

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 16, 1989
The Senate convened at 1:00 p.m., with President Omdahl presiding.

RECOGNITION

THE PRESIDENT ANNOUNCED that Girl Scout Troop 3114 from the Sakakawea Girl Scout Council Bismarck, presented the Flag Ceremony in the Senate Chamber.

The prayer was offered by Rev. Ted Heaston, Evangel Temple, Bismarck.

Heavenly Father, in the name of Jesus, we bring before You these leaders of our state Senate.

I thank You for each one of them and for their place of influence in our state government.

Father, You say in Your Word that You reprove leaders for our sakes so that we may live a quiet and peaceable life in all godliness and honesty.

I thank You for that and I ask that it will be so in the North Dakota Senate.

I pray that skillful and godly wisdom has entered into the heart of these Senators. I pray that knowledge is pleasant to them, that discretion watches over them, and that understanding keeps them and delivers them from the way of evil and from evil men.

I pray that the upright shall dwell in this government. I pray that men and women of integrity, who are blameless and complete in Your sight, Father, shall remain in it; but I pray that the wicked shall be cut off of this government and that the treacherous shall be rooted out of it.

I pray that those in authority will winnow the wicked things from among the good and that a threshing wheel will be brought over them to separate the chaff from the grain.

I pray that loving kindness and mercy, truth, and faithfulness will preserve those in authority and their office will be upheld by the people's loyalty.

We ask and believe that the decisions made by these leaders will be divinely directed by You, Father.

I pray that these leaders will be men and women of discernment, understanding, and knowledge so that the North Dakota Legislature will be stable and will continue long.

I pray that those who are uncompromisingly righteous will be in authority so that the people of our state can rejoice.

We thank You for Your blessings, Father, and we gladly submit ourselves to You and Your leadership.

In the name of our Lord Jesus Christ. Amen.

The roll was called and all Senators were present, except Senators Heinrich, Langley, Lashkowitz, Maxson, O'Connell, and Satrom.

A quorum was declared by the President.

MOTIONS

SEN. HEIGAARD MOVED that the Senate recess the regular business of the session for the purpose of conducting the Memorial Service, which motion prevailed.

SEN. HEIGAARD MOVED that the Sergeant-at-Arms escort the guests into the chamber, which motion prevailed.

SENATE MEMORIAL SERVICE

MEMORIAL SERVICE COMMITTEE

Senator Tim Mathern, Chairman
 Senator Erwin Hanson
 Senator Don Moore
 President Omdahl, Presiding Officer

PROGRAM

State of North Dakota
 Fifty-first Legislative Assembly
 SENATE MEMORIAL SERVICE
 Thursday, March 16, 1989
 One o'clock p.m.
 SENATE CHAMBER

INVOCATION

Pastor Ted Heaston
 Bismarck, North Dakota.

READING OF SENATE MEMORIAL RESOLUTION

ACKNOWLEDGING GUESTS: President Lloyd Omdahl
 READING: Senator Rolland Redlin
 SENATE COMMENT: Senator Don Moore

ADDRESS AND BENEDICTION: Pastor Ted Heaston

MUSIC BY

Cheryl Hellman, Soloist
 Harriet Klein, Pianist

"Amazing Grace"

FIRST READING OF SENATE MEMORIAL RESOLUTION

Committee on Memorial Resolutions introduced:

SMR 1: A memorial resolution for deceased members of the Senate of North Dakota.

Was read the first time.

MOTION

SEN. HEIGAARD MOVED that the rules be suspended, that SMR 1 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Committee on Memorial Resolutions introduced:

SENATE MEMORIAL RESOLUTION NO. 1

A memorial resolution for deceased members of the Senate of North Dakota.

WHEREAS, God has summoned to eternal rest our former colleagues:

ROBERT CHESROWN, who served in the 38th through the 42nd Legislative Assemblies, from the 31st District, died March 22, 1988.

RICHARD E. FORKNER, who served in the 38th through the 42nd Legislative Assemblies, from the 10th District, died December 27, 1988.

LESTER LAUTENSCHLAGER, who served in the 36th and 37th Legislative Assemblies, from the 2nd District, died February 1, 1988.

FRANKLIN PAGE, who served in the 27th through the 34th Legislative Assemblies, from the 1st District, died November 17, 1987.

GRANT TRENBEATH, who served in the 35th through the 41st Legislative Assemblies, from the 11th District, died January 27, 1989.

RAYMOND G. VENDSEL, who served in the 35th and 36th Legislative Assemblies, from the 43rd District, died January 18, 1989.

WHEREAS, today, as members of the Senate of the 51st Legislative Assembly of North Dakota, we pause to mourn the passing of our former colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the Senate and that enrolled copies of this resolution be presented by the Secretary of State to the surviving families of these deceased Senators.

SECOND READING OF SENATE MEMORIAL RESOLUTION

SMR 1: A memorial resolution for deceased members of the Senate of North Dakota.

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

SMR 1 was declared adopted on a voice vote.

THE PRESIDENT REQUESTED the Sergeant-of-Arms escort the guests from the chambers.

SEN. HEIGAARD MOVED that the Memorial Service be dissolved, which motion prevailed.

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 Forty-ninth Day and finds it to be correct.

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

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1183.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1039, HB 1098, HB 1142, HB 1178, HB 1294.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1184.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4033, SCR 4059.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: 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 2436, SB 2437, SB 2441, SB 2469, SB 2474, SB 2477, SB 2496, SB 2515, SB 2519.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: 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 2436, SB 2437, SB 2441, SB 2469, SB 2474, SB 2477, SB 2496, SB 2515, SB 2519.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: 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 President has signed: 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.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)
THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1198, HB 1233, HB 1273, HB 1332, HB 1336, HB 1339, HB 1373, HB 1392, HB 1395, HB 1408, HB 1409, HB 1412, HB 1429, HB 1467, HB 1470, HB 1477, HB 1485, HB 1488, HB 1496, HB 1502, HB 1519, HB 1520.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed: HB 1198, HB 1233, HB 1273, HB 1332, HB 1336, HB 1339, HB 1373, HB 1392, HB 1395, HB 1408, HB 1409, HB 1412, HB 1429, HB 1467, HB 1470, HB 1477, HB 1485, HB 1488, HB 1496, HB 1502, HB 1519, HB 1520.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1383 as recommended by the Committee on Education as printed on page 1142 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1383 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1661.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has failed to pass: SB 2182.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: SB 2039, SB 2040, SB 2054, SB 2194, SB 2280, SB 2315, SB 2406, SB 2408, SB 2414, SB 2420, SB 2425, SB 2426, SB 2435, SCR 4018.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2060, SB 2067, SB 2108, SB 2109, SB 2169, SB 2180, SB 2200, SB 2207, SB 2208, SB 2229, SB 2283, SB 2299, SB 2338, SB 2431, SB 2457.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2213, SB 2218, SB 2493.

HOUSE AMENDMENTS TO SB 2213

Page 1, line 17, replace "but the certification must be filed with" with "or within seven days after certification of the taxable valuation, whichever is later. Certification must be filed with the county auditor within the time limits for amending the tax levy and budget as provided in this section, notwithstanding the provisions of"

Page 1, line 18, remove "the county auditor within the time limitations under"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2218

Page 5, line 4, overstrike "articles" and overstrike "and"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2493

Page 1, line 9, remove the overstrike over "Subject to the provisions of section"

Page 1, line 10, remove the overstrike over "15-03-05, the board of university and school lands shall"

Page 4, line 7, remove "The board of university and school lands shall"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2392.

Page 1, line 2, after "for" insert "full-time"

Page 1, line 7, replace "Teachers" with "Full-time teachers"

Page 1, line 9, after "A" insert "full-time"

Page 1, line 15, after "among" insert "full-time"

Page 1, line 19, after "two" insert "full-time"

Page 2, line 9, after "that" insert "full-time"

Page 2, line 20, after "A" insert "full-time"

Page 2, line 27, after "all" insert "full-time"

Page 3, line 1, after "the" insert "full-time"

Page 3, line 2, after "Any" insert "full-time"

Page 3, line 5, after "the" insert "full-time"

Page 3, line 8, after "any" insert "full-time"

Page 3, line 16, after "the" insert "full-time"

Renumber accordingly

MOTION

SEN. MATHERN MOVED that HB 1390 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1451 as recommended by the Committee on Judiciary as printed on page 1143 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1451 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1585 as recommended by the Committee on Industry, Business and Labor as printed on page 1144 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1585 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILLS

SB 2527: A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to maternity benefit health insurance coverage for complications of pregnancy.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heinrich; Langley; Lashkowitz; Maxson; O'Connell; Satrom; Waldera

SB 2527 passed and the title was agreed to.

SB 2529: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to discrimination by alcoholic beverage manufacturers and suppliers; 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, 46 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips;

Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Heinrich; Langley; Lashkowitz; Maxson; O'Connell; Peterson; Satrom

SB 2529 lost.

MOTIONS

SEN. MAIXNER MOVED that the vote by which SB 2527 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that SB 2527 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2527.

MOTIONS

SEN. DOTZENROD MOVED that SCR 4066 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

SEN. DOTZENROD MOVED that SCR 4066 be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. Dotzenrod's motion, SCR 4066 was rereferred.

SEN. DOTZENROD MOVED that HB 1249 and HB 1277 be moved to the bottom of the calendar, which motion prevailed.

SEN. J. MEYER MOVED that HB 1307, which is on the Fourteenth order, be laid over two legislative days, which motion prevailed.

SEN. MAIXNER MOVED that HB 1364 be moved to the head of the calendar, which motion prevailed.

SEN. STROMME MOVED that HB 1643, which is on the Fourteenth order, be laid over one legislative day, which motion lost.

SEN. FREBORG MOVED that the Senate reconsider the action by which HB 1330 failed to pass, which motion prevailed on a verification vote.

SEN. LIPS MOVED that HB 1330 be laid over two legislative days, which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

March 16, 1989

The Honorable Lloyd B. Omdahl
 President of the Senate
 Senate Chamber
 State Capitol
 Bismarck, North Dakota 58505

Dear Mr. President:

I request the advice and consent of the North Dakota Senate to the nominations of:

Jerry Trenbeath
 HCR 3, Box 64B
 Cavalier, North Dakota 58220
 Term: 07-01-87 to
 07-01-89

Daniel Diemert
 P.O. Box 128
 Ellendale, North Dakota 58436
 Term: 07-01-87 to
 07-01-90

Vincent Lindstrom
 Box 2164
 Fargo, North Dakota 58102
 Term: 07-01-87 to
 07-01-91

Laura Locket
 933 Fourth Avenue West
 Dickinson, North Dakota 58601
 Term: 07-01-87 to
 07-01-92

to the office of North Dakota State Racing Commission.

Thank you.

Sincerely,

GEORGE A. SINNER
 Governor

SECOND READING OF HOUSE BILLS

HB 1364: A BILL for an Act to amend and reenact section 65-05.2-02 of the North Dakota Century Code, relating to supplementary workers' compensation benefits; and to provide for application of the Act.

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 45 YEAS, 1 NAY, 7 ABSENT AND NOT VOTING.

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

NAYS: David

ABSENT AND NOT VOTING: Dotzenrod; Heinrich; Langley; Lashkowitz; Maxson; O'Connell; Satrom

HB 1364 passed and the title was agreed to.

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.

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, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Heinrich; Langley; Lashkowitz; Maxson; O'Connell; Satrom

HB 1284 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that HB 1642 and HB 1643 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1642: A BILL for an Act to amend and reenact sections 14-02.2-01 and 14-02.2-02 of the North Dakota Century Code, relating to the use of fetal organs or tissue for experimentation or transplantation.

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, 4 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: David; Meyer, D.; Meyer, J.; Redlin

ABSENT AND NOT VOTING: Dotzenrod; Heinrich; Langley; Lashkowitz; Maxson; O'Connell; Satrom

HB 1642 passed and the title was agreed to.

MOTION

SEN. TENNEFOS MOVED that HB 1643, which is on the Fourteenth order, be laid over one legislative day, which motion failed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1643: A BILL for an Act to create and enact a new section to chapter 42-01 of the North Dakota Century Code, relating to the definition of illegal abortion; to amend and reenact sections 42-01-01, 42-01-06, 42-01-08, 42-01-15, and 42-02-10 of the North Dakota Century Code, relating to illegal abortion as a nuisance; to repeal sections 14-02.1-03.1, 14-02.1-04, and 14-02.1-11 of the North Dakota Century Code, relating to abortion; to provide an effective date; 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 23 YEAS, 23 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Freborg; Keller; Kelsh; Krauter; Lips; Lodoen; Mathern; Meyer, W.; Mutch; Naaden; Nalewaja; Nelson; Nething; Robinson; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Vosper

NAYS: Ewen; Hanson; Heigaard; Hilken; Holmberg; Ingstad; Kinnoin; Krebsbach; Maixner; Meyer, D.; Meyer, J.; Moore; Mushik; Olson; Peterson; Redlin; Richard; Schoenwald; Stenehjem; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Heinrich; Langley; Lashkowitz; Maxson; O'Connell; Satrom; President Omdahl

HB 1643 lost for lack of a Constitutional majority.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1643 lost be reconsidered and the motion to reconsider be laid on the table, which motion lost on a verification vote.

SEN. D. MEYER MOVED that HB 1586 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1586: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by members of the legislative assembly in the public employees retirement system; to amend and reenact sections 15-39.1-10.3, 39-03.1-14.1, 54-52-01, 54-52-02, 54-52-17, and 54-52-17.2 of the North Dakota Century Code, relating to retirement plan provisions under the public employees retirement system and the teachers' fund for retirement; and to repeal sections 18-11-15.1, 39-03.1-08.1, 40-45-10.1, 40-46-09.2, and 54-52-17.3 of the North Dakota Century Code, relating to purchase of legislative service credit under the alternate firemen's relief association retirement plan, the highway patrolmen's system, city police pension plans, city employee pension plans, and the public employees retirement system.

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, 5 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Ewen; Kelsh; Lips; Moore; Schoenwald

ABSENT AND NOT VOTING: Heinrich; Langley; Lashkowitz; Maxson; O'Connell; Satrom

HB 1586 passed and the title was agreed to.

HB 1475: A BILL for an Act to amend and reenact subdivision a of subsection 4 of section 4-35-05, subsection 3 of section 4-35-06, sections 4-35-08, 4-35-09, 4-35-10, 4-35-11, 4-35-12, 4-35-13, subsection 3 of section 4-35-14, sections 4-35-15, 4-35-16, 4-35-17, 4-35-18, subsections 1 and 2 of section 4-35-19, section 4-35-22, subsection 7 of section 4-35-24, and section 4-35-28 of the North Dakota Century Code, relating to certification of pesticide applicators and distribution of funds; 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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heinrich; Langley; Lashkowitz; Maxson; O'Connell; Satrom

HB 1475 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the Senate reconsider the action by which HB 1005 passed, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1005 be laid over one legislative day, which motion prevailed.

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the 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 SCR 4015, SCR 4031, SCR 4051, SCR 4062, HB 1238, HB 1415, HB 1493, HB 1450, HB 1301, HB 1357, HB 1110, HB 1272, HB 1544, HB 1562, HCR 3047, HCR 3061, and HCR 3036, the Senate stand adjourned until 12:30 p.m., Friday, March 17, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4015 has had the same under consideration and recommends by a vote of 6 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4015 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4031 has had the same under consideration and recommends by a vote of 8 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4031 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4032 has had the same under consideration and recommends by a vote of 7 YEAS, 3 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 8, after "Dakota" insert "; and to provide an effective date"

Page 1, line 10, after the period insert "This amendment will take effect on the date the Congress of the United States amends this state's Enabling Act to allow the name of the state to be changed to "Dakota"."

Page 1, line 22, remove "next" and replace "after the Congress of the United States" with "to be held in 1990."

Page 1, remove line 23

Page 16, after line 26, insert:

"SECTION 20. EFFECTIVE DATE. If approved by the voters, this Act becomes effective on the date the Congress of the United States amends this state's Enabling Act to allow the name of the state to be changed to "Dakota"."

Re-number accordingly

SCR 4032 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 SCR 4062 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4062 was placed on the Eleventh 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 1089 has had the same under consideration and recommends by a vote of 4 YEAS, 3 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 10, replace "Effective January 1, 1990, at" with "At"

Page 1, line 11, replace "a majority" with "two-thirds" and remove "writing hospital"

Page 1, line 12, remove "or medical service contracts"

Page 1, line 13, after "subscribers" insert "and not more than one-third of the directors may be health care providers as is provided in this section"

Page 1, line 15, remove the fourth "a"

Page 1, line 18, after "spouse" insert "or a member of the immediate family" and after the underscored period insert:

"A subscriber director of a hospital or medical service corporation must be a subscriber of the services of that corporation.

A provider director of a corporation subject to this chapter must be at all times a person who has a material financial interest in or is a fiduciary to or an employee of or is a spouse or member of the immediate family of a provider having a contract with the corporation to render to its subscribers the services of the corporation or who is a hospital trustee."

Page 1, after line 20, insert:

"The commissioner may adopt rules to implement the process of the election of subscriber directors of the board of directors of a corporation to ensure the representation of a broad spectrum of subscriber interest on each board and establish criteria for the selection of nominees. The rules may provide for an independent subscriber nominating committee to serve until the composition of the board of directors meets the percentage requirements of this section. Once the composition requirements of this section are met, the nominations for subscriber directors must be made by the subscriber directors of the board under procedures the board establishes which must also permit nomination by petition of at least fifty subscribers. The board shall also establish procedures to permit nomination of provider directors by petition of at least fifty participating providers. A member of the board of directors of a corporation subject to this chapter may not serve on the independent subscriber nominating committee. The nominating committee must consist of subscribers as

defined in this section. The rules of the commissioner of insurance may also permit nomination of subscriber directors by a petition of at least fifty participating providers. These petitions may be considered only by the independent nominating committee during the duration of the committee. Following the discontinuance of the committee, the petition process must be continued and the board of directors of the corporation shall consider the petitions. The nominating committee members may not receive per diem or expenses for the performance of their duties."

Page 2, line 3, after "a" insert "provider"

Page 2, line 4, replace the first "for" with "or a subscriber director", replace "the" with "forty dollars per diem plus", and replace "service as a" with "attendance at a meeting"

Page 2, line 5, remove "member"

ReNUMBER accordingly

HB 1089 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 1110 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 1110 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 Engrossed HB 1155 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 5, remove lines 1 through 5

Page 5, remove lines 14 through 21

ReNUMBER accordingly

HB 1155 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 HB 1207 has had the same under consideration and recommends by a vote of 4 YEAS, 3 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, after the second underscored comma insert "by means", replace the second "and" with an underscored comma, and after "other" insert "appropriate"

Page 1, line 16, replace "and other" with "or"

Page 1, line 17, after "examinations" insert "taught by chiropractic colleges accredited by the council on chiropractic education or its successor,"

Renumber accordingly

HB 1207 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 1213 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 3, remove "and" and after "penalty" insert "; and to declare an emergency"

Page 5, remove lines 11 through 15

Page 18, after line 24, insert:

"51-23-22. Affirmative defense. It is a defense in any complaint, information, indictment, or any writ or proceeding brought under this chapter alleging a violation of section 51-23-03 based solely on the failure in an individual case to make physical delivery within the applicable time period under subsection 5 of section 51-23-02 or subdivision b of subsection 1 of section 51-23-05 if:

1. Failure to make physical delivery was due solely to factors beyond the control of the seller, the seller's officers, directors, partners, agents, servants, or employees, every person occupying a similar status or performing similar functions, every person who directly or indirectly controls or is controlled by the seller, or any of them, the sellers affiliates, subsidiaries, or successors; and
2. Physical delivery was completed within a reasonable time under the applicable circumstances.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1213 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1238 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 1238 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred Engrossed HB 1272 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1272 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 Reengrossed HB 1292 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 1, line 3, remove the first "and"

Page 1, line 5, after "chance" insert "; and to declare an emergency"

Page 2, after line 19, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Re number accordingly

HB 1292 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 1298 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 19, remove "or trade"

Page 2, line 3, remove "dispense as written", "D.A.W.", or"

Page 2, line 6, after the period insert "A reminder legend must be placed on all prescription forms. The legend must state: 'In order to require that a brand name product be dispensed, the practitioner must handwrite the words 'brand necessary'.' The legend printed on the prescription form must be in at least sixteen-point uppercase print."

Re number accordingly

HB 1298 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 1301 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1301 was placed on the Fourteenth 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 1357 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1357 was placed on the Fourteenth 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 HB 1381 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, replace lines 6 through 17 with:

"23-11-29. Tax exemptions and payments in lieu of taxes.

1. The property of an authority ~~including an authority~~ created under Indian laws recognized by the federal government is declared to be public property used for essential public and governmental purposes and ~~shall be~~ is exempt from all ad valorem taxes and special assessments of the city, ~~the~~ county, ~~the~~ state, or ~~any~~ political subdivision ~~thereof~~. In lieu of ~~such~~ taxes or special assessments, an authority under this subsection may agree to make payments to the city, county, state, or ~~any such~~ political subdivision, including payments for improvements, services, and facilities furnished ~~thereby~~ for the ~~benefits~~ benefit of a housing project, but ~~in no event shall~~ such payments may not exceed the estimated cost to ~~such~~ the city, county, or political subdivision of the improvements, services, or facilities ~~to be so~~ furnished.
2. The property of an authority, other than an authority created under Indian laws recognized by the federal government, is declared to be public property used for essential public and governmental purposes and is exempt from all ad valorem taxes of the city, county, state, or political subdivision. The property of an authority under this subsection is subject to special assessments of the city, county, state, or political subdivision. In lieu of ad valorem taxes, an authority under this subsection may agree to make payments to the city, county, state, or political subdivision. The city, county, state, or political subdivision may agree with the authority to waive or reduce special assessments against the authority for improvements, services, and facilities furnished for the benefit of a housing project. Special assessment payments under this subsection may not exceed the estimated cost to the city, county, or political subdivision of the improvements, services, or facilities furnished."

Renumber accordingly

HB 1381 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 HB 1450 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1450 was placed on the Fourteenth 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 Engrossed HB 1415 has had the same under

consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1415 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 1493 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1493 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 Reengrossed HB 1507 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

- (2) The superintendent of public instruction, assistant superintendents of public instruction, county superintendents, assistant superintendents, supervisors of instruction, state school supervisors and inspectors, every person engaged as president, dean, school librarian, or registrar of any state institution, the secretary of the North Dakota education association, all assistant secretaries and professional staff of such association, the commissioner of higher education, the professional staff of an interim school district, and the professional staff of the North Dakota high school activities association.

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

School district restructuring - Rules. The superintendent of public instruction, with assistance from the state board of public school education, shall adopt rules under chapter 28-32 for the purpose of administering planning grants and supplemental payments to

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

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

School district restructuring - Planning grant.

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

the school board members and the state board of public school education, the superintendent of public instruction shall make available supplemental payments as provided in section 6 of this Act.

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

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

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

Interim district board - Powers and duties.

1. The interim district board shall:

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

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

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

State aid - Planning grants - Supplemental pupil payments.

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

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

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

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

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

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

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

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

Renumber accordingly

HB 1507 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1544 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 1544 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred Engrossed HB 1562 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1562 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 rereferred Engrossed HB 1660 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 3, replace "; to" with a period

Page 1, remove line 4

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

Page 3, remove lines 17 through 20

Renumber accordingly

HB 1660 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 HCR 3023 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 and BE PLACED ON THE CONSENT CALENDAR.

HCR 3023 was placed on the Tenth 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 HCR 3032 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 and BE PLACED ON THE CONSENT CALENDAR.

HCR 3032 was placed on the Tenth 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 HCR 3035 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3035 was placed on the Tenth 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 HCR 3036 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3036 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 HCR 3045 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 1, after "Dakota" insert "to join with the President of the United States"

Page 1, line 19, after "Dakota" insert "to join with the President of the United States"

Renumber accordingly

HCR 3045 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 HCR 3047 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HCR 3047 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 HCR 3060 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3060 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred HCR 3061 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3061 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILL

HB 1661: A BILL for an Act to provide tuition waivers for severely disabled students attending institutions under the state board of higher education.

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

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

PATRICIA CONRAD, Secretary