

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 14, 1989
The Senate convened at 1:00 p.m., with President Omdahl presiding.

The prayer was offered by Janice Talkington and Chandra Martin, Girl Scout Troop 7123, Bismarck.

Dear Father in Heaven, we thank You for this day and for all the blessings You have given us.

During this Girl Scout Week, we thank You for our founder Juliette Low and for the vision she had for girls. We especially thank You for all the volunteers who willingly give of their time to work with girls, helping them to develop their potential and become the leaders of tomorrow.

We ask Your blessings on the legislators of this state. Guide them as they make decisions that affect the people of North Dakota.

In Jesus' name we pray. Amen.

The roll was called and all Senators were present, except Senators Lashkowitz and Satrom.

A quorum was declared by the President.

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 Forth-seventh Day and finds it to be correct.

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

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)
THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: SB 2050, SB 2051, SB 2052, SB 2053, SB 2057, SB 2106, SB 2134, SB 2136, SB 2159, SB 2198, SB 2232, SB 2284, SB 2289, SB 2297, SB 2302, SB 2317, SB 2329, SB 2339, SB 2340, SB 2341, SB 2351, SB 2366, SB 2374, SB 2380, SB 2402.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2050, SB 2051, SB 2052, SB 2053, SB 2057, SB 2106, SB 2134, SB 2136, SB 2159, SB 2198, SB 2232, SB 2284, SB 2289, SB 2297, SB 2302, SB 2317, SB 2329, SB 2339, SB 2340, SB 2341, SB 2351, SB 2366, SB 2374, SB 2380, SB 2402.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)
THE SECRETARY ANNOUNCED that the President signed the following enrolled bill: HB 1335.

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

MR. SPEAKER: The President has signed: HB 1015, HB 1088, HB 1172, HB 1195, HB 1280, HB 1282, HB 1335, HB 1366.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SCR 4018 and subsequently passed the same.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1349, HB 1356, HB 1391, HB 1448, HB 1471, HB 1528, HB 1529, HB 1530, HB 1531, HB 1534, HB 1549, HB 1556, HB 1572, HB 1573, HB 1575, HB 1590, HB 1598, HB 1601, HB 1602, HB 1608, HB 1613, HB 1632, HB 1644, HB 1650.

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

MR. SPEAKER: The Senate has failed to pass: HB 1532, HB 1566, HB 1583.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2097, SB 2363.

HOUSE AMENDMENTS TO SB 2097

Page 1, line 5, replace "sections 43-18-11.1," with "section"

Page 1, line 7, remove "household"

Page 1, line 8, remove "appliances,"

Page 1, remove lines 20 and 21

Page 2, remove lines 1 through 6

Re-number accordingly

HOUSE AMENDMENTS TO SB 2363

Page 1, line 11, after "except" insert "that the state treasurer is the custodian of all securities resulting from the investment of funds by the state treasurer, or except"

Page 5, line 6, remove "Bank of North Dakota as"

Re-number accordingly

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

MR. PRESIDENT: The House has failed to pass: SB 2390, SB 2446, SB 2467.

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

MR. PRESIDENT: The House has passed unchanged: SB 2035, SB 2083, SB 2095, SB 2124, SB 2137, SB 2166, SB 2224, SB 2236, SB 2266, SB 2267, SB 2275, SB 2311, SB 2331, SB 2348, SB 2349, SB 2353, SB 2381, SB 2424, SB 2436, SB 2437, SB 2441, SB 2469, SB 2474, SB 2477, SB 2496, SB 2515, SB 2519.

MOTION

SEN. J. MEYER MOVED that HB 1450 and HB 1564, which are on the Fourteenth order, be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. J. Meyer's motion, HB 1450 and HB 1564 were rereferred.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1005 as recommended by the Committee on Appropriations as printed on pages 1109-1110 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1005 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to HB 1284 as recommended by the Committee on Natural Resources as printed on page 1076 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1284 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1510 as recommended by the Committee on Political Subdivisions as printed on pages 1110-1111 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1510 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2521: A BILL for an Act to amend and reenact section 35-20-11 of the North Dakota Century Code, relating to liens on certain personal property.

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, 26 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Ewen; Freborg; Hanson; Krauter; Krebsbach; Langley; Lips; Lodoen; Mathern; Meyer, W.; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Streibel; Stromme; Tennefos; Thane; Todd; Vosper

NAYS: Axtman; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Maixner; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; O'Connell; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Tallackson; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Satrom

SB 2521 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4033: A concurrent resolution directing the Legislative Council to study equalization problems in valuing property for property tax assessment, property tax exemptions and credits, and the method used to calculate county average agricultural land values for ad valorem taxation.

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

SCR 4033 was declared adopted on a voice vote.

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.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO NOT PASS.

SCR 4059 was declared adopted on a voice vote.

MOTIONS

SEN. HEIGAARD MOVED that HB 1023 be placed at the bottom of the calendar, which motion prevailed.

SEN. D. MEYER MOVED that HB 1184 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1184: A BILL for an Act to create and enact a new section to chapter 53-06.2 of the North Dakota Century Code, relating to off track parimutuel wagering; and to amend and reenact sections 53-06.2-01, 53-06.2-02, 53-06.2-03, 53-06.2-05, 53-06.2-08, 53-06.2-11, and 53-06.2-16 of the North Dakota Century Code, relating to the racing commission, horse racing, and parimutuel wagering.

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 41 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Axtman; Freborg; Hilken; Mathern; Mutch; Nelson; Nething; Redlin; Tennesfos; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Satrom

HB 1184 passed and the title was agreed to.

HB 1039: A BILL for an Act to amend and reenact section 23-27-04.1 of the North Dakota Century Code, relating to emergency care or services rendered by officers, employees, or agents of ambulance service.

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; 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; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Satrom

HB 1039 passed and the title was agreed to.

MOTIONS

SEN. W. MEYER MOVED that the Senate reconsider the action by which HCR 3007 failed to pass, which motion prevailed on a verification vote.

SEN. D. MEYER MOVED that HCR 3007 be laid over two legislative days, which motion prevailed.

SEN. MAIXNER MOVED that the Senate reconsider the action by which HB 1249 failed to pass, which motion prevailed on a verification vote.

SEN. MAIXNER MOVED that HB 1249 be amended as follows:

Page 1, line 16, after "dollars" insert "and wagers in increments of one dollar must be accepted up to the maximum limit" and remove "The"

Page 1, line 17, remove "licensee or eligible organization may set a minimum wager" and overstrike the period

Reumber accordingly

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

SEN. HEIGAARD MOVED that HB 1249 be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILLS

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 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; 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; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Satrom

HB 1098 passed and the title was agreed to.

HB 1142: A BILL for an Act to amend and reenact sections 26.1-05-04, 26.1-12-10, and 26.1-18-23 of the North Dakota Century Code, relating to solvency requirements for stock insurance companies, incorporated mutual insurance companies, and health maintenance organizations; and to repeal section 26.1-05-05 of the North Dakota Century Code, relating to residence requirements of directors and executive officers of domestic insurance 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Satrom

HB 1142 passed and the title was agreed to.

HB 1178: A BILL for an Act to amend and reenact sections 24-02-26.1, 24-02-27, and 24-02-32 of the North Dakota Century Code, relating to the arbitration of claims on contracts for the construction or repair of highways.

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; 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; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Satrom

HB 1178 passed and the title was agreed to.

HB 1294: A BILL for an Act to create and enact a new section to chapter 26.1-29 of the North Dakota Century Code, relating to payment to a mortgagee by an insurance company.

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; 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; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Satrom

HB 1294 passed and the title was agreed to.

HB 1183: A BILL for an Act to amend and reenact section 24-01-12.1 of the North Dakota Century Code, relating to posting, storage, removal, penalty, and enforcement for cutting or removing hay from state highway right of way; to repeal section 24-01-12.2 of the North Dakota Century Code, relating to disposal of hay stored on state highway right of way; 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.

REQUEST

SEN. MOORE REQUESTED that the Senate divide HB 1183, which request was granted.

Division A, Engrossed bill, subsection 3, lines 1-3, page 2
Division B, Remainder of bill

ROLL CALL

The question being on the adoption of Division A of HB 1183, the roll was called and there were 18 YEAS, 33 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: David; Heinrich; Holmberg; Ingstad; Lips; Lodoen; Mathern; Mushik; Mutch; Naaden; Nelson; Nething; Peterson; Redlin; Richard; Schoenwald; Streibel; Tennefos

NAYS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Hilken; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Nalewaja; O'Connell; Olson; Robinson; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Satrom

Division A of HB 1183 lost.

ROLL CALL

The question being on the adoption of Division B of HB 1183, the roll was called and there were 20 YEAS, 31 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Freborg; Heinrich; Holmberg; Ingstad; Lodoen; Mathern; Mushik; Naaden; Nalewaja; Nelson; Nething; Redlin; Richard; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Vosper

NAYS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Hilken; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; O'Connell; Olson; Peterson; Robinson; Schoenwald; Shea; Thane; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Satrom

Division B of HB 1183 lost.

THE PRESIDENT DECLARED HB 1183 lost.

MOTIONS

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of HB 1400, HB 1472, HB 1342, HB 1307, HB 1473, HCR 3067, HCR 3064, HCR 3065, HCR 3075, and HCR 3048, the Senate stand adjourned until 1:00 p.m., Wednesday, March 15, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Engrossed HB 1024 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 16, replace "5,004,844" with "5,184,844"

Page 1, line 20, replace "4,772,879" with "4,802,879"

Page 1, line 21, replace "11,184,452" with "11,394,452"

Page 2, line 1, replace "7,272,102" with "7,302,102"

Page 2, line 2, replace "3,912,350" with "4,092,350"

Page 2, line 10, replace "3,912,350" with "4,092,350"

Page 2, line 11, replace "37,763,506" with "37,793,506"

Page 2, line 12, replace "41,675,856" with "41,885,856"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

These amendments add \$180,000 from the general fund to the salaries and wages line item to provide salary increases for engineers and technicians to assist in recruitment and retention for these positions.

In addition, the grants line item is increased by \$30,000 from other funds to allow the expenditure of additional amounts to be received from political subdivisions for water resource development.

HB 1024 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred Engrossed HB 1119 has had the same under consideration and recommends by a vote of 6 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 2, after line 4, insert:

"3. The bureau, in cooperation with professional organizations of doctors and health care providers, shall establish a system of peer review to determine reasonableness of fees and payment denials for unjustified treatments, hospitalization, or visits. The doctor or health care provider shall have the right to appeal adverse decisions of the bureau in accordance with the medical aid rules adopted by the bureau."

Page 2, line 5, replace "3." with "4."

Page 2, line 7, replace "4." with "5."

Renumber accordingly

HB 1119 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 Engrossed HB 1127 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "six new subsections to" with "a new"

Page 1, line 2, replace "25-04-00.1" with "to chapter 25-04" and replace "the definition of" with "chapter limitations"

Page 1, line 3, remove "developmental disabilities and related terms"

Page 1, remove lines 17 through 22

Page 2, remove lines 1 through 11

Page 4, after line 16, insert:

"SECTION 5. A new section to chapter 25-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Limitations of this chapter. The provisions of this chapter may not be construed to limit or broaden the plaintiff class as defined by order of the United States district court for the district of North Dakota entered on January 13, 1981, in civil number A1-80-141."

Renumber accordingly

HB 1127 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 Engrossed HB 1167 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 4, line 14, remove the overstrike over "and"

Page 4, line 15, remove the overstrike over "income"

Renumber accordingly

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

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred Engrossed HB 1304 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 3, replace "section" with "sections" and after "15-27.1-02" insert "and 15-27.1-11"

Page 1, line 16, replace "2" with "3"

Page 1, line 21, replace "2" with "3"

Page 1, after line 22, insert:

"SECTION 2. AMENDMENT. Section 15-27.1-11 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-27.1-11. Reorganization, annexation, or dissolution of school district not operating a school - Transportation. Any school district in this state which is not operating either an approved elementary or high school within its boundaries on July 1, 1987, unless it begins operating an approved elementary or high school prior to July 1, 1989, and any school district that may cease to operate either an approved elementary or high school within its boundaries after July 1, 1987, unless it begins operating an approved elementary or high school prior to July 1, 1989, shall become, through the process of reorganization, annexation, or dissolution as provided by law, a part of a school district operating an approved elementary or high school. Any school district not operating either an approved elementary or high school within its boundaries on July 1, 1987, unless it begins operating an approved elementary or high school prior to July 1, 1989, shall complete reorganization with or annexation to an operating school district by July 1, 1989. Any school district that ceases to operate either an approved elementary or high school within its boundaries after July 1, 1987, unless it begins operating an approved elementary or high school prior to July 1, 1989, shall complete reorganization or annexation within two years from the date the school district ceased to operate either an approved elementary or high school. Any student who resides within a school district which is annexed to or reorganized with another district or districts pursuant to sections 15-27.1-11 and 15-27.4-01, and which has been sending students to a school district in a bordering state, county, or district, because of proximity or terrain, shall be permitted to attend or continue to attend school in the district in the bordering state, county, or district. The students in any district that is attached by annexation, reorganization, or dissolution pursuant to sections 15-27.1-11 and 15-27.4-01 must be provided transportation in the same manner transportation is provided to students in the school district the nonoperating district is attached to.

The county committee of the county encompassing the major portion of any school district affected by sections 15-27.1-11 and 15-27.4-01 which does not reorganize or annex itself to an operating school district within the time limit prescribed in sections 15-27.1-11 and 15-27.4-01 shall dissolve and attach the nonoperating school district to an operating school district in accordance with chapter 15-27.4. This section does not apply to school districts established pursuant to section 3 of this Act."

Page 2, line 15, after "instruction" insert "shall adopt rules under chapter 28-32 providing appointment procedures. The superintendent"

Page 3, line 27, after "applicable" insert "or unless pre-established agreements prevail"

Page 4, line 14, replace the underscored colon with "on the Minot air force base, the Glenburn public school district and the Minot public school district must enter into an agreement regarding the provision of education to the students residing on the air force base. The agreement must be approved by the state board of public school education. The Minot public school district and the Glenburn public school district, in entering into an agreement, must take into consideration current and potential revenues, including current and potential revenues from property taxes, in lieu of property taxes, and federal and state funds that are distributed to school districts based on census, and losses that may occur as a result of the agreement. The state board of public school education must receive approval from the United States secretary of education prior to the formation of the proposed school district."

3. Before the state board of public school education requests that a school district be established on a military installation other than the Grand Forks air force base and the Minot air force base, pursuant to this Act:"

Renumber accordingly

HB 1304 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1307 has had the same under consideration and recommends by a vote of 4 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HB 1307 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred HB 1342 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1342 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred Engrossed HB 1400 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1400 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred Engrossed HB 1400 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1472 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1473 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1473 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred HCR 3048 has had the same under consideration and recommends that the same DO PASS.

HCR 3048 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred HCR 3064 has had the same under consideration and recommends that the same DO PASS.

HCR 3064 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HCR 3065 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3065 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred HCR 3067 has had the same under consideration and recommends that the same DO PASS.

HCR 3067 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HCR 3075 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HCR 3075 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

PATRICIA CONRAD, Secretary