North Dakota department of human services.
3. State department of health and consolidated laboratories.
4. Developmental center at Grafton state school.
5. Job service North Dakota.
6. Director of institutions.

The council shall have consumer representation in conformity with federal regulations regarding developmental disabilities. All members of the council ~~shall must~~ be appointed by the governor from the list of designees provided by agency heads pursuant to this section. The council shall select its own officers who shall serve for a term of two years commencing on October first of each year. Meetings ~~shall must~~ be held at least twice a year or at the call of the chairman or upon notice in writing signed by not less than three members of the council. A simple majority of the council ~~shall constitute~~ constitutes a quorum and ~~shall have authority to~~ may act upon any matter coming before the council. Members of the council ~~shall be reimbursed~~ are entitled to reimbursement in the same manner and at the same rate provided by law for other state officials.

The council shall assist in the development of the state plan for developmental disabilities, monitor and evaluate the implementation of such state plan, review and comment on all state plans in the state which relate to programs affecting persons with developmental disabilities, provide protection and advocacy to developmentally disabled individuals when requested by a state department, division, institution, or organization, and establish a committee on professional standards and certification ~~that which~~ will develop rules and regulations for the certification of developmental disability professionals. The council, with the approval of the governor, shall appoint a full-time director who shall assist the council. The director must be classified under the state personnel merit system. The council shall also perform studies and surveys of the needs of developmentally disabled persons in North Dakota, and shall facilitate coordination of the activities of all state departments, divisions, agencies, and institutions having responsibilities in the field of developmental disabilities.

SECTION 14. AMENDMENT. Section 50-26-01 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-26-01. Establishment of governor's council on human resources - Certain committees to constitute - Appointment. There is hereby established a governor's council on human resources, to be maintained within the department of human services, which shall office of the governor. The council must consist of a committee on aging, a committee on children and youth, a committee on employment of the handicapped persons with disabilities, a commission on the status of women, and other committees having a related interest in human resources as may be appointed. Each of these committees shall consist of an executive committee of no more than nine members; each of whom, except as provided by this section, shall committee member must be appointed by the governor for a term of three years, staggered so that the terms of one-third of the members of each committee expire July first of each year, except that initial appointments to the committees shall must be made on the basis of a one-year term for one-third of the members of each committee; a two-year term for one-third of the members of each committee; and a full three-year term for the remaining members of each committee. At least one-third of the members appointed to the executive committee on children and youth must have expertise in the prevention of child abuse and neglect. Each of the executive committees of the governor's council on human resources may appoint to their committee the chairman of the mayor's committee or his the

chairman's designated representative. A vacancy occurring other than by reason of the expiration of a term ~~shall~~ must be filled in the same manner as original appointments, except that ~~such~~ the appointment ~~shall~~ may be made for the remainder of the unexpired term only.

SECTION 15. AMENDMENT. Section 50-26-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-26-03. Human resources committees - Organization - Expenses. The governor's committees on aging, children and youth, ~~the~~ employment of the handicapped persons with disabilities, the commission on the status of women, and such other committees who have a related interest in human resources, at their first meetings after July first of each year, shall elect from their ~~executive~~ committee membership a chairman and vice chairman. Every meeting of each committee ~~shall~~ must be called by the chairman of ~~such~~ the committee and ~~shall~~ must be presided over by ~~such~~ the chairman unless ~~he~~ the chairman is unable to act, in which case the vice chairman shall succeed to the powers and duties of the chairman. Each of the committee members ~~shall~~ is entitled to be paid for all necessary mileage and other actual expenses incurred in the performance of their official duties as members of such committees in the same amount and in the same manner as other state officials are paid.

SECTION 16. AMENDMENT. Section 50-26-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-26-04. Executive committee - Powers - Employment of executive director. The executive committee of the governor's council on human resources ~~shall consist~~ consists of the respective chairman and vice chairman of the committees ~~which~~ that constitute the council. They shall select a chairman from their membership and shall meet at such times and at such places as the chairman may direct. Members of the executive committee ~~shall~~ are entitled to receive the same mileage and expenses for performance of their official duties as is provided in section 50-26-03. ~~It is the duty of the~~ The executive committee to ~~shall~~ determine the number of meetings each committee shall hold, the areas in which they shall devote their time, and generally, ~~to~~ supervise all functions of any committee. The executive committee shall coordinate all functions of the council with other state departments, agencies, and other organizations and shall assure that the council cooperate with such departments, agencies, and other organizations wherever possible. The executive committee of the governor's council ~~shall~~ with the approval of the executive director of the department of human services, governor, shall appoint a full-time director of the council on human resources whose duty it is to assist the committees in any manner authorized by the executive committee of the council. The executive committee of the council may authorize the council director to employ such clerical help as they deem necessary. The compensation of the director and clerical help ~~must be set by the executive director of the department of human services~~ governor within appropriations by the legislative assembly. ~~A special operating fund for the governor's council on human resources must be maintained within the state treasury. All expenditures from such fund must be within the limits of legislative appropriations and must be made upon vouchers, signed and approved by the executive director of the department of human services or the executive~~

~~director's designee. Upon approval of such vouchers by the office of the budget, warrant checks must be prepared by the office of management and budget. All moneys received as gifts, donations, or bequests and all federal moneys received must be deposited in the special operating fund. The state treasurer shall make periodic transfers upon order of the director of the office of management and budget from the governor's council on human resources general fund appropriation to such special operating fund whenever its balance falls so low as to require supplementation. The executive committee is authorized on behalf of the council to accept any federal funds and any other gifts and money from any source that may be offered to them.~~

SECTION 17. AMENDMENT. Section 50-27-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-27-03. Authority of the ~~executive~~ committee on children and youth. In addition to the powers and duties enumerated in section 50-26-02, the ~~executive~~ committee on children and youth of the governor's council on human resources ~~is authorized to~~ may:

1. Apply for and receive public funds from any source, devises, legacies, bequests, gifts, and donations from private individuals, organizations, or funds from any other source not contrary to law.
2. Meet at least twice each year for the purpose of administering the children's trust fund.
3. Create such advisory committees as may be deemed necessary to assure public involvement in the planning, development, and administration of the children's trust fund.
4. Hire or arrange for appropriate staff, as deemed necessary, to administer and maintain properly the children's trust fund.
5. Develop, implement, and periodically review a written plan to be used in administering the funds expended from and retained in the children's trust fund. The written plan must include the types of activities to be funded, the nature of organizations preferred for funding, the criteria for eligible fund applicants, and the mechanisms for the monitoring and evaluating of funded activities.
6. Award grants from the children's trust fund in accordance with this chapter and any rules that have been adopted.
7. Adopt, after public notice and an opportunity for comment has been given, any rules it determines to be necessary to carry out this chapter.
8. Contract with persons or organizations, including political subdivisions and school districts.
9. Prepare and submit to the executive director of the department of human services a report at the end of each biennium.

The ~~executive director of the department of human services~~ governor shall designate a person with a demonstrated expertise in the prevention of child abuse and neglect as executive secretary to the ~~executive committee of the children and youth committee~~ to assist in the administration of the children's trust fund.

SECTION 18. STATEMENT OF LEGISLATIVE INTENT. The legislative assembly recognizes that the capacity of the department of human services for accommodating the administrative needs and requirements of the developmental disabilities council exceeds that capacity within the governor's office. Therefore, it is the intent of the legislative assembly that the department of human services continue to provide administrative support for the developmental disabilities council. The administrative support by the department must continue to include fiscal management and financial reporting, contract preparation, management, and supplemental clerical and office assistance. It is also the intent of the legislative assembly that the developmental disabilities council remain an autonomous entity completely independent of the governor's council on human resources and that in no way is the developmental disabilities council accountable to the governor's council on human resources or its committees."

Renumber accordingly

For the Senate: Sens. Mathern, J. Meyer, Stenehjem  
For the House: Reps. Rydell, R. Larson, Ulmer

Engrossed HB 1205 was placed on the Seventh order of business on the calendar.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)  
THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: HB 1016, HB 1022, HB 1029, HB 1041, HB 1101, HB 1186, HB 1196, HB 1210, HB 1320, HB 1480.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1016, HB 1022, HB 1029, HB 1041, HB 1101, HB 1186, HB 1196, HB 1210, HB 1320, HB 1480.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has adopted the conference committee report on HB 1155 and HB 1185 and subsequently passed the same.

#### MOTION

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

#### REPORT OF CONFERENCE COMMITTEE

REP. HAUGEN MOVED that the conference committee report on Engrossed HB 1267 as printed on pages 2047-2048 of the House Journal be adopted, which motion lost on a verification vote.

#### MOTION

REP. KLOUBEC MOVED that SB 2003 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 Engrossed SB 2003 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS.

## REQUEST

REP. STOFFERAHN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2003, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2003, the roll was called and there were 59 YEAS, 45 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, R.; Lindgren; Martin; Martinson; Mertens; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Schatz; Schindler; Schmidt; Shaft; Shide; Skjervem; Smette; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Urlacher; Vander Vorst; Wald; Whalen; Wilkie; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hokana; Huether; Kaldor; Kelly; Kolbo; Larson, D.; Laughlin; Marks; Melby; Nelson; Ness; Nowatzki; Oban; O'Shea; Ring; Rydell; Scherber; Schneider; Shockman; Solberg; Sorensen; Starke; Stofferahn; Thompson, V.; Trautman; Ulmer; Watne; Wentz; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gerl; Gunsch

The motion to adopt the amendments to Engrossed SB 2003 passed.

Engrossed SB 2003, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the state board of higher education and the various institutions of higher learning under the supervision of the state board of higher education; 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; to amend and reenact section 4-19-03 of the North Dakota Century Code, relating to the state forester's authority to charge for seeds and planting stock; to provide an exemption to the provisions of section 54-44.1-11 of the North Dakota Century Code; and to provide legislative intent regarding student financial assistance grants, telecommunications, unified academic calendar, membership in the university center for atmospheric research, and the plant improvement contingency fund.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 79 YEAS, 25 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Anderson, R.; Belter; Brokaw; Christman; Enget; Halmrast; Hanson, L.; Hanson, O.; Knell; Kouba; Lang; Larson, D.; Marks; Melby; Murphy; Schatz; Scherber; Shockman; Solberg; Sorensen; Tokach; Tomac; Trautman; Whalen; Williams, W.

ABSENT AND NOT VOTING: Gerl; Gunsch

SB 2003 passed and the title was agreed to.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATE AMENDMENTS TO HCR 3087

Page 1, line 1, replace "urging" with "supporting" and remove "to"

Page 1, line 2, replace "request" with "in requesting"

Page 1, line 11, remove "which"

Page 1, remove lines 12 through 14

Page 1, line 15, remove "court"

Page 1, line 16, remove "although the district court's original order was to require"

Page 1, remove lines 17 through 21

Page 2, line 23, replace "urges" with "supports"

Page 2, line 24, replace "to" with "in the" and after "request" insert "to"

Page 3, line 2, remove "for"

Page 3, line 3, remove "an appropriate pleading to be submitted to the district court"

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HB 1637

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 of the North Dakota Century Code, relating to transportation aid payments to school districts for teacher travel; to amend and reenact section 15-34.2-03, subsection 2 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, 15-40.1-16, and 15-40.1-16.1 of the North Dakota Century Code, relating to the foundation aid weighting factors, the per-pupil payment, and transportation aid to schools; and to provide for contingent additional per-pupil foundation aid payments."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-34.2-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.2-03. Transportation - Payment optional with school board - Schedule. The school board of any school district in the state may pay, ~~in its discretion~~ to each family living more than two miles [3.22 kilometers] from a school in the district which is taught the required length of time, a sum per day for each day's attendance of a student or students of such family, when transported by a member of the family or by a conveyance furnished or paid for by the family, or when the family

has paid for lodging for the child, according to the distance between the home of the family and the school, at the rate of ~~ten~~ twenty cents per day for each one-half mile [.80 kilometer] over two miles [3.22 kilometers]. Such distance shall be measured by the route from the front door of the nearest operating school to the front door of the family's residence according to the most convenient public course of travel. Payments for transportation shall not be limited to the amount set forth in this section where the student or students are required to be transported to another school because the school which they had been attending is closed.

SECTION 2. AMENDMENT. Subsection 2 of section 15-40.1-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. a. The educational support per pupil during the first year of the ~~1987-89~~ 1989-91 biennium shall be one thousand ~~four~~ five hundred dollars and for the second year of the biennium the educational support per pupil shall be one thousand ~~four~~ five hundred ~~twelve~~ fifty dollars and shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in sections 15-40.1-07 and 15-40.1-08.
- b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 shall be supported in the amount of two hundred twenty dollars, which shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in section 15-40.1-07.

SECTION 3. AMENDMENT. Section 15-40.1-07 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-07. High school per-pupil payments - Amount - Proportionate payments. ~~There~~ Payments must be ~~paid~~ made each year from state funds to ~~all each school districts of the county district~~ operating a high schools school and to each school ~~districts district~~ contracting to educate high school pupils in a federal school, subject to adjustment as provided in section 15-40.1-09, ~~payments~~ as follows:

1. For ~~each high schools school~~ school district having under seventy-five pupils in average daily membership in grades nine through ~~twelve~~, the amount of money resulting from multiplying the factor ~~1.70~~ 1.635 times the number of high school pupils in grades nine through twelve registered in ~~that school district~~, times the educational support per pupil as provided in section 15-40.1-06 ~~for each high school pupil registered in the schools each year.~~
2. For ~~each high schools school~~ school district having seventy-five or more, but less than one hundred fifty pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.40~~ 1.35 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 ~~for each high school pupil registered in the schools each year.~~

3. For each high ~~schools~~ school district having one hundred fifty or more, but less than five hundred fifty pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.32~~ 1.28 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
4. For each high ~~schools~~ school district having a total high school enrollment of five hundred fifty or more pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1.20~~ 1.17 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
5. For high schools having an approved alternative education program, the amount of money resulting from multiplying the factor in:
  - a. Subsection 1 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has less than seventy-five pupils in average daily membership.
  - b. Subsection 2 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has seventy-five or more, but less than one hundred fifty pupils in average daily membership.
  - c. Subsection 3 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has one hundred fifty or more, but less than five hundred fifty pupils in average daily membership.
  - d. Subsection 4 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has five hundred fifty or more pupils in average daily membership.

Every high school district ~~shall~~ must receive at least as much in total payments as it would have received if it had the highest number of pupils in the next lower category. However, no payment ~~shall~~ may be made for those pupils for whom federal agencies provide education. Such payments ~~shall~~ may not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this

chapter have been met. Payments ~~shall~~ must be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school district shall be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation or students enrolled in less than four units of standard high school work who are in their fourth year of high school coursework and who are enrolled in approved alternative high school curriculum programs, proportionate payments ~~shall~~ must be made to the public school district in which such student is enrolled for specific courses. School districts offering high school summer school programs ~~shall be~~ are eligible for proportionate payments provided each course offered in such programs satisfies requirements for graduation, comprises at least as many clock hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction. The superintendent may adopt rules regarding eligibility for school districts to receive proportionate payments for such summer education programs.

Districts that did not maintain high schools during the year of 1964-1965 ~~shall are not be~~ eligible for payments unless they have a minimum enrollment of twenty-five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school work are offered, a minimum enrollment of fifteen pupils if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school work is offered. Payments pursuant to this chapter to school districts in bordering states ~~shall~~ must be made after subtracting the amount realized from a twenty-mill levy in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

SECTION 4. AMENDMENT. Section 15-40.1-08 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-08. Elementary per-pupil payments - Amount. ~~There~~ Payments must be ~~paid made~~ from state funds to each school ~~districts of the county district operating an elementary schools school and to each school districts district~~ contracting to educate elementary pupils in a federal school, employing teachers holding valid certificates or permits in accordance with section 15-47-46 and chapter 15-36, ~~payments based on the number of registered students at the beginning of each school year;~~ adjusted as provided in section 15-40.1-09, as follows:

1. For each one-room rural ~~schools there must be paid that school,~~ the amount of money resulting from multiplying the factor ~~1.30~~ 1.29 times the number of pupils in that school in grades one through eight in average daily membership, up to a maximum of sixteen pupils, times the educational support per pupil as provided in section 15-40.1-06 ~~for each of the first sixteen pupils in grades one through eight in average daily membership; and for.~~ There must be paid .9 times each additional pupil in its school in grades one through eight in average daily membership there shall be paid .9 times the educational support per pupil as provided in section

15-40.1-06, except that no payment may be made for more than twenty pupils in average daily membership. If the one-room rural school is located in a school district with another elementary school, the weighting factor for the pupils in grades one through six must be based on the average daily membership in the district in grades one through six as provided in subsections 2 through 4. If the one-room rural school is located in a school district with another school that has pupils in grade seven or eight, the weighting factor for the pupils in grades seven and eight must be the same as that provided for in subsection 5.

2. For each elementary ~~schools~~ school in school districts having under one hundred pupils in average daily membership ~~there must be paid that in grades one through six,~~ the amount of money resulting from multiplying the factor ~~1.045~~ 1.045 times the number of pupils in that school in grades one through six in average daily membership in each classroom or for each teacher, up to a maximum of twenty pupils per classroom or per teacher, times the educational support per pupil as provided in section 15-40.1-06 for each of the first twenty pupils in grades one through six in average daily membership in each classroom or for each teacher and for. There must be paid .9 times each additional pupil in that school in grades one through six in average daily membership in each classroom or for each teacher ~~there shall be paid .9~~ times the educational support per pupil as provided in section 15-40.1-06, except that no payment may be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher.
3. For each elementary ~~schools~~ school in school districts having one hundred or more pupils in average daily membership in grades one through six, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary pupils, ~~there must be paid that in grades one through six,~~ the amount of money resulting from multiplying the factor ~~.9~~ .9025 times the number of pupils in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
4. For each elementary ~~schools~~ school in school districts having an average daily membership of one thousand or more elementary pupils, ~~there must be paid that in grades one through six,~~ the amount of money resulting from multiplying the factor .95 times the number of pupils in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty

pupils in average daily membership in each classroom or for each teacher.

5. For each of the above classes of elementary schools, except for one-room rural schools that are not located in a district with another school that has pupils in grade seven or eight, there must be paid that to each school the amount of money resulting from multiplying the factor ~~1.0~~ 1.005 times the number of pupils in that school in grades seven and eight in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades seven and eight in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
6. For each elementary schools school having pupils under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, there must be paid that the amount of money resulting from multiplying the factor ~~.49~~ .75 times the educational support per pupil as provided in section ~~15-40.1-06~~ for each number of special education pupil pupils in that school under the compulsory age for school attendance in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06.
7. For each elementary schools school providing kindergartens which are a kindergarten that is established according to provisions of section 15-45-01, and for each out-of-state kindergarten programs program, approved by the state superintendent and utilized by North Dakota school districts bordering other states, there must be paid that the amount of money resulting from multiplying the factor .50 times the number of pupils in that school in average daily membership in each classroom or for each teacher times the educational support per-pupil payment for that elementary school as determined under this section for each of the first twenty-five pupils in average daily membership in each classroom or for each teacher, except that no payment may be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher. The full per-pupil payment shall be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period shall receive a proportionately smaller per-pupil payment.

Every school district ~~shall~~ must receive at least as much in total payments for elementary pupils as it would have received if it had the highest number of pupils in the next lower category. Payments pursuant to this chapter to school districts in bordering states ~~shall~~ must be made after subtracting the amount realized from a twenty-mill levy in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

SECTION 5. AMENDMENT. Section 15-40.1-16 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16. Aid for transportation. There shall be paid from state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city, the following amounts:

1. For schoolbuses and school vehicles transporting pupils who live outside the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to thirty-five and one-half cents during each year of the ~~1987-89~~ 1989-91 biennium for vehicles having a capacity of nine or fewer pupils and seventy-two cents per mile [1.61 kilometers] for each year of the ~~1987-89~~ 1989-91 biennium for schoolbuses having a capacity of ten or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of ten or more pupils ~~shall be~~ are entitled to ~~an~~ the following:
  - a. An amount equal to nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses if the school district transports an average of less than one and one-half pupils per bus route mile.
  - b. The amount of money resulting from multiplying the factor 2.0 times nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses if the school district transports an average of from 1.500 to 1.999 pupils per bus route mile.
  - c. The amount of money resulting from multiplying the factor 2.5 times nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses if the school district transports an average of from 2.000 to 2.499 pupils per bus route mile.
  - d. The amount of money resulting from multiplying the factor 3.0 times nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses if the school district transports an average of more than 2.499 pupils per bus route mile.
  - e. The amount of money resulting from multiplying the factor 3.5 times nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses if the school district transports an average of more than 2.999 pupils per bus route mile.
2. For pupils who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to nine and one-half cents per pupil per one-way trip. However, no payment shall be made under this

subsection for a student who rode on a vehicle for which payments are claimed under subsection 1.

3. A school district receiving transportation aid under this section may not receive payment for more than one hundred twenty percent of actual transportation costs or less than fifty percent of actual costs during the first year of the 1989-91 biennium. During the second year of the 1989-91 biennium a school district may not receive more than one hundred ten percent of its actual transportation costs nor less than fifty percent of its actual costs.

The mileage payments provided for in this section shall be made to each school district for transporting pupils to and from school. Such payments shall be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to the compliance with the laws of this state in regard to schoolbuses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section. The superintendent of public instruction shall do an onsite audit of the books and records, regarding transportation cost, pupils transported and miles traveled, of at least ten school districts each fiscal year to verify compliance with section 15-40.1-16.

SECTION 6. AMENDMENT. Section 15-40.1-16.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16.1. Transportation aid for certain academic, vocational education, and special education programs. There ~~shall~~ must be paid from state funds to each school district an amount for transporting pupils to and from schools in other districts and to and from schools within school districts for vocational education courses offered through cooperative arrangements approved by the state board of vocational education and for academic courses offered through cooperative arrangements approved by the superintendent of public instruction. Similar payments ~~shall~~ must be paid to the school districts transporting pupils for special education programs approved by the superintendent of public instruction. ~~Such~~ The amount ~~shall~~ must be the same amount for mileage and per day as is provided for in subsection 1 of section 15-40.1-16, except that school districts entitled to transportation aid pursuant to this section ~~shall~~ must receive such aid for all miles [kilometers] traveled and for all pupils transported, regardless of whether ~~or not such~~ the pupils transported live within the incorporated limits of cities in which the schools in which they are enrolled are located. Provided, however, that no school district shall receive more than one per-pupil payment for transportation regardless of the number of times any pupil is transported in any one day.

SECTION 7. A new section to chapter 15-40.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Transportation payments to school districts for teachers. Any school district or districts that employ a teacher who teaches at more than one school is entitled to receive state funds at the rate provided

for state employees for travel by motor vehicle for all miles traveled by the teacher between schools to teach.

SECTION 8. CONTINGENT SEPARATE AND ADDITIONAL PER-PUPIL PAYMENT. The superintendent of public instruction shall distribute a separate and additional per-pupil payment from any unspent amount appropriated to the grants - foundation aid program for the biennium beginning July 1, 1989, and ending June 30, 1991, in the May 1, 1991, foundation aid payment to schools. Any payment made under this section must be on a weighted basis to be determined according to chapter 15-40.1."

Renumber accordingly

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

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

#### FIRST READING OF SENATE BILL

SB 2539: A BILL for an Act to amend and reenact section 20.1-03-08 of the North Dakota Century Code, relating to nonresident fishing licenses. Was read the first time and referred to the Committee on Natural Resources.

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

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

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

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

#### MOTION

REP. KINGSBURY MOVED that the House reconsider its action whereby SCR 4040 passed, which motion prevailed on a verification vote.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4040: A concurrent resolution for the amendment of section 12 of article V of the Constitution of North Dakota, relating to the office of the state treasurer.

#### ROLL CALL

The question being on the adoption of the resolution, which has been read, the roll was called and there were 50 YEAS, 54 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; Christman; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Kaldor; Kelly; Kingsbury; Kolbo; Laughlin; Marks; Martinson; Melby; Mertens; Nelson; Ness; Nowatzki; Oban; Olson, V.; O'Shea; Ring; Scherber; Schindler; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Huether; Jensen; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Peterson; Rydell; Schatz; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem;

Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher;  
Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Gunsch

SCR 4040 lost on a roll call vote.

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#### MOTION

REP. SKJERVEN MOVED that the House reconsider its action whereby SB 2530 failed to pass, which motion lost on a verification vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on HB 1267: Reps. Haugen, A. Olson, Tomac.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do concur in the Senate amendments to HB 1063 as printed on pages 1771-1772 of the House Journal, which motion prevailed.

Engrossed HB 1063, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1063: A BILL for an Act providing an appropriation to the legislative assembly for improvements to the state capitol; providing an appropriation to the capitol grounds planning commission for defraying expenses; 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 73 YEAS, 29 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kelly; Kingsbury; Kolbo; Lang; Larson, R.; Laughlin; Marks; Martin; Martinson; Mertens; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Smette; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Wald; Watne; Wentz; Wilkie; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Berg, R.; Gorman; Hanson, O.; Haugen; Hausauer, A.; Huether; Kaldor; Kloubec; Knell; Kouba; Larson, D.; Lindgren; Melby; Murphy; Myrdal; Payne; Shide; Skjerven; Solberg; Sorensen; Soukup; Tokach; Tomac; Urlacher; Vander Vorst; Whalen; Williams, A.

ABSENT AND NOT VOTING: Aarsvold; Dorso; Gerl; Gunsch

HB 1063 passed, the title was agreed to, and the emergency clause carried.

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## MOTION

REP. KLOUBEC MOVED that the House stand in recess until 5:30 p.m., which motion prevailed.

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

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

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

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

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

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

## REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was rereferred SB 2455 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to Senate Bill No. 2455 as printed on pages 1717-1718 of the House Journal, Senate Bill No. 2455 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 5 of section 12.1-28-02, two new subsections to section 53-06.1-07, a new section to chapter 53-06.1, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to seizure of illegal gaming devices, the maximum prize per play in electronic video gaming device play of games of chance, commingling of games of charitable gaming tickets, imposition of a tax in lieu of sales taxes on charitable gaming tickets, and sales and use tax exemption for proceeds from games of chance conducted through use of electronic gaming devices; and to amend and reenact subsection 3 of section 53-06.1-11, sections 53-06.1-12, and 53-06.1-12.1 of the North Dakota Century Code and subsections 4 and 5 of section 53-06.1-14 of the North Dakota Century Code as contained in House Bill No. 1641 as approved by the fifty-first legislative assembly, relating to expense limitations for organizations, distributors, and manufacturers of gaming devices, and games of chance taxes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 5 of section 12.1-28-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

A law enforcement officer may seize any device described in subdivision a upon probable cause to believe that the device was used or is intended to be used in violation of this chapter or chapter 53-06.1. The court shall order

the device forfeited in the same manner and according to the same procedure as provided under chapter 19-03.1.

SECTION 2. Two new subsections to section 53-06.1-07 of the 1987 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

In electronic video gaming device play of any game of chance permitted by this section, the maximum prize per play is five hundred dollars.

Any game using charitable gaming tickets may be conducted only through use of commingled games after June 30, 1991.

SECTION 3. AMENDMENT. Subsection 3 of section 53-06.1-11 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Subject to the limitations of this subsection, expenses incurred in connection with holding, operating, or conducting any game of chance pursuant to this chapter may be deducted from adjusted gross proceeds, to the extent that total expenses for games of chance do not exceed ~~forty five~~ fifty percent of the total adjusted gross proceeds, computed on an annual basis. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for taxes. This subsection does not authorize violations of the rent limitations contained in this chapter.

SECTION 4. AMENDMENT. Section 53-06.1-12 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12. Tax based on adjusted gross proceeds. A tax as provided in this section upon the total adjusted gross proceeds received by a licensed eligible organization ~~shall~~ must be paid to the licensing authority on a quarterly basis in ~~such~~ the manner and upon ~~such~~ the forms as ~~shall be~~ prescribed by the licensing authority by rule. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for expenses. The amount of this tax ~~shall~~ must be paid from adjusted gross proceeds and ~~may~~ not ~~be~~ charged against the percentage limitation of expenses. The tax is hereby imposed upon every eligible organization, to be levied, collected, and paid quarterly with respect to the adjusted gross proceeds of the eligible organization as provided in this section, computed at the following rates:

1. On adjusted gross proceeds not in excess of ~~six two~~ hundred thousand dollars per quarter, a tax of five percent.
2. On adjusted gross proceeds in excess of two hundred thousand dollars per quarter but not in excess of five hundred thousand dollars per quarter, a tax of ten percent.
3. On adjusted gross proceeds in excess of five hundred thousand dollars per quarter but not in excess of seven hundred fifty thousand dollars per quarter, a tax of fifteen percent.

4. On adjusted gross proceeds in excess of ~~six~~ seven hundred fifty thousand dollars per quarter, a tax of twenty percent.

SECTION 5. AMENDMENT. Section 53-06.1-12.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12.1. Allocation of games of chance tax - Appropriation. The state treasurer, at the direction of the licensing authority, shall pay quarterly to cities and counties in proportion to the tax collected under section 53-06.1-12 from eligible organizations conducting games of chance within each city, for sites within city limits, or within each county, for sites outside city limits; the following amounts which are hereby appropriated:

- 1- ~~Two-fifths of the tax collected under subsection 1 of section 53-06.1-12 within the city or county.~~
- 2- ~~One-tenth of the tax collected under subsection 2 of section 53-06.1-12 within the city or county.~~

The remaining tax collected under section 53-06.1-12, up to the amount paid during the 1985-87 biennium, shall be paid by the licensing authority to the state treasurer for deposit in the state general fund one hundred seventy thousand dollars per quarter to cities and counties in proportion to the adjusted gross proceeds within each city, for sites within city limits, or within each county, for sites outside city limits, to the total adjusted gross proceeds. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with enforcement of this chapter within the city or county. Any amount remaining because of the limitation with respect to the 1985-87 biennium, up to in addition, two hundred thousand dollars per biennium, must be deposited in the attorney general's operating budget fund and must be used only for the enforcement of gaming as appropriated. Any amount remaining in excess of two hundred thousand dollars taxes collected under this chapter must be deposited by the state treasurer in the general fund.

SECTION 6. A new section to chapter 53-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Charitable gaming tickets excise tax in lieu of sales and use taxes. In addition to any other tax provided by law and in lieu of sales or use taxes, there is imposed a tax of two percent on the gross receipts from the sale at retail of charitable gaming tickets to a final user. A sale at retail for purposes of this section includes charitable gaming tickets sold and charitable gaming tickets given in return for another charitable gaming ticket as authorized under this chapter. Gross receipts for purposes of this section includes the face value of all charitable gaming tickets sold or given in return for another charitable gaming ticket. The tax imposed by this section must be paid to the licensing authority at the time returns are made and taxes are paid by the eligible organization under section 53-06.1-12.

SECTION 7. AMENDMENT. Subsections 4 and 5 of section 53-06.1-14 of the 1987 Supplement to the North Dakota Century Code, as amended by House Bill No. 1641 as approved by the fifty-first legislative assembly, are hereby amended and reenacted to read as follows:

4. Every manufacturer or distributor of electronic video gaming devices through which games of chance are conducted under this chapter shall apply before the first day of April of each year for an annual license upon a form prescribed by the attorney general and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general requires. The license fee for a manufacturer or distributor is one thousand dollars. Every eligible organization shall ~~purchase or lease~~ all electronic video gaming devices from a ~~manufacturer or distributor~~ licensed under this chapter.
5. No licensed or authorized eligible organization may be a distributor. No wholesaler of liquor or alcoholic beverages may be a distributor. No North Dakota licensed manufacturer may be a distributor.

SECTION 8. A new subsection to section 57-39.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Gross receipts from electronic gaming devices licensed by the attorney general under chapter 53-06.1.

SECTION 9. A new subsection to section 57-40.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Gross receipts from electronic games of chance licensed by the attorney general under chapter 53-06.1."

Renumber accordingly

SB 2455 was placed on the Sixth order of business on the calendar.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has amended, reengrossed, further amended, and subsequently passed: HB 1297.

SENATE AMENDMENTS TO ENGROSSED HB 1297

In lieu of the proposed amendments to engrossed House Bill No. 1297 as printed on pages 1398-1400 of the Senate Journal, engrossed House Bill No. 1297 is amended as follows:

Page 1, line 3, replace "expiration date" with "appropriation"

Page 1, line 6, replace "chapter" with "Act"

Page 1, line 8, after "compensation" insert "advisory" and replace "make" with "review claims against the"

Page 1, remove line 9

Page 1, line 11, replace "When" with "As"

Page 1, line 13, after "compensation" insert "advisory"

Page 3, after line 3, insert:

- "d. A farm or residential tank with a capacity of one thousand one hundred gallons [4163.94 liters] or less used for storing motor fuel for noncommercial purposes.
- e. A tank used for storing heating oil for consumptive use on the premises where stored.
- f. A surface impoundment, pit, pond, or lagoon.
- g. A flow-through process tank.
- h. A liquid trap or associated gathering lines directly related to oil or gas production or gathering operations.
- i. A storage tank situated in an underground area such as a basement, cellar, mine working, drift, shaft, or tunnel if the storage tank is situated upon or above the surface of the floor.
- j. A tank used for the storage of propane."

Page 3, line 7, after "compensation" insert "advisory"

Page 3, line 8, after "compensation" insert "advisory", replace "seven" with "three", and replace "as follows: a" with "appointed by the governor. Members must be appointed to terms of three years with the terms arranged so that the term of one member expires June thirtieth of each year. A member shall hold office until a successor is duly appointed and qualified."

Page 3, remove lines 9 through 23

Page 3, line 24, remove "representative named in subsection 4 will serve five years."

Page 3, line 25, replace "fifty" with "sixty-two" and after "dollars" insert "and fifty cents"

Page 3, line 28, replace "Appointment of staff. The board may provide staff to" with "Administration of fund - Staff. The commissioner of insurance shall administer the fund according to this Act. The commissioner shall convene the board as is necessary to keep the board apprised of the fund's general operations and to discuss all claims against the fund. The board shall serve in an advisory capacity to the commissioner. The commissioner may employ any assistance and staff necessary to administer the fund within the limits of legislative appropriation."

Page 3, remove line 29

Page 4, line 1, replace "board" with "commissioner of insurance"

Page 4, line 7, remove "If the board has reason to believe that"

Page 4, line 8, remove "a release has occurred, it shall notify the department."

- Page 4, line 9, after "the" insert "commissioner of insurance and the" and replace "In" with "The"
- Page 4, line 10, remove "either event, the"
- Page 4, line 28, replace "board" with "commissioner of insurance"
- Page 5, line 3, replace the first "board" with "commissioner of insurance" and replace the second "board" with "commissioner"
- Page 5, line 4, replace "board" with "commissioner"
- Page 5, line 6, replace "board" with "commissioner of insurance"
- Page 5, line 9, replace "board" with "commissioner of insurance"
- Page 5, line 18, replace "board" with "commissioner of insurance"
- Page 6, line 7, replace "board" with "commissioner of insurance"
- Page 6, line 8, replace "board" with "commissioner of insurance"
- Page 6, remove line 15
- Page 6, line 19, replace "board" with "commissioner of insurance"
- Page 6, line 22, replace "board" with "commissioner of insurance"
- Page 6, line 27, replace "board" with "commissioner of insurance"
- Page 7, line 12, after "fund" insert "for the sole purpose of reimbursement of corrective costs authorized under this Act"
- Page 7, line 16, replace "board" with "commissioner of insurance"
- Page 7, line 19, after "the" insert "tax"
- Page 8, line 2, after "The" insert "tax"
- Page 8, line 10, remove "fifty dollar", after "fee" insert "of ten dollars", and after "each" insert "aboveground tank and twenty-five dollars for each underground"
- Page 8, line 12, replace "department" with "commissioner of insurance" and replace "deposited in the state treasury for credit to the" with "must be used for administrative costs incurred under this Act."
- Page 8, remove lines 13 through 26
- Page 8, line 27, replace "board" with "commissioner of insurance"
- Page 9, line 2, replace "board" with "commissioner of insurance"
- Page 9, line 7, replace "and the board were" with "was"
- Page 9, line 12, replace "board" with "commissioner of insurance"

Page 9, line 16, replace "board" with "commissioner of insurance" and replace "and" with ". An owner or operator may be reimbursed only for releases discovered and reported after the effective date of this Act."

Page 9, remove line 17

Page 9, line 18, replace "Board" with "Commissioner of insurance"

Page 9, line 19, replace "board" with "commissioner of insurance"

Page 10, line 5, replace "board" with "commissioner of insurance"

Page 10, line 11, replace the first "board" with "commissioner of insurance" and replace the second "board" with "commissioner of insurance"

Page 10, line 17, replace "Board" with "Commissioner of insurance" and replace "board" with "commissioner of insurance"

Page 10, line 19, after "startup" insert ", cost of administration,"

Page 10, line 21, after "tariff" insert "or registration fees"

Page 10, line 22, replace "board" with "commissioner of insurance"

Page 10, line 27, replace "board" with "commissioner of insurance"

Page 10, after line 28, insert:

**"SECTION 33. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury generated from the registration fees collected under section 21 of this Act, not otherwise appropriated, the sum of \$49,000, or so much thereof as may be necessary, to the commissioner of insurance for the purpose of administering the fund for the biennium beginning July 1, 1989, and ending June 30, 1991."

Page 11, remove lines 1 and 2

Re-number accordingly

PROPOSED AMENDMENTS TO SENATE REENGROSSED HB 1297

Page 6, after line 22, insert:

"2. Any registration fees collected under section 21 of this Act;"

Page 8, line 23, replace "and must be used for administrative costs" with "for deposit in the state treasury for credit to the petroleum release compensation fund"

Page 8, line 24, remove "incurred under this Act"

Page 10, line 21, replace "two hundred fifty" with "twenty"

Page 11, line 7, replace "general" with "petroleum release compensation"

Page 11, line 9, replace "\$49,000" with "\$54,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The proposed amendments provide that the tank owner or operator fee established in this Act is to be deposited in the petroleum release compensation fund rather than the state general fund and that the appropriation for administering the fund is to be from the petroleum release fund rather than general fund. The appropriation amount was increased by \$5,000, from \$49,000 to \$54,000, to include board costs.

Also, the amendments provide that the Insurance Commissioner may borrow \$20,000 rather than \$250,000 for startup, administration, and organizational costs.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2072 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1293 of the House Journal and that Engrossed SB 2072 be amended as follows:

Page 1, line 1, replace "sections 25-02-01 and" with "section"

Page 1, line 2, replace "to provide for changing the name" with ", relating to the object"

Page 1, line 3, remove "to the North Dakota mental health center; and to"

Page 1, line 4, remove "provide for codifying the name change"

Page 1, remove lines 6 through 19

Page 2, line 1, remove the overstrike over "~~state hospital~~" and remove "North Dakota mental health center"

Page 2, line 2, replace "North Dakota mental health center" with "state hospital"

Page 2, line 4, replace "mental health center" with "state hospital"

Page 2, line 6, remove the overstrike over "~~state hospital~~"

Page 2, line 7, remove "North Dakota mental health center"

Renumber accordingly

For the Senate: Sens. Mathern, Kelsh, Stenehjem

For the House: Reps. R. Larson, Myrdal, Scherber

Engrossed SB 2072 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the conference committee report on Engrossed HB 1449 as printed on pages 2048-2049 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1449, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to establish the small and big game habitat restoration trust fund; to provide for transfers from the game and fish operating fund and from the habitat restoration stamp fund; to provide a continuing appropriation of the interest generated by the fund; and to provide legislative intent regarding the small and big game habitat restoration trust fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 1 NAY, 10 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; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Mertens; Murphy; Myrdal; Neilson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Melby

ABSENT AND NOT VOTING: Anderson, R.; Dorso; Frey; Gerl; Gunsch; Hausauer, A.; Hokana; Martinson; Peterson; Tokach

HB 1449 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

REP. MURPHY MOVED that the conference committee report on Engrossed HB 1564 as printed on pages 2049-2050 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1564, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1564: A BILL for an Act to amend and reenact section 28-32-11 of the North Dakota Century Code, relating to duty of administrative hearing officers to warn parties of perjury.

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, 7 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; Enget; Flaagan; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.;

Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Carlson; DeMers, J.; DeMers, P.; Kelly; Ring; Schneider

ABSENT AND NOT VOTING: Anderson, R.; Dorso; Frey; Gerl; Gunsch; Hausauer, A.; Hokana; Martinson; Peterson; Tokach

HB 1564 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that HB 1581 be placed at the foot of the Seventh order on the calendar, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

REP. AAS MOVED that the conference committee report on Reengrossed SB 2192 as printed on page 2063 of the House Journal be adopted, which motion prevailed.

Reengrossed SB 2192, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2192: A BILL for an Act to amend and reenact section 28-32-05 of the North Dakota Century Code, relating to a change of an administrative hearing officer.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 0 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.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; 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; Stenehjem; 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: Anderson, R.; Gerl; Gunsch; Hausauer, A.; Kouba

SB 2192 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

REP. AAS MOVED that the conference committee report on Reengrossed SB 2193 as printed on page 2063 of the House Journal be adopted, which motion prevailed.

Reengrossed SB 2193, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2193: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the appointment of independent administrative hearing officers.

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.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Uriacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Schneider; Shockman

ABSENT AND NOT VOTING: Anderson, R.; Gerl; Gunsch; Hausauer, A.; Peterson; Timm

SB 2193 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

REP. D. LARSON MOVED that the conference committee report on SB 2222 as printed on pages 2063-2064 of the House Journal be adopted, which motion prevailed.

SB 2222, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to provide for an exception to the open records law for law enforcement criminal intelligence and criminal investigative information.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 2 NAYS, 3 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Shaft; Ulmer

ABSENT AND NOT VOTING: Gerl; Gunsch; Peterson

SB 2222 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

REP. SCHATZ MOVED that the conference committee report on Engrossed SB 2226 as printed on page 2064 of the House Journal be adopted, which motion prevailed.

Engrossed SB 2226, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2226: A BILL for an Act to create and enact a new section to chapter 54-30 of the North Dakota Century Code, relating to the sale or lease of land acquired by the state treasurer as trustee for the state of North Dakota; 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 103 YEAS, 1 NAY, 2 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.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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; Stenehjem; 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: Brokaw

ABSENT AND NOT VOTING: Gerl; Gunsch

SB 2226 passed, the title was agreed to, and the emergency clause carried.

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#### REPORT OF CONFERENCE COMMITTEE

REP. SHAFT MOVED that the conference committee report on Engrossed SB 2376 as printed on page 2065 of the House Journal be adopted, which motion prevailed.

Engrossed SB 2376, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2376: A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the sale of alcoholic beverages in gas stations, grocery stores, and convenience stores.

#### 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, 33 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Gerhardt; Gerntholz; Gilmore; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Larson, R.; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Schmidt; Schneider; Shaft; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Wentz; Whalen; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Brokaw; Clayburgh; Enget; Frey; Gates; Goetz; Gorman; Graba; Hanson, O.; Hausauer, A.; Howard; Kingsbury; Knell; Lang; Larson, D.; Laughlin; Melby; Myrdal; Nelson; Olsen, D.; Olson, A.; Scherber; Schindler; Shide; Shockman; Skjerven; Smette; Vander Vorst; Watne; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Gerl; Gunsch

SB 2376 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

REP. AAS MOVED that the conference committee report on Engrossed SB 2389 as printed on page 2066 of the House Journal be adopted, which motion prevailed.

Engrossed SB 2389, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to create and enact a new subsection to section 11-16-01 and a new section to chapter 25-03.1 of the North Dakota Century Code, relating to duties of states attorneys in commitment proceedings and to combination of preliminary and treatment hearings; and to amend and reenact sections 25-03.1-01, 25-03.1-02, 25-03.1-04, 25-03.1-06, 25-03.1-07, 25-03.1-08, 25-03.1-09, 25-03.1-11, 25-03.1-13, 25-03.1-14, 25-03.1-17, 25-03.1-18, 25-03.1-19, 25-03.1-21, 25-03.1-22, 25-03.1-25, 25-03.1-26, 25-03.1-27, subsection 5 of section 25-03.1-30, sections 25-03.1-34, 25-03.1-42, 25-03.1-43, and 25-03.1-46, relating to civil commitment of mentally ill and chemically dependent persons.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 28 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Belter; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Sorensen; Stenehjem; Stofferahn; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, R.; Berg, G.; Berg, R.; Brokaw; DeMers, P.; Enget; Gerntholz; Gilmore; Goetz; Kaldor; Kolbo; Laughlin; Nicholas; Nowatzki; Payne; Skjerven; Smette; Solberg; Soukup; Starke; Thompson, K.; Thompson, V.; Trautman; Vander Vorst; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Gerl; Gunsch; Peterson

SB 2389 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

REP. WENTZ MOVED that the conference committee report on SB 2459 as printed on pages 2066-2067 of the House Journal be adopted, which motion prevailed.

SB 2459, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2459: A BILL for an Act to create and enact a new section to chapter 14-15 of the North Dakota Century Code, relating to the right to counsel in termination proceedings under the Revised Uniform Adoption

Act; and to amend and reenact sections 14-17-18 and 27-20-45 of the North Dakota Century Code, relating to the right to counsel in termination proceedings under the Uniform Parentage Act and the Uniform Juvenile Court Act.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; 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: DeMers, P.; Kingsbury; Knell; Thompson, K.; Whalen; Wilkie

ABSENT AND NOT VOTING: Gerl; Gunsch; Peterson

SB 2459 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on Engrossed HB 1581 as printed on page 2050 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1581, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1581: A BILL for an Act to create and enact a new section to chapter 6-03 and a new section to chapter 6-06 of the North Dakota Century Code, relating to the amortization and deferral of certain loan losses by state-chartered banks and credit unions; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; 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: Gerl; Gunsch; Schneider

HB 1581 passed and the title was agreed to.

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MOTION

REP. KLOUBEC MOVED that the rules be suspended and that all bills and resolutions acted upon today with the exception of SB 2222 and SCR 4040 be messaged to the Senate immediately, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do concur in the Senate amendments to HB 1401 as printed on page 1728 of the House Journal, which motion prevailed.

HB 1401, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1401: A BILL for an Act to provide for the establishment of a rehabilitation teacher program throughout the state to serve the blind and visually impaired.

ROLL CALL

The question being on the final passage of the amended 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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; Stenehjem; 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: Gerl; Gunsch

HB 1401 passed and the title was agreed to.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2062: Reps. Lindgren, Trautman, Marks.

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

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

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

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

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

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

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

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

#### REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred HB 1021 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 1956-1957 of the House Journal.

For the Senate: Sens. Ewen, Stromme, Nelson

For the House: Reps. O. Hanson, K. Thompson, Nowatzki

HB 1021 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 1479 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on page 1774 of the House Journal.

For the Senate: Sens. Satrom, Maixner, Ingstad

For the House: Reps. A. Hausauer, Timm, W. Williams

Engrossed HB 1479 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed SB 2016 has had the same under consideration and recommends by a vote of 18 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In addition to the amendments to engrossed Senate Bill No. 2016 adopted by the House as printed on pages 1906-1907 of the House Journal, engrossed Senate Bill No. 2016 is further amended as follows:

Page 1, line 11, replace "65,470,373" with "63,866,654"

Page 1, line 15, replace "242,788,420" with "244,392,139"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - HIGHWAY DEPARTMENT

The salaries and wages line item is decreased by \$1,603,719 with corresponding increase to capital improvements to delete the salary increase for the department's engineer technicians and engineers, which was added by the Senate to address the difficulty in recruiting and retaining those employees.

SB 2016 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2417 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1468-1469 of the House Journal.

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

Engrossed SB 2417 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER KRETSCHMAR ANNOUNCED that since the Senate had reconsidered its action whereby it did not concur in the House amendments to SB 2230, and now concurs, that the Conference Committee on SB 2230 was dissolved.

MOTIONS

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

REP. KLOUBEC MOVED that the House stand adjourned until 8:00 a.m., Wednesday, April 12, 1989, which motion prevailed.

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

ROY GILBREATH, Chief Clerk