

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, February 20, 1989

The Senate convened at 9:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Richard Hagestuen, First Lutheran Church, Mandan.

Dear God, on this day we ask You to be with these, the leaders of our state. We know there are very few issues that have black and white answers. Therefore, help these folks to do the best they can and strengthen them. Amen.

The roll was called and all Senators were present.

A quorum was declared by the President.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1075, HB 1084, HB 1089, HB 1228, HB 1262, HB 1272, HB 1284, HB 1302, HB 1357, HB 1373, HB 1413, HB 1453, HB 1469, HB 1481, HB 1509, HB 1527, HB 1563, HB 1576, HB 1599, HB 1614, HB 1640, HB 1647, HCR 3029, HCR 3032, HCR 3035, HCR 3043, HCR 3048.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2004, SB 2008, SB 2009, SB 2024, SB 2089, SB 2237, SB 2324, SB 2395, SB 2418, SB 2428, SB 2451, SB 2468, SB 2473, SB 2479.

SECOND READING OF SENATE BILL

SB 2263: A BILL for an Act to provide for domestic and foreign nonprofit corporation report filings; and to amend and reenact sections 10-28-01, 43-07-07, 43-07-10, and 44-06-02 of the North Dakota Century Code, relating to fees charged by the secretary of state.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; Lashkowitz; Lodoen; Mutch; Naaden; Nelson; Nething; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: None

SB 2263 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2244 and SB 2259 be placed at the bottom of 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 applications for funding for roads benefiting recreational, tourist, and historical areas and formation, composition, and duties of the special road advisory committee; and to provide an appropriation.

ROLL CALL

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

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

NAYS: Hilken; Meyer, D.

ABSENT AND NOT VOTING: None

SB 2270 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that SB 2399 be further amended as follows:

Page 4, line 29, replace "5,000,000" with "500,000"

Renumber accordingly

SEN. HEIGAARD MOVED that the proposed amendments be adopted, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2399: A BILL for an Act to establish the North Dakota youth conservation corps; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 15 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Olson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Krebsbach; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Redlin

SB 2399 passed and the title was agreed to.

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

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

NAYS: Freborg

ABSENT AND NOT VOTING: None

SB 2470 passed and the title was agreed to.

SB 2500: A BILL for an Act to authorize the state board of higher education to accept a paleontological museum at Dickinson state university; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2500 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SCR 4041, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2027: A BILL for an Act making an appropriation for excellence in education and economic development, and to provide for appropriation reductions.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 52 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Peterson

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

ABSENT AND NOT VOTING: None

SB 2027 lost.

SB 2253: A BILL for an Act to amend and reenact sections 54-54-06 and 54-54-08.2 of the North Dakota Century Code, relating to a continuing appropriation for the North Dakota council on the arts for gifts, contributions, and bequests and restrictions on the expenditure of the cultural endowment fund.

ROLL CALL

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

YEAS: Lashkowitz; O'Connell

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

ABSENT AND NOT VOTING: None

SB 2253 lost.

SB 2359: A BILL for an Act to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness to make funds available for the construction of a computer center at North Dakota state university; to authorize the state board of higher education to obtain and utilize federal funds for the construction of a computer center at North Dakota state university; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 45 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Lashkowitz; Lodoen; Mathern; Moore; Nalewaja; Peterson; Satrom; Tennefos

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

ABSENT AND NOT VOTING: None

SB 2359 lost.

SB 2364: A BILL for an Act to authorize the state board of higher education to obtain federal funds for the construction of a computer center at North Dakota state university; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 44 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Lashkowitz; Lodoen; Mathern; Naaden; Nalewaja; Nelson; Peterson; Tennefos; Vosper

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

ABSENT AND NOT VOTING: None

SB 2364 lost.

SB 2368: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the board of directors for nonprofit health service corporations.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Holmberg; Krebsbach; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: None

SB 2368 passed and the title was agreed to.

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; Lashkowitz; Meyer, D.; Mutch; Naaden; Nelson; Streibel; Tennefos

ABSENT AND NOT VOTING: None

SB 2382 passed and the title was agreed to.

SB 2391: A BILL for an Act to amend and reenact sections 23-06-27 and 55-03-05, and subsection 5 of section 57-02-08 of the North Dakota Century Code, relating to the protection of human burial sites, human remains, and burial goods; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 53 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: None

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

ABSENT AND NOT VOTING: None

SB 2391 lost.

MOTIONS

SEN. HEIGAARD MOVED that the rules be suspended and that SB 2401 be placed on the Sixth order of business, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2415 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2427: A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to providing cities with an institution of higher education the option to impose an additional sales and use tax and to dedicate the proceeds to capital construction in the city in which the taxes are collected.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 22 YEAS, 30 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Freborg; Hanson; Heigaard; Ingstad; Keller; Kelsh; Kinnoin; Langley; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Stromme; Tallackson; Tennefos; Vosper; Wogsland

NAYS: David; Ewen; Heinrich; Hilken; Holmberg; Krauter; Krebsbach; Lashkowitz; Lips; Lodoen; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Thane; Todd; Waldera; Yockim

ABSENT AND NOT VOTING: Richard

SB 2427 lost.

SB 2431: A BILL for an Act to amend and reenact section 14-03-22 of the North Dakota Century Code, relating to the supplemental fee for aid to victims of domestic violence.

ROLL CALL

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

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

NAYS: David; Mutch; Streibel; Tennefos

ABSENT AND NOT VOTING: None

SB 2431 passed and the title was agreed to.

REQUEST

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

SB 2460 is a bill that would have increased the tuition at the University of North Dakota and North Dakota State University by five hundred dollars a year and at the other universities and colleges by two hundred fifty dollars a year.

When I came down here in December and then again in January, I came down with the firm belief that we had to provide the money necessary to fund higher education at a level that would bring it to the quality of education that we all want. I was not sure that this body or the other body or the legislature was prepared to raise the necessary taxes to fund higher education at the level that it must be funded. This particular bill, while increasing the tuition for all of our students, would have provided a mechanism for them to borrow the money from the Bank of North Dakota, regardless of need. Every resident student of North Dakota could have borrowed that extra tuition from the Bank of North Dakota regardless of need.

It would have raised approximately \$17 million over the biennium for higher education. There was a tremendous amount of resistance to increasing the tuition this high, and, in fact, the Board of Higher Education came in and testified. They brought five people down on the bill and testified that they would rather have \$17 million cut out of their budget than to have this tuition raised by what I was proposing. I do not think this would have been an unreasonable tuition to put on our students to keep quality higher education in the state of North Dakota. And I think that the students who were actually using our universities and colleges, those who were going to get the direct benefit out of it, probably would have been agreeable to paying this higher tuition, knowing that it would bring them a better higher quality education.

I recognize the reluctance to have the tuition increased this high, but I still think that we are going to end up at the end of this session not being able to fund higher education at the Governor's level, let alone the level that the Senate Appropriations has put out.

So, I would suggest that this bill be killed.

SECOND READING OF SENATE BILL

SB 2460: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 6-09-15, a new section to chapter 6-09, and a new section to chapter 15-10 of the North Dakota Century Code, relating to loans by the Bank of North Dakota to students for increased tuition at the institutions of higher education.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 44 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Kinnoin; Langley; Maxson; Meyer, W.; Nelson; Stromme; Todd; Vosper

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

ABSENT AND NOT VOTING: None

SB 2460 lost.

MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 10:45 a.m., which motion prevailed.

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

SECOND READING OF SENATE BILLS

SB 2462: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile registration and trail tax fees, and providing for an annual transfer of general fund moneys to the snowmobile fund.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Streibel; Tennefos

ABSENT AND NOT VOTING: None

SB 2462 passed and the title was agreed to.

SB 2475: A BILL for an Act to amend and reenact section 57-36-25 of the North Dakota Century Code, relating to the rate of excise tax on the wholesale purchase price of tobacco products.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 20 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kinnoin; Krauter; Krebsbach; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, W.; Mushik; Nalewaja; Olson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Hilken; Kelsh; Langley; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Richard; Streibel; Stromme; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: None

SB 2475 passed and the title was agreed to.

SB 2504: A BILL for an Act to provide an appropriation for the tuition assistance grant program.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 38 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Hilken; Lashkowitz; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nething; Satrom; Shea; Tennefos; Todd

NAYS: Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Nalewaja; Nelson; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Thane; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

SB 2504 lost.

MOTIONS

SEN. MAIXNER MOVED that SB 2415 and SB 2517 be moved to the head of the calendar, which motion prevailed.

SEN. O'CONNELL MOVED that SB 2415 be amended as follows:

Page 1, line 1, remove "and paragraph 1 of"

Page 1, line 2, remove "subdivision a of subsection 1 of section 43-11-28"

Page 1, line 3, remove "and license fees"

Page 1, line 11, after the underscored period insert "A board member or a former board member may not be employed as the board administrator."

Page 1, remove lines 13 through 17

Renumber accordingly

SEN. O'CONNELL MOVED that the proposed amendments be adopted, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2415: A BILL for an Act to amend and reenact section 43-11-05 of the North Dakota Century Code, relating to powers of the state board of cosmetology.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; O'Connell; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Tallackson; Tennefos; Thane; Waldera; Wogsland; Yockim

NAYS: Dotzenrod; Ewen; Hanson; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Streibel; Stromme; Todd; Vosper

ABSENT AND NOT VOTING: Heigaard

SB 2415 passed and the title was agreed to.

SB 2517: A BILL for an Act to amend and reenact section 15-44-03 of the North Dakota Century Code, relating to distributions from the state tuition fund.

ROLL CALL

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

YEAS: Dotzenrod; Langley; Moore; Vosper; Wogsland

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

Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Yockim

ABSENT AND NOT VOTING: None

SB 2517 lost.

MOTION

SEN. MAIXNER MOVED that SB 2320, SB 2332, SB 2358, SB 2438, SB 2474, and SB 2484 be moved to the head of the calendar on the Sixth order of business, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2320 as recommended by the Committee on Industry, Business and Labor as printed on pages 675-679 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTIONS

SEN. MAIXNER MOVED that SB 2320 be moved to the bottom of the Eleventh order on the calendar, which motion prevailed.

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

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

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

MR. PRESIDENT: The House has amended and subsequently passed SCR 4012:

Page 1, line 19, remove "North Dakota"

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2332 as recommended by the Committee on Judiciary as printed on pages 679-680 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS.

REQUEST

SEN. HOLMBERG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2332, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2332, the roll was called and there were 19 YEAS, 34 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Ewen; Heigaard; Hilken; Keller; Langley; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Olson; Richard; Schoenwald; Stenehjem; Waldera; Yockim

NAYS: Axtman; David; Freborg; Hanson; Heinrich; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Lashkowitz; Lips; Lodoen; Mathern; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: None

The motion to adopt the amendments to SB 2332 lost.

SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to amend and reenact sections 12.1-32-02.1 and 19-03.1-23 of the North Dakota Century Code, relating to prison terms for certain offenders and penalties for unlawful manufacture, delivery, or possession of controlled substances; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 40 YEAS, 13 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland

NAYS: Heigaard; Hilken; Langley; Maxson; Meyer, D.; Meyer, J.; Mushik; O'Connell; Olson; Richard; Schoenwald; Stenehjem; Yockim

ABSENT AND NOT VOTING: None

SB 2332 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to SB 2358 as recommended by the Committee on Education as printed on pages 680-681 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to provide for negotiation and arbitration rights and procedures for public employees of institutions of higher education; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Ewen; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Krauter; Lashkowitz; Mathern; Maxson; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Waldera; Yockim

NAYS: Axtman; David; Dotzenrod; Freborg; Hanson; Hilken; Kinnoin; Krebsbach; Langley; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Streibel; Tennefos; Thane; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: None

SB 2358 lost.

MOTION

SEN. HEIGAARD MOVED that SB 2028 be placed at the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to SB 2028 as recommended by the Committee on Finance and Taxation as printed on pages 671-672 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS.

REQUEST

SEN. HOLMBERG REQUESTED that the Senate divide the amendments to SB 2028, which request was granted.

- Division I - Remainder of amendments
- Division II - Page 1, line 4, "and to declare an emergency"
- Page 6, SECTION 4. EMERGENCY.

The question being on the adoption of Division I of the proposed amendment to SB 2028.

Division I of the proposed amendments to SB 2028 was adopted.

REQUEST

SEN. HOLMBERG REQUESTED a recorded roll call vote on the adoption of Division II of the proposed amendments to SB 2028, which request was granted.

ROLL CALL

The question being on the adoption of Division II of the proposed amendments to SB 2028, the roll was called and there were 39 YEAS, 14 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; O'Connell; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Stenhjem; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: None

Division II of the proposed amendments to SB 2028 was adopted.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to create and enact a new section to chapter 57-38, and to create and enact chapter 57-38.5 of the North Dakota Century Code, relating to income tax on individuals, estates, and trusts; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 32 YEAS, 21 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Meyer, J.; Meyer, W.; Moore; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

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

ABSENT AND NOT VOTING: None

SB 2028 passed, the title was agreed to, but the emergency clause lost.

MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 3:45 p.m., which motion prevailed.

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

SIGNING OF BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled resolution: SCR 4006.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SCR 4006.

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

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

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

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to SB 2438 as recommended by the Committee on Education as printed on pages 681-683 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

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 amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Olson

SB 2438 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2474 as recommended by the Committee on Industry, Business and Labor as printed on pages 683-684 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2474: A BILL for an Act to create and enact a new section to chapter 43-10 of the North Dakota Century Code, relating to licensing of crematories; and to amend and reenact sections 43-10-01, 43-10-02, 43-10-03, 43-10-04, 43-10-05, 43-10-06, 43-10-08, 43-10-10, 43-10-11, 43-10-11.1, 43-10-12, 43-10-13, 43-10-14, 43-10-15, 43-10-16, 43-10-17, 43-10-18, 43-10-19, 43-10-20, 43-10-22, and 43-10-23 of the North Dakota Century Code, relating to governing the licensing of embalmers and funeral directors, the practice of embalming, and the licensing of funeral establishments.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Olson

SB 2474 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to SB 2484 as recommended by the Committee on Education as printed on page 684 of the Senate Journal be adopted, and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

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

MR. PRESIDENT: The Speaker has signed. SCR 4006.

SECOND READING OF SENATE BILL

SB 2484: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to weighting factors for foundation aid payments and the school district equalization factor.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 23 YEAS, 28 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Heinrich; Holmberg; Ingstad; Krebsbach; Lashkowitz; Lips; Lodoen; Mathern; Maxson; Mushik; Nalewaja; Peterson; Redlin; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Thane; Waldera; Yockim

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Hilken; Keller; Kelsh; Kinnoin; Krauter; Langley; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Richard; Robinson; Streibel; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: Heigaard; Olson

SB 2484 lost.

MOTIONS

SEN. MAIXNER MOVED that SB 2320 be moved to the head of the Eleventh order on the calendar, which motion prevailed.

SEN. MAIXNER MOVED that SB 2055, SB 2260, SB 2283, SB 2291 and SB 2310 be moved to the head of the Sixth order on the calendar, which motion prevailed.

SEN. SATROM MOVED that the Senate reconsider the action by which SB 2274 failed to pass, which motion prevailed on a verification vote.

SEN. SATROM MOVED that SB 2274 be placed at the bottom of the Eleventh order on the calendar, which motion prevailed.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 4:55 p.m., February 20, 1989: SCR 4006.

CONFLICT OF INTEREST

SEN. TENNEFOS STATED that he had a conflict of interest on SB 2320.

MOTION

SEN. MAIXNER MOVED that Sen. Tennesfos be allowed to vote on SB 2320, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to create and enact subsection 6 of section 49-21-01.1 and four new sections to chapter 49-21, relating to the establishment of a regulatory reform review commission and exemption from certain regulations for telecommunication companies; and to amend and reenact subsection 2 of section 49-02-01, sections 49-21-01, 49-21-02.1, 49-21-02.2, 49-21-04, 49-21-04.1, 49-21-05, 49-21-06, 49-21-07, and 49-21-09, relating to regulation of telecommunication companies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 16 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Ewen; Freborg; Heinrich; Holmberg; Ingstad; Kelsh; Krebsbach; Langley; Lashkowitz; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Waldera

NAYS: Axtman; David; Hanson; Heigaard; Hilken; Keller; Kinnoin; Krauter; Lips; Maxson; Redlin; Satrom; Schoenwald; Tennesfos; Wogsland; Yockim

ABSENT AND NOT VOTING: None

SB 2320 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess for ten minutes, which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to SB 2055 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 740-741 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2055: A BILL for an Act to create and enact chapter 23-06.2 of the North Dakota Century Code, relating to the adoption of the Uniform Anatomical Gift Act (1987); to amend and reenact sections 23-06-01.2, 39-06-07, and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to disposal of bodies and donor designations on operators' licenses; to repeal section 23-06-01.1 and chapter 23-06.1 of the North Dakota Century Code, relating to physician liability for the removal of a body part and the Uniform Anatomical Gift Act; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

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

NAYS: Naaden

ABSENT AND NOT VOTING: None

SB 2055 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2260 as recommended by the Committee on Appropriations as printed on pages 741-742 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act to create and enact a new subsection to section 15-60-01 and a new section to chapter 15-60 of the North Dakota Century Code, relating to definitions and to loans from the Bank of North Dakota and interest rate buydowns on the loans from the state school construction fund for energy efficiency improvements in public school buildings; to amend and reenact sections 15-60-03, 15-60-06, and 15-60-07 of the North Dakota Century Code, relating to the use of the state school construction fund; and to repeal sections 15-60-04, 15-60-05, and 15-60-09 of the North Dakota Century Code, relating to construction contracts with the board of public school education and the power of the board to acquire lands.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; Hilken; Kelsh; Kinnoin; O'Connell; Richard; Vosper

ABSENT AND NOT VOTING: None

SB 2260 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that SB 2512 be moved to the head of the Eleventh order on the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2512: A BILL for an Act to create and enact a new subsection to section 15-60-01 and a new section to chapter 15-60 of the North Dakota Century Code, relating to definitions and to state school construction fund loans for energy efficiency improvements in public school buildings.

ROLL CALL

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

YEAS: Heinrich; O'Connell

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

ABSENT AND NOT VOTING: None

SB 2512 lost.

CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to SB 2283 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 742-743 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2283: A BILL for an Act to create and enact a new section to title 26.1 of the North Dakota Century Code, relating to freedom of choice for pharmacy services; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2283 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to SB 2291 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 743 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2291: A BILL for an Act to create and enact a new section to chapter 50-06 and a new subdivision to subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the creation of a human services board and the power of the governor to appoint a majority of members of certain boards and commissions; to amend and reenact sections 50-06-01, 50-06-01.1, 50-06-01.3, 50-06-01.4, 50-06-05.1, 50-06-06.3, 50-06-06.4, 50-06-06.5, 50-06-14.1, 50-06-16, and 50-06-17 of the North Dakota Century Code, relating to the authority of the human services board and the structure of the department of human services; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 23 YEAS, 30 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Heigaard; Keller; Kelsh; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Nething; O'Connell; Olson; Peterson; Robinson; Schoenwald; Shea; Streibel; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Redlin; Richard; Satrom; Stenehjem; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: None

SB 2291 lost.

CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to SB 2310 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 743-744 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2310: A BILL for an Act to provide uncompensated family leave to certain employees and protect employment and benefit rights and to allow employees to use certain other leave provided by employers to care for a child, spouse, or parent with a serious health condition; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 25 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Hanson; Heigaard; Heinrich; Keller; Kelsh; Kinnoin; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Robinson; Schoenwald; Shea; Tallackson; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Ewen; Freborg; Hilken; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: None

SB 2310 lost.

MOTION

SEN. MAIXNER MOVED that SB 2344 and SB 2354 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2344 as recommended by the Committee on Appropriations as printed on page 744 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-02 of the North Dakota Century Code, relating to grants to students by the board of higher education.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

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

NAYS: Moore

ABSENT AND NOT VOTING: Nething

SB 2344 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2354 as recommended by the Committee on Appropriations as printed on page 744 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to establish an economic feasibility institute and advisory board, to specify the purpose, powers, and duties of the institute.

MOTION

SEN. D. MEYER MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

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

NAYS: Holmberg

ABSENT AND NOT VOTING: Nothing

SB 2354 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the Senate reprint 500 copies of Engrossed SB 2320, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that Joint Rule 203 be amended to read that crossover day be extended to the Thirty-eighth Legislative Day, which motion prevailed.

SEN. MAIXNER MOVED that the Senate be on the Ninth order of business, and at the conclusion of the Ninth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 1:00 p.m., Tuesday, February 21, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2014 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 15, replace "1,217,990" with "1,405,640"

Page 1, line 17, replace "1,677,083" with "1,864,733"

Page 1, line 18, replace "1,230,374" with "1,255,374"

Page 1, line 19, replace "446,709" with "609,359"

Page 2, replace lines 3 through 8 with:

"SECTION 3. ADDITIONAL INCOME. All income of the council on the arts in excess of the estimated income appropriated in section 1 of this Act is hereby appropriated to the council on the arts for the biennium beginning July 1, 1989, and ending January 30, 1991, and may be spent only upon authorization of the emergency commission."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 709 - COUNCIL ON THE ARTS

The grants line item is increased as follows:

	GENERAL FUND	FEDERAL FUNDS	TOTAL
Arts in education	\$ 10,000	\$	\$ 10,000
Community programs	50,000		50,000
Touring	27,650		27,650
Rural arts initiative	<u>50,000</u>	<u>50,000</u>	<u>100,000</u>
Total	\$ 137,650	\$ 50,000	\$ 187,650

The estimated income line item is increased by a total of \$25,000, a \$50,000 increase from federal funds for the rural arts initiative and a \$25,000 decrease due to deleting the cultural endowment fund transfer.

The section authorizing a \$25,000 transfer from the cultural endowment fund to the Council on the Arts is removed, and a new section is added authorizing the Council on the Arts to spend additional income, subject to Emergency Commission approval.

SB 2014 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred SB 2030 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 10, replace "and" with "to provide for a legislative council study;"

Page 1, line 11, after "appropriation" insert "; and to provide an expiration date"

Page 1, line 16, remove the underscored comma

Page 1, line 17, remove "public employees retirement system," and replace "teachers" with "teachers"

Page 1, line 20, replace "five members from the" with "the governor or designee of the governor, state treasurer, and the president of the board of trustees of the teachers' fund for retirement"

Page 1, remove lines 21 and 22

Page 2, remove lines 1 and 2

Page 2, line 3, remove "compensation bureau, and the commissioner of insurance"

Page 2, line 4, after "agency" insert "and may do all things necessary to coordinate the activities of the state investment board and the teachers' fund for retirement"

Page 2, line 5, remove ", the public employees retirement system board,"

Page 2, remove lines 8 through 28

Page 3, remove lines 1 through 4

Page 4, line 22, after "board" insert "or the board's designees who need not be members of the fund"

Page 9, line 16, remove the overstrike over "~~The board shall appoint an executive director to serve at its~~"

Page 9, remove the overstrike over lines 17 through 23

Page 9, line 24, remove the overstrike over "~~4.~~"

Page 10, line 11, remove the overstrike over "~~5.~~" and remove "3."

Page 10, line 14, remove the overstrike over "~~6.~~" and remove "4."

Page 11, line 6, remove the overstrike over "~~7.~~" and remove "5."

Page 11, line 7, remove the overstrike over "~~8.~~" and remove "6."

Page 11, after line 21, insert:

"SECTION 14. LEGISLATIVE COUNCIL STUDY. The legislative council shall direct the committee on public employees retirement programs to study the feasibility and desirability of various options relating to the consolidation of various organizational and investment functions of the public employees retirement system, teachers' fund for retirement, and state investment board. The committee shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-second legislative assembly.

SECTION 15. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date is ineffective."

Renumber accordingly

SB 2030 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SB 2245 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 22, remove the overstrike over "or", after "alimony" insert "spousal support", and remove the overstrike over "combined with child support"

Page 2, line 11, replace "recipient or person or public agency providing support for" with "obligee"

Page 2, line 12, remove "the child"

Page 2, line 13, replace "person providing support" with "obligee"

Page 3, line 10, replace "recipient" with "obligee"

Page 3, line 21, replace "those persons entitled by law to receive payments" with "the obligee"

Page 6, line 4, after "children" insert "and combined payments for the support of children and spouses or former spouses"

Page 7, line 22, replace "3" with "2"

Page 7, line 24, replace "October 1, 1990, but before January 1, 1994" with "January 1, 1990"

Page 7, line 26, replace ", if the action or" with a period

Page 7, remove lines 27 and 28

Page 8, remove lines 1 through 5

Page 8, line 18, remove "receiving child support services from a child support"

Page 8, line 19, remove "agency", replace "request" with "apply to a child support agency for approval of an", and after "withholding" insert "request"

Page 20, line 7, after the first "review" insert "- Notice of right to request review"

Page 20, line 10, after the underscored period insert "Each judgment or order issued by a court in this state which includes an order for child support must include a statement advising of the right to request a review under this section."

Page 20, line 26, replace "22" with "23"

Renumber accordingly

SB 2245 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SB 2357 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 8, replace "physical mistreatment, abusive language, or improper" with:

- "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."

Page 1, remove lines 9 through 14

Page 1, line 16, remove "with developmental disabilities or mental illnesses"

Page 1, line 17, after "rights" insert ", obtaining needed services, investigating complaints, and removing barriers to identified needs"

Page 1, line 20, after "person" insert ", organization, association, or facility"

Page 1, line 21, replace "caring for" with "the care of"

Page 1, line 22, after the second "or" insert "a parent, spouse, sibling, other relative, or person"

Page 2, line 1, remove "The term also includes a"

Page 2, remove lines 2 through 5

Page 2, line 11, replace "42 U.S.C. 6001(5)" with "section 25-01.2-01"

Page 2, replace lines 12 through 14 with:

- "8. "Eligibility for services" means persons eligible for services of the department, 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 mental illness who meets the criteria of subdivisions b, c, or d of this subsection. That child is eligible for advocacy services.
 - f. A child with developmental disabilities who is not an abused or neglected child as defined in chapter 50-25.1.
9. "Exploitation", when committed by a caretaker or relative of 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 with just compensation; and
 - 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."

Page 2, line 15, after the fourth comma insert "nursing home, foster home, boarding home,"

Page 2, line 19, replace "psychologist licensed under" with "mental health professional as defined in section 25-03.1-02."

Page 2, remove lines 20 through 22

Page 2, line 24, replace ", and" with a period

Page 2, remove lines 25 through 28

Page 3, remove lines 1 and 2

Page 3, line 3, replace "either the inability of a person with developmental" with a colon

Page 3, replace line 4 with:

"a. Inability of a person with developmental disabilities or mental illness to provide food, shelter, clothing,"

Page 3, line 6, replace ", or the failure by any caretaker of" with a semicolon

Page 3, replace line 7 with:

"b. Failure by any caretaker of a person with developmental disabilities or mental illness to meet,"

Page 3, line 9, after the first comma insert "administrative rule or regulation,"

Page 3, line 10, replace the period with a semicolon

Page 3, after line 10, insert:

"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."

Page 3, line 11, remove the colon

Page 3, line 12, replace "a. Actions" with "actions" and replace "adults" with "persons"

Page 3, line 13, replace "to protect them" with "who are unable to manage their own resources or to protect themselves"

Page 3, line 14, replace "; and" with a period

Page 3, remove lines 15 through 18

Page 3, line 27, replace "employ" with "appoint"

Page 3, line 29, after "department" insert "and for the planning, design, implementation, and functioning of the state's protection and advocacy system"

Page 4, line 2, replace "six" with "seven" and remove ", one of whom must be an individual who"

Page 4, remove lines 3 and 4

Page 4, line 5, remove "an attorney, and three other individuals from the public"

Page 4, line 7, remove "Board members must demonstrate"

Page 4, replace lines 8 through 10 with "Three of the seven members must be appointed from names submitted by volunteer advocacy and consumer organizations. At least one of the members must be an attorney licensed to practice in this state. No more than one of the seven board members may be employed by or involved in the administration, management, supervision, or provision of services to persons with developmental disabilities or mental illnesses."

Page 4, line 12, replace "six" with "seven"

Page 4, line 13, replace the first "two" with "three"

Page 4, line 29, after the period insert "The board shall meet bimonthly and have at least six meetings per year or more at the discretion of the chairman of the protection and advocacy board or at the request of the majority of the board members."

Page 5, line 1, replace "The director of the" with "There is a director of the department who must be appointed by and serve at the will of the board of protection and advocacy. The salary of the director must be set by the board within the limits of the amount appropriated for salaries by the legislative assembly, and the director and other employees of the office must be reimbursed for expenses incurred in carrying out the duties of their office at the same rate and in the same manner as other state officials. The director, with the advice and consent of the board, may adopt rules pursuant to chapter 28-32 for administration of the department, the conduct of its employees, the performance of its business, and the custody, use, and preservation of the records, documents, and property pertaining thereto. The director shall submit to the board of protection and advocacy bimonthly reports concerning the status of revenue, expenditures, and protection or advocacy efforts engaged in by department personnel. The director shall employ necessary staff, including advocates, who must be classified under the state personnel merit system."

Page 5, remove lines 2 and 3

Page 5, line 7, replace "or other individual" with "police or law enforcement officer, or caretaker"

Page 5, remove line 8

Page 5, line 9, remove "mental illnesses"

Page 6, remove lines 3 through 12

Page 7, line 25, after "shall" insert ", within the limits of legislative appropriations," and remove "advocacy and"

Page 7, line 26, after the period insert "The department shall, within the limits of legislative appropriations, provide advocacy services with the consent of the developmentally disabled or the mentally ill person or the guardian of that person."

Page 8, line 1, after "reports" insert "if the alleged incidents are reported to the department or if there is probable cause to believe that the incidents occurred"

Page 8, line 2, after "habilitation" insert "or treatment"

Page 8, line 6, replace "but is exempt from the requirements of chapter 54-12" with "pursuant to chapter 28-32"

Page 8, line 7, replace "perform its duties and obligations as provided by" with "represent clients in disputes between clients and any state agency or department notwithstanding section 54-12-08."

Page 8, remove line 8

Page 8, line 11, after the period insert "Prior to instituting any legal action in a federal or state court on behalf of a person with developmental disabilities or mental illnesses, the department shall exhaust in a timely manner all administrative remedies if appropriate. If, in pursuing administrative remedies, the department determines that any matter with respect to that person will not be resolved within a reasonable time, the department may pursue alternative remedies, including the initiation of a legal action. 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."

Page 8, after line 16, insert:

- "8. Contract with any person, agency, organization, association, either public or private, to carry out any responsibilities of the department under this Act.
9. 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.
10. Provide the public, on an annual basis, an opportunity to comment on the priorities established by, and the activities of the department.
11. Establish a grievance procedure for clients or prospective clients to ensure that developmentally disabled or mentally

ill persons have full access to the services of the department.

12. Prepare an annual report to the legislative assembly and the governor describing the priorities, activities, accomplishments, and expenditures of the system.
13. Provide information on and referral to programs and services addressing the needs of persons with developmental disabilities or mental illnesses.
14. 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."

Page 8, line 18, remove "and"

Page 8, line 19, replace "all records maintained by the facility. The" with "where the mentally ill or developmentally disabled person resides. If a person with mental illnesses or the person's guardian consents, or if the department has probable cause to believe that the person has been subject to abuse, neglect, or exploitation, the"

Page 8, line 21, remove "developmental disabilities or"

Page 8, line 22, after the period insert "The caretaker shall permit the department to make copies of all records relating to persons who are both developmentally disabled and mentally retarded. If a person who is developmentally disabled but not mentally retarded or the person's guardian consents, or if the department has probable cause to believe that the person has been subject to abuse, neglect, or exploitation, the caretaker shall permit the department to make copies of all records relating to the care and treatment of that person."

Page 8, line 27, replace "In addition to access to records provided under subsection 1, the" with "The"

Page 8, line 28, replace "a person with" with "the client"

Page 8, line 29, remove "developmental disabilities or mental illness"

Page 9, line 1, remove "doctor, nurse,"

Page 9, line 2, remove "hospital, or any other facility,"

Page 10, line 7, remove "provided with representation in the"

Page 10, remove line 8

Page 10, line 9, after "agency" insert "or individuals for assistance" and remove "The department may request representation"

Page 10, remove lines 10 through 12

Page 10, line 18, remove "and privileged,"

Page 10, line 23, replace the third comma with a semicolon

Page 10, remove line 24

Page 10, replace lines 25 through 27 with:

"b. In a judicial proceeding when ordered by the presiding judge;

c. To the parents of a minor who is an eligible person under 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."

Page 11, remove lines 1 through 4

Page 11, line 5, replace "Except as provided in subdivision d of subsection 1" with "Unless ordered by a court of competent jurisdiction"

Page 11, replace lines 12 through 17 with "petition a court of competent jurisdiction for the appointment of a guardian or conservator. The department may also refer the matter to an appropriate agency, department, or authority for possible civil action on behalf of the mentally ill or developmentally disabled person, or for criminal prosecution of any individual abusing, neglecting, or exploiting the mentally ill or developmentally disabled person."

Page 11, line 20, remove "made, or confidential information" and remove the second comma

Page 11, remove lines 22 through 29

Page 12, remove lines 5 through 12

Renumber accordingly

SB 2357 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SB 2454 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 3, after line 15, insert:

"7. "Willfully" means willfully as defined in section 12.1-02-02."

Page 5, after line 8, insert:

"f. Awarding temporary use of personal property, including motor vehicles, to either party."

Page 10, line 6, remove "spouse, other", after "family" insert "or household", after "member" insert "as defined in section 14-07.1-01", and remove "former"

Page 10, line 7, remove "spouse, or any person with whom the person resides,"

Page 12, line 14, replace "14-07.1-10" with "14-07.1-02"

Page 13, line 11, replace "ten" with "twenty"

Page 16, line 12, replace "Pursuant" with "For the offense of violating a protection order under section 14-07.1-06 or for an assault involving domestic violence pursuant"

Renumber accordingly

SB 2454 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2509 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 57-02 of the North Dakota Century Code, relating to dual assessment of lands in transition from agricultural property classification and deferral of taxes; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Dual assessment of land in transition from agricultural property classification - Deferral of taxes.

1. If land has ceased to qualify after December 31, 1989, as agricultural property under section 57-02-01, upon written request by the landowner, two separate true and full valuations must be prepared by the assessor upon written request by the landowner as of February first of each year as follows:
 - a. One valuation must be prepared based upon the land's agricultural value as defined in section 57-02-27.2.
 - b. The second valuation must be prepared which classifies and values the land based upon its prevailing market value, including consideration of the value of the land if it is available for development at its highest and best use.
2. The results of both valuations must be filed with the county auditor. The valuation determined in accordance with subdivision a of subsection 1 must be used in the assessment for each year until the sale of the property or until

construction commences on the parcel. If the land is subdivided, only the true and full valuation of those lots or other subdivisions that have been sold or upon which construction has begun shall cease to be subject to dual assessment.

SECTION 2. A new section to chapter 57-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Change of ownership or commencement of construction. When land which is being, or has been, valued and assessed pursuant to this Act is sold or on which construction has commenced, the parcel sold or upon which construction has commenced is subject to the additional taxes that would otherwise have been assessed against it as determined according to the second valuation provided in subdivision b of subsection 1 of section 1 of this Act. However, the amount determined to be due on any dual assessed land may not be greater than it would have been had the actual sale price of the property in an arm's-length transaction been used in lieu of the market value determined according to subdivision b of subsection 1 of section 1 of this Act. The additional taxes that are extended against the property must be for the year in which the property sells or construction has begun and for a maximum of the four years immediately preceding. The additional tax must be extended against the property for the current year and, if timely paid, no interest or penalty on the additional tax may be levied.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1989."

Renumber accordingly

SB 2509 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources (Sen. Krauter, Chairman) to which was referred HB 1144 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 11, after "of" insert "administering," and after "establishing" insert an underscored comma

Page 1, line 12, after "facilities" insert "and snowmobile safety programs"

Renumber accordingly

HB 1144 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred HB 1242 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 20, after "hundred" insert "fifty"

Renumber accordingly

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Ingstad introduced:

SCR 4056: A concurrent resolution directing the Legislative Council to study the state's bountiful natural resources and outdoor recreation activities with an emphasis on the state's wildlife resources and enhancement of these resources for the benefit of North Dakota citizens and economic development.

Was read the first time and referred to the Committee on Natural Resources.

Sen. Langley introduced:

SCR 4057: A concurrent resolution directing the Legislative Council to study the appropriateness of allowing the use of advisory insurance rates to be filed for insurance companies by licensed rating organizations.

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

Sens. Lashkowitz, Mushik, Mathern introduced:

SCR 4058: A concurrent resolution directing the Legislative Council to study the problems associated with solid waste management.

Was read the first time and referred to the Committee on Natural Resources.

Sens. Stromme, Langley and Reps. Kingsbury, Nicholas, Wilkie introduced:

SCR 4059: A concurrent resolution directing the Legislative Council to study the feasibility of moving Missouri River water to the James, Sheyenne, Souris, and Red Rivers.

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

Sens. Dotzenrod, Redlin and Reps. Flaagan, Aas introduced:

SCR 4060: A concurrent resolution directing the Legislative Council to study the methods in which the state acquires and holds real property, the effect of such acquisition on local tax bases, the feasibility of simplifying laws for acquisition and holding of real property by the state, and the feasibility of requiring divestiture of certain real property owned by the state.

Was read the first time and referred to the Committee on Political Subdivisions.

FIRST READING OF HOUSE BILLS

HB 1075: A BILL for an Act to provide for payments to political subdivisions from the board of university and school lands in lieu of property taxes for property obtained by the state of North Dakota as a result of foreclosure of a mortgage to the Bank of North Dakota; and to provide an effective date.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1084: A BILL for an Act to amend and reenact section 20.1-02-01 of the North Dakota Century Code, relating to the term of the game and fish commissioner.

Was read the first time and referred to the Committee on Natural Resources.

HB 1089: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the board of directors for nonprofit health service corporations.

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

HB 1228: A BILL for an Act to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to access by the handicapped to institutions of higher education; to provide an appropriation; and to provide legislative intent regarding the funding of handicapped access projects in future bienniums.

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

HB 1262: A BILL for an Act to provide for the labeling of certain plastic products, to require certain plastic products to be degradable, and to provide for standards for rates of degradation; to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to the purchase of soybean-based inks and starch-based plastics; and to provide penalties.

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

HB 1272: A BILL for an Act to amend and reenact section 11-21-01 of the North Dakota Century Code, relating to the office of public administrators.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1284: A BILL for an Act to amend and reenact sections 61-16.1-12.1, 61-16.1-18, and 61-16.1-19 of the North Dakota Century Code, relating to approval of proposed water projects.

Was read the first time and referred to the Committee on Natural Resources.

HB 1302: A BILL for an Act to create and enact a new section to chapter 57-62 of the North Dakota Century Code, relating to an oil and gas impact grant fund to be used to offset negative impact from oil and gas development and funded by a portion of oil and gas gross production tax revenues; to amend and reenact subsection 1 of section 57-51-15 and section 57-62-06 of the North Dakota Century Code, relating to allocation of oil and gas gross production tax revenues and legislative intent and guidelines on oil and gas impact grants; to provide a continuing appropriation; and to provide an effective date.

Was read the first time and referred to the Committee on Natural Resources.

HB 1357: A BILL for an Act to amend and reenact subsection 3 of section 38-08-07 of the North Dakota Century Code, relating to the drilling of oil and gas wells at exception locations under orders establishing spacing units.

Was read the first time and referred to the Committee on Natural Resources.

HB 1373: A BILL for an Act to amend and reenact section 57-15-12.1 of the North Dakota Century Code, relating to tax levies or service charges by cities or park districts for forestry purposes.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1413: A BILL for an Act to create and enact a new section to chapter 43-09 and a new section to chapter 43-18 of the North Dakota Century Code, relating to license requirements for electrical and plumbing inspectors.

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

- HB 1453: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements; and to provide an effective date.
Was read the first time and referred to the Committee on Political Subdivisions.
- HB 1469: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to the suspension of driving privileges for underage persons who commit alcohol-related offenses.
Was read the first time and referred to the Committee on Transportation.
- HB 1481: A BILL for an Act to define the rights and responsibilities of the terminally ill to control decisions regarding administration of life-prolonging treatment; and to provide penalties.
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.
- HB 1509: A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to notice of employee rights under the Workers' Compensation Law.
Was read the first time and referred to the Committee on Industry, Business and Labor.
- HB 1527: A BILL for an Act to create and enact a new subsection to section 12.1-22-03 of the North Dakota Century Code, relating to the penalty for being on certain property.
Was read the first time and referred to the Committee on Agriculture.
- HB 1563: A BILL for an Act to amend and reenact sections 45-10.1-16, 45-11-02, and 45-11-06 of the North Dakota Century Code, relating to records filed with the secretary of state with respect to limited partnerships and fictitious partnership names.
Was read the first time and referred to the Committee on Industry, Business and Labor.
- HB 1576: A BILL for an Act to create and enact chapter 26.1-38.1 of the North Dakota Century Code, relating to life and health insurance policies and annuity contracts; and to repeal chapter 26.1-38, relating to the North Dakota life and health insurance guaranty association and the performance of contractual obligations under life and health insurance policies and annuity contracts.
Was read the first time and referred to the Committee on Industry, Business and Labor.
- HB 1599: A BILL for an Act to create and enact a new chapter to title 25 of the North Dakota Century Code, relating to licensing of residential treatment centers for children; to amend and reenact section 50-11-01.3 of the North Dakota Century Code, relating to the use of public funds for foster care; and to declare an emergency.
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.
- HB 1614: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to school district interim funds and deductions from foundation aid payments; and to provide an effective date.
Was read the first time and referred to the Committee on Education.

HB 1640: A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the salary and the office of the county superintendents of schools; to amend and reenact subsection 1 of section 11-08-08, sections 11-08-10, 11-08-13, subsection 4 of section 11-10-10, sections 15-22-01, 15-22-02, 15-22-04, 15-22-09, and 15-22-25 of the North Dakota Century Code, relating to election, salary, duties, and joint sharing by counties of county superintendents of schools; to repeal subsection 5 of section 11-08-06, section 11-09-24, subsection 9 of section 11-10-02, subsection 9 of section 11-10-06, sections 15-22-06, 15-22-08, and 15-22-24 of the North Dakota Century Code, relating to election of the county superintendent of schools, deputies, power of the county superintendent of schools to administer oaths, and contracts for services of the county superintendent of schools; and to provide for transition and an effective date.

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

HB 1647: A BILL for an Act to create and enact a new section to chapter 64-03 of the North Dakota Century Code, relating to the requirement that certain petroleum delivery vehicles be equipped with approved meters; and to provide an effective date.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3029: A concurrent resolution urging the Congress of the United States to create a Garrison Unit Advisory Committee to review the impact of the impoundment of the waters of the Missouri River on the social and economic base of North Dakota including the impact on Indians of the Fort Berthold and Standing Rock Indian Reservations.

Was read the first time and referred to the Committee on Natural Resources.

HCR 3032: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing a county option for state funding of the clerk of district court.

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

HCR 3035: A concurrent resolution directing the Legislative Council to study the primary election process.

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

HCR 3043: A concurrent resolution directing the Legislative Council to study the North Dakota Atmospheric Resource Management Program.

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

HCR 3048: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring boiler operators to be licensed.

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

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

PATRICIA CONRAD, Secretary