

## JOURNAL OF THE SENATE

## Fifty-first Legislative Assembly

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Bismarck, March 23, 1989

The Senate convened at 12:30 p.m., with President Omdahl presiding.

The prayer was offered by Rev. Clem Auch, Century Baptist Church, Bismarck.

Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves.

Dear God, the Father of our Lord Jesus Christ, today we recognize You as the final and supreme authority. Under Your direction our forefathers established our system of government. Today we continue to honor and respect the concerns of our founding fathers to govern our citizens with laws that are fair and encourage individual development. Thank You, Lord God, for this heritage.

This legislative body, the Senate, has assembled today for the purpose of establishing laws for our state. Grant to each Senator a sensitivity of Your presence and the Holy Spirit to guide each one in ways that are pleasing to You, our God. Place within each Senator the desire to approve only those laws which are in conformity to Your will, O God, and which will be for the upbuilding of our state and its citizens.

Bless our Governor as he uses his authority to implement laws that will be passed today. Give our Governor the courage to veto those laws which can be a deterrent to our society and a disgrace to God's will.

May Your blessings be upon this session today. I pray in the name of Jesus. Amen.

The roll was called and all Senators were present, except Senators Lashkowitz, W. Meyer, and Naaden.

A quorum was declared by the President.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 22, 1989

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

Dear Mr. President:

This is to inform you that on March 22, 1989, I signed the following: SB 2039, SB 2040, SB 2050, SB 2051, SB 2052, SB 2053, SB 2054, SB 2057, SB 2106, SB 2134, SB 2136, SB 2159, SB 2194, SB 2198, SB 2232, SB 2280, SB 2284, SB 2289, SB 2297, SB 2302, SB 2315, SB 2317, SB 2329, SB 2339, SB 2340, SB 2341, SB 2351, SB 2366, SB 2374, SB 2380, SB 2402, SB 2406, SB 2408, SB 2414, SB 2420, SB 2425, SB 2426, SB 2435.

Sincerely,

GEORGE A. SINNER  
Governor

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4017, SCR 4026.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1200.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2072, SB 2213, SB 2278, SB 2514, SB 2192, and SB 2193 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2072: Sens. Mathern, Kelsh, Stenehjem  
SB 2213: Sens. Hilken, O'Connell, Krebsbach  
SB 2278: Sens. O'Connell, Kelsh, Peterson  
SB 2514: Sens. J. Meyer, Maxson, Nalewaja  
SB 2192: Sens. Maxson, Holmberg, Stenehjem  
SB 2193: Sens. Maxson, Stenehjem, Holmberg

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2047, SB 2049, SB 2059, SB 2119, and SB 2146 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2363, SB 2486, SB 2493, and SCR 4030 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2175, SB 2203, SB 2219, SB 2246, and SB 2356 and subsequently passed the same.

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

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

HB 1351: Sens. Hilken, Schoenwald, Nething

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 1667, HCR 3019.

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

MR. PRESIDENT: The House has passed unchanged: SB 2307.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently failed to pass:  
SB 2248, SB 2254.

## HOUSE AMENDMENTS TO ENGROSSED SB 2248

Page 1, line 1, remove "57-43.3-02,"

Page 1, line 14, remove "or cargo"

Page 1, remove lines 20 and 21

Page 2, remove lines 1 through 12

Page 2, line 15, remove "aerial applicator of agricultural"

Page 2, line 16, replace "chemicals" with "commercial aircraft carrier" and  
remove "subsection 1 of"

Page 2, line 17, remove "refund" and remove "for fuel used"

Page 2, remove lines 18 through 22

Page 2, line 23, remove "deducted from the refund"

Page 3, line 11, replace "Fifty" with "Forty"

Page 4, line 5, replace "Fifty" with "Sixty"

Re-number accordingly

## HOUSE AMENDMENTS TO ENGROSSED SB 2254

Page 2, line 24, remove ", except that the state"

Page 2, remove lines 25 and 26

Page 2, line 27, remove "effective date of this Act"

Page 2, line 28, replace the third comma with "and"

Page 2, line 29, remove ", and faculty and employees of institutions of  
higher"

Page 3, line 1, remove "education"

Page 3, line 2, replace the first comma with "or" and remove ", or  
eleven-month"

Re-number accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SB 2048,  
SB 2153, SB 2173, SB 2176, SB 2256, SB 2306, SB 2309, SB 2410, SB 2417.

## HOUSE AMENDMENTS TO ENGROSSED SB 2048

Page 4, line 4, after "each" insert "district," and after "county" insert an  
underscored comma

Page 5, line 16, after "imprisoned" insert "for fifteen days or more"

Page 7, line 22, after the first comma insert "district,"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2153

Page 1, line 1, after "enact" insert "a new subsection to section 1-03-01 and"

Page 1, line 2, after "to" insert "designating the day after Thanksgiving as a holiday and"

Page 1, line 3, after "Eve" insert "; and to provide an effective date"

Page 1, after line 4, insert:

"SECTION 1. A new subsection to section 1-03-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

The day after Thanksgiving Day."

Page 1, line 8, replace "twelve noon" with "four p.m."

Page 1, after line 9, insert:

"SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on January 1, 1990."

Re-number accordingly

AMENDMENTS TO ENGROSSED SB 2173

Page 2, line 22, replace "established by the state" with "composed of one member selected by the claimant's attorney, one member selected by the bureau, and one member selected jointly by the claimant's attorney and the bureau"

Page 2, line 23, remove "bar association for that purpose"

Re-number accordingly

AMENDMENTS TO ENGROSSED SB 2176

Page 7, line 3, after "a" insert "bona fide"

Page 7, line 6, after "claimed" insert "bona fide"

Re-number accordingly

AMENDMENTS TO ENGROSSED SB 2256

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

Page 11, line 11, after the period insert "The loss must be determined in accordance with and based upon the most current edition of the American medical association's "Guides to the Evaluation of Permanent Impairment." No impairment award, not expressly contemplated within the American medical association's "Guides to the Evaluation of Permanent Impairment" may be made."

Page 15, line 12, after the underscored period insert "Any rating of the percentage of functional impairment should be in accordance with the"

standards for the evaluation of permanent impairment as published in the most recent edition of the American medical association's "Guides to the Evaluation of Permanent Impairment."

Renumber accordingly

AMENDMENTS TO SB 2306

Page 2, line 6, after the second "person" insert "prior to being determined to be incapacitated"

Renumber accordingly

AMENDMENTS TO REENGROSSED SB 2309

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for grants to oil and gas development impacted counties and cities; to provide a continuing appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Grants to oil and gas development impacted counties and cities - Continuing appropriation. The board of university and school lands may grant six percent of twelve million dollars annually to oil and gas development impacted counties and cities, from interest earnings on moneys deposited in the coal development trust fund established under subsection 1 of section 57-62-02. Grants may be made for the mitigation of the impact of unpaid special assessments, but before making any grant the board of university and school lands must receive the recommendation of the energy development impact office. To be eligible to receive grants under this section, a county or city must demonstrate that its consolidated mill levy ranks in the highest ten percent of the consolidated mill levies of all political subdivisions of the same kind in this state. The amount authorized for grants under this section is hereby appropriated to the board of university and school lands as a standing and continuing appropriation.

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

Renumber accordingly

AMENDMENTS TO ENGROSSED SB 2410

Page 1, line 8, replace "All appointive" with "Appointments to"

Page 1, line 12, replace "to a professional board" with "in accordance with this section"

Page 1, line 14, replace "that profession" with "the group from which appointments are made. Ex officio members are not to be included in determining gender balance under this section"

Renumber accordingly

AMENDMENTS TO ENGROSSED SB 2417

Page 1, line 2, after "exemption" insert "that may be granted by the governing body of a political subdivision"

Page 1, line 9, after "The" insert "governing body of the city, for property within city limits, or of the county, for property outside city limits, may grant a property tax exemption for the"

Page 1, line 11, remove "For purposes of this"

Page 1, remove lines 12 and 13

Page 1, line 14, remove "used is devoted to licensed childhood services."

Page 1, line 15, remove "residential" and after "property" insert "used as a residence"

Renumber accordingly

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1014, HB 1032, HB 1145, HB 1163, HB 1342, HB 1343, HB 1400, HB 1411, HB 1419, HB 1456, HB 1463, HB 1468, HB 1472, HB 1473, HB 1505, HB 1665.

**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 Fifty-fourth Day and finds it to be correct.

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

**CONSIDERATION OF AMENDMENTS**

SEN. W. MEYER MOVED that the amendments to HB 1476 as recommended by the Committee on Agriculture as printed on page 1241 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1476 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. SATROM MOVED that the amendments to SB 2518 as recommended by the Committee on Finance and Taxation as printed on page 1308 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

**MOTION**

SEN. RICHARD MOVED that the rules be suspended, that SB 2518 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILL**

SB 2518: A BILL for an Act to amend and reenact section 40-57.1-04.1 of the North Dakota Century Code, relating to the period for which tax exemptions for new industries may be granted; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; 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; Vosper; Waldera; Wogsland; Yockim

NAYS: Moore

ABSENT AND NOT VOTING: Lashkowitz

SB 2518 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. D. MEYER MOVED that the amendments to SB 2524 as recommended by the Committee on State and Federal Government as printed on page 1308 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2524 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. MAIXNER MOVED that HB 1016, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SEN. MAIXNER MOVED that HB 1641 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. DOTZENROD MOVED that the amendments to HB 1641 as recommended by the Committee on Political Subdivisions as printed on pages 1242-1245 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion lost.

MOTIONS

SEN. MAIXNER MOVED that HB 1641, which is on the Sixth order, be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Sen. Maixner's motion, HB 1641 was rereferred.

SEN. RICHARD MOVED that the Senate reconsider the action by which SCR 4040 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

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

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 30 YEAS, 22 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Langley; Lips; Maixner; Mathern; Maxson;

Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Richard; Robinson; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

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

ABSENT AND NOT VOTING: Lashkowitz

SCR 4040 was declared adopted on a roll call vote.

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SECOND READING OF SENATE BILLS

SB 2528: A BILL for an Act to create and enact four new sections to chapter 4-30 of the North Dakota Century Code, relating to a release of dairy processors' records, plants, reports, and notice to dairy producers; to amend and reenact sections 4-18.1-14, 4-30-03.3, and 40-30-03.8 of the North Dakota Century Code, relating to the release of information to the commissioner of agriculture or the dairy commissioner, the filing of a surety bond or other security by dairy processors, and surety bond protection for in-state dairy producers; 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 52 YEAS, 0 NAYS, 1 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; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

SB 2528 passed, the title was agreed to, and the emergency clause carried.

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SB 2532: A BILL for an Act to authorize the state board of higher education to convey certain state-owned land.

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 52 YEAS, 0 NAYS, 1 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; Satrom;

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

SB 2532 passed and the title was agreed to.

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SIGNING OF BILLS AND RESOLUTIONS (Patricia Conrad, Secretary)  
THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1304, HB 1364, HB 1586, HB 1642.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The President has signed: HB 1304, HB 1364, HB 1586, HB 1642.

SIGNING OF BILLS AND RESOLUTIONS (Patricia Conrad, Secretary)  
THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: SB 2071, SB 2117, SB 2118, SB 2122, SB 2123, SB 2191, SB 2323, SB 2337, SB 2367, SB 2405, SB 2434, SB 2450, SB 2476, SB 2479, SB 2492, SB 2507, SCR 4005, SCR 4038.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2071, SB 2117, SB 2118, SB 2122, SB 2123, SB 2191, SB 2323, SB 2337, SB 2367, SB 2405, SB 2434, SB 2450, SB 2476, SB 2479, SB 2492, SB 2507, SCR 4005, SCR 4038.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS  
SCR 4019: A concurrent resolution for the amendment of section 8 of article III of the Constitution of North Dakota, relating to initiated measures.

ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 28 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Ewen; Hanson; Heigaard; Hilken; Keller; Kelsh; Kinnoin; Krauter; Langley; Mathern; Maxson; Meyer, J.; Meyer, W.; O'Connell; Richard; Robinson; Satrom; Schoenwald; Shea; Waldera; Wogsland

NAYS: Dotzenrod; Freborg; Heinrich; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Meyer, D.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Maixner

SCR 4019 was declared lost on a roll call vote.

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SCR 4021: A concurrent resolution for the amendment of subdivision a of subsection 2 of section 6 of article VIII of the Constitution of North

Dakota, relating to the qualifications of the members of the state board of higher education.

#### ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 10 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Heinrich; Hilken; Kinnoin; Meyer, D.; Moore; Mutch; Schoenwald; Vosper; Yockim

ABSENT AND NOT VOTING: Lashkowitz

SCR 4021 was declared adopted on a roll call vote.

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#### MOTIONS

SEN. MAIXNER MOVED that the vote by which SB 2518, SB 2528, SB 2532, SCR 4021, and SCR 4040 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 2518, SB 2528, SB 2532, SCR 4021, SCR 4040 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 2528, SB 2532, SCR 4021, SCR 4040.

#### MOTIONS

SEN. MAIXNER MOVED that HB 1024 be moved to the bottom of the calendar, which motion prevailed.

SEN. MAIXNER MOVED that HB 1413 and HB 1254 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

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.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 25 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Kelsh; Krauter; Langley; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik;

Redlin; Richard; Robinson; Schoenwald; Shea; Tallackson; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Hilken; Holmberg; Ingstad; Keller; Kinnoin; Krebsbach; 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: Lashkowitz

HB 1413 lost.

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HB 1254: A BILL for an Act to create and enact a new section to chapter 15-38.2 of the North Dakota Century Code, relating to the confidentiality of teachers' personnel files; to amend and reenact sections 15-29-10 and 15-51-10 of the North Dakota Century Code, relating to school district and school board records; 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 PASS, the roll was called and there were 31 YEAS, 21 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Langley; Lips; Maixner; Mathern; Meyer, J.; Mushik; O'Connell; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Freborg; Hilken; Keller; Krebsbach; Lodoen; Maxson; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Stenehjem; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1254 passed and the title was agreed to.

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VOTE CHANGED FOR RECONSIDERATION

SEN. NETHING CHANGED his vote on HB 1254 from "nay" to "yea" for the purpose of reconsideration, so the vote was 32 YEAS, 20 NAYS, 1 ABSENT AND NOT VOTING.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

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

SECOND READING OF HOUSE BILLS

HB 1266: A BILL for an Act to amend and reenact section 43-44-01, subsection 1 of section 43-44-02, section 43-44-06, and subsection 10 of section 43-44-10 of the North Dakota Century Code, relating to definitions, membership of the board of dietetic practice, licensure,

titles, and abbreviations for dietitians and nutritionists, and persons exempt from licensure as dietitians and nutritionists.

#### 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, 0 NAYS, 1 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; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1266 passed and the title was agreed to.

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HB 1292: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to calcuttas as allowable games of chance; to amend and reenact sections 53-06.1-07 and 53-06.1-07.1 of the North Dakota Century Code, relating to calcuttas as allowable games of chance; 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 38 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Ewen; Freborg; Heinrich; Hilken; Keller; Mathern; Mutch; Naaden; Nelson; Redlin; Streibel; Tennefos; Yockim

ABSENT AND NOT VOTING: Lashkowitz

HB 1292 passed, the title was agreed to, and the emergency clause carried.

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HB 1621: A BILL for an Act to provide farmers the right to redeem homesteads separately from other property; to amend and reenact section 28-23-07 of the North Dakota Century Code, relating to waivers of right to designate lots at execution sale; to repeal chapter 194 of the 1987 Session Laws of North Dakota, relating to redemption of separate known lots or parcels of property; to provide an expiration 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 52 YEAS, 0 NAYS, 1 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; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1621 passed, the title was agreed to, and the emergency clause carried.

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HB 1660: A BILL for an Act to amend and reenact sections 54-03-10 and 54-03-20 of the North Dakota Century Code, relating to compensation of assistant leaders and travel expense reimbursement for members of the legislative assembly.

## 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; David; Dotzenrod; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Langley; Lips; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Vosper; Waldera; Wogsland; Yockim

NAYS: Ewen; Freborg; Krebsbach; Lodoen; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Streibel; Tennefos; Thane; Todd

ABSENT AND NOT VOTING: Lashkowitz

HB 1660 passed and the title was agreed to.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1664, HCR 3046.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The Speaker has signed: SB 2071, SB 2117, SB 2118, SB 2122, SB 2123, SB 2191, SB 2323, SB 2337, SB 2367, SB 2405, SB 2434, SB 2450, SB 2476, SB 2479, SB 2492, SB 2507, SCR 4005, SCR 4038.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3045: A concurrent resolution urging the Governor of North Dakota to join with the President of the United States to declare 1989 as the Year of the Young Reader.

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

HCR 3045 was declared adopted on a voice vote.

\*\*\*\*\*

HCR 3058: A concurrent resolution directing the Legislative Council to study the uses to which the proceeds of charitable gaming are devoted and the laws governing charitable gaming.

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

HCR 3058 was declared adopted on a voice vote.

\*\*\*\*\*

SECOND READING OF HOUSE BILLS

HB 1041: A BILL for an Act to amend and reenact sections 15-47-36, 15-65-01, 15-65-02, and 15-65-03, subdivision h of subsection 1 of section 28-32-01, and subdivision 1 of subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the membership and name of the educational broadcasting council and the terms educational television services or facilities and radio facilities; to provide an appropriation; 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 52 YEAS, 0 NAYS, 1 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; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1041 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

HB 1076: A BILL for an Act to amend and reenact subsections 1 and 2 of section 43-17-41 of the North Dakota Century Code, relating to duty of physicians and others to report injuries.

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 50 YEAS, 2 NAYS, 1 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; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Yockim

NAYS: Streibel; Wogsland

ABSENT AND NOT VOTING: Lashkowitz

HB 1076 passed and the title was agreed to.

\*\*\*\*\*

HB 1205: A BILL for an Act to create and enact a new section to chapter 50-26 of the North Dakota Century Code, relating to a committee on protection and advocacy; to amend and reenact sections 25-01-01.1, 50-26-01, 50-26-03, 50-26-04, and 50-27-03 of the North Dakota Century Code, relating to the placement of the state council on developmental disabilities and the governor's council on human resources within the office of the governor; and to provide a statement of legislative intent.

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; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; 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: Mushik

ABSENT AND NOT VOTING: Lashkowitz

HB 1205 passed and the title was agreed to.

\*\*\*\*\*

HB 1281: A BILL for an Act to create and enact a new section to chapter 61-14 of the North Dakota Century Code, relating to placing and operating irrigation works or equipment near, on, or over roadways; to provide a penalty; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Ingstad; Langley; Nelson

ABSENT AND NOT VOTING: Lashkowitz; Shea

HB 1281 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

HB 1295: A BILL for an Act to create and enact a new section to chapter 43-11 of the North Dakota Century Code, relating to the use of brush rollers by licensed cosmetologists.

## 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 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Keller; Moore

ABSENT AND NOT VOTING: Lashkowitz; Shea

HB 1295 passed and the title was agreed to.

\*\*\*\*\*

## MOTION

SEN. O'CONNELL MOVED that the Senate reconsider the action by which HB 1413 failed to pass, which motion prevailed on a verification vote.

## SECOND READING OF HOUSE BILLS

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.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 29 YEAS, 23 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Ewen; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; Kelsh; Krauter; Krebsbach; Langley; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Tallackson; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Freborg; Hilken; Keller; Kinnoin; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1413 passed and the title was agreed to.

\*\*\*\*\*

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 of the North Dakota Century Code, relating to allocation of oil and gas gross production tax revenues; to provide a continuing appropriation; 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 52 YEAS, 0 NAYS, 1 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; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1302 passed and the title was agreed to.

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HB 1368: A BILL for an Act to amend subsection 6 of section 50-11.1-02 of the North Dakota Century Code, relating to the definition of a family child care home for the purpose of requirements for early childhood services facilities.

## 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; 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; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Keller

ABSENT AND NOT VOTING: Lashkowitz

HB 1368 passed and the title was agreed to.

\*\*\*\*\*

HB 1369: A BILL for an Act to amend and reenact subsection 4 of section 23-06-03 and section 50-24.1-02.3 of the North Dakota Century Code, relating to the duty of burial and pre-need funeral service plans; 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 46 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Kinnoin; Nelson; O'Connell; Robinson; Tennefos

ABSENT AND NOT VOTING: Lashkowitz

HB 1369 passed and the title was agreed to.

\*\*\*\*\*

HB 1455: A BILL for an Act to amend and reenact section 15-47-26 of the North Dakota Century Code, relating to the definition of teacher for purposes of nonrenewal of contracts.

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

YEAS: Axtman; David; Dotzenrod; Ewen; Hanson; Holmberg; Kelsh; Krauter; Lips; Lodoen; Maixner; Mathern; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Robinson; Satrom;

Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kinnoin; Krebsbach; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Schoenwald

ABSENT AND NOT VOTING: Langley; Lashkowitz

HB 1455 passed and the title was agreed to.

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HB 1462: A BILL for an Act to amend and reenact section 22-01-06.3 of the North Dakota Century Code, relating to a guaranty of delivery; and to repeal sections 22-01-06.1, 22-01-06.2, 22-01-06.4, and 22-01-06.5 of the North Dakota Century Code, relating to a guaranty of delivery.

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, 0 NAYS, 1 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; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1462 passed and the title was agreed to.

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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.

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 49 YEAS, 3 NAYS, 1 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; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjelm; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: Naaden; Streibel; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1481 passed and the title was agreed to.

\*\*\*\*\*

HB 1494: A BILL for an Act to create and enact a new subsection to section 11-11-14, a new section to chapter 11-28, a new subsection to section 57-15-06.7, and a new section to chapter 57-15 of the North Dakota Century Code, relating to powers of the board of county commissioners, the collection of user fees by board of county park commissioners and issuance of evidences of indebtedness in anticipation of user fee revenue, and to provide mill levy authority for support of county parks and recreational facilities; to amend and reenact subsection 4 of section 11-11-14, subsection 2 of section 11-28-05, subsection 1 of section 21-03-06, subsection 6 of section 21-03-07, and section 55-04-01 of the North Dakota Century Code, relating to the acquisition, construction, equipping, and financing of county parks and recreational facilities; 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 48 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Moore; Streibel

ABSENT AND NOT VOTING: Heigaard; Krauter; Lashkowitz

HB 1494 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

HB 1526: A BILL for an Act to amend and reenact subsection 1 of section 6-08-16 of the North Dakota Century Code, relating to nonsufficient fund check offenses.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; 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: Heigaard; Krauter; Lashkowitz; Mushik

HB 1526 passed and the title was agreed to.

\*\*\*\*\*

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 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Krauter; Lashkowitz

HB 1527 passed and the title was agreed to.

\*\*\*\*\*

HB 1564: A BILL for an Act to create and enact a new section to chapter 31-01 of the North Dakota Century Code, relating to duty of courts to warn parties of perjury; and to amend and reenact section 28-32-11 of the North Dakota Century Code, relating to duty of administrative hearing officers to warn parties of perjury.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 35 YEAS, 15 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Freborg; Hanson; Heigaard; Hilken; Holmberg; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Richard; Satrom; Schoenwald; Shea; Stromme; Tennefos; Todd; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Ewen; Heinrich; Ingstad; Lips; Moore; Naaden; Olson; Robinson; Stenehjem; Streibel; Tallackson; Thane; Vosper

ABSENT AND NOT VOTING: Krauter; Lashkowitz; Redlin

HB 1564 passed and the title was agreed to.

\*\*\*\*\*

## REQUEST

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

Mr. President, members of the Senate, I want to comment and explain that the employees of the Senate will be paid for tomorrow as a state holiday, and also will be paid for Monday morning as a morning off, and will be on hand when the Senate convenes on Monday at 1:00 p.m. This is a little bit different than last session when we adjourned, as you recall, late on Saturday night of Easter weekend. It is a nice benefit, I think, for our employees who have done tremendous work and as you know from looking at our records, we are moving very nicely. So, it is a compliment to them and part of our gratitude to them for their excellent work.

## DOCTOR OF THE DAY SCHEDULE

March 27:	Narendra K. Patel, MD	- FP Resident	Minot
March 28:	Narendra K. Patel, MD	- FP Resident	Minot
March 29:	Steven S. Eisenberg, MD	- Family Practice	Minot
March 30:	Charles P. Dahl, MD	- Orthopedics	Bismarck
March 31:	David S. Akkerman, MD	- FP Resident	Fargo

## 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 SCR 4064, SCR 4061, SCR 4068, SCR 4067, HB 1211, HB 1034, HB 1333, HCR 3019, HCR 3004, HCR 3021, and HCR 3046, the Senate stand adjourned until 1:00 p.m., Monday, March 27, 1989, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2526 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 "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for assessment purposes; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 57-02-01 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Agricultural property" means platted or unplatted lands used for raising agricultural crops or grazing farm animals, except lands platted and assessed as agricultural property prior to March 30, 1981, shall continue to be assessed as agricultural property until put to a use other than raising agricultural crops or grazing farm animals. The time

limitations contained in this section may not be construed to prevent property that was assessed as other than agricultural property from being assessed as agricultural property if the property otherwise qualifies under this subsection. Property platted on or after March 30, 1981, is not agricultural property when any three of the following conditions exist:

- a. The land is platted by the owner.
- b. Public improvements including sewer, water, or streets are in place.
- c. Topsoil is removed or topography is disturbed to the extent that the property cannot be used to raise crops or graze farm animals.
- d. Property is zoned other than agricultural.
- e. Property has assumed an urban atmosphere because of adjacent residential or commercial development on three or more sides.
- f. The parcel is less than ten acres [4.05 hectares] and not contiguous to agricultural property.
- g. The property sells for more than four times the county average true and full agricultural value.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1988."

Renumber accordingly

SB 2526 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 SB 2530 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 1, after "A BILL" replace the remainder of the bill with "for an Act to repeal chapter 32-07 of the North Dakota Century Code, relating to claim and delivery proceedings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Chapter 32-07 of the North Dakota Century Code is hereby repealed."

Renumber accordingly

SB 2530 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 SCR 4061 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.

SCR 4061 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. Axtman, Vice Chairman) to which was referred SCR 4064 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.

SCR 4064 was placed on the Eleventh 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 SCR 4067 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 and BE PLACED ON THE CONSENT CALENDAR.

SCR 4067 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 SCR 4068 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 and BE PLACED ON THE CONSENT CALENDAR.

SCR 4068 was placed on the Tenth 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 1033 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 9, after "institutions" insert ", except institutions of higher education and the offices of constitutional officers,"

Page 1, line 13, after "institutions" insert ", except institutions of higher education and the offices of constitutional officers,"

Renumber accordingly

HB 1033 was placed on the Sixth 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 Engrossed HB 1034 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 PASS.

HB 1034 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 Engrossed HB 1035 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 1, remove "to establish a pay equity implementation committee by the"

Page 1, line 2, remove "central personnel division and"

Page 1, line 5, remove "to provide an effective date;"

Page 1, line 12, remove "Compensation"

Page 1, remove lines 13 through 22

Page 2, remove lines 1 through 21

Page 2, line 24, after "to" insert "the office of management and budget, which in turn shall report to"

Page 2, line 25, after the period insert "The central personnel division shall seek input from public employees and other affected parties in the implementation of the state's pay equity policy."

Page 2, line 29, replace "1991" with "1989"

Page 3, line 2, replace "Upon the request of the pay" with "The"

Page 3, line 3, remove "equity implementation committee, the"

Page 3, remove lines 7 and 8

Page 3, line 9, replace the first comma with "and" and remove ", and 4"

Renumber accordingly

HB 1035 was placed on the Sixth 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 HB 1036 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 NOT PASS:

Page 2, line 5, after "works" insert "for an employer"

Page 2, line 7, after "five" insert "consecutive", replace "each year" with "for that employer", and after the period insert "This Act does not apply to employers that employ twenty-five or fewer employees."

Renumber accordingly

HB 1036 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 1101 has had the same under consideration and

recommends by a vote of 5 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, line 4, remove "30.1-28-01,"

Page 1, line 5, remove "guardians,"

Page 9, remove lines 18 through 29

Page 10, remove lines 1 through 28

Renumber accordingly

HB 1101 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred Engrossed HB 1211 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1211 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 1245 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 4, line 23, after the period insert:

"All dollar amounts contained in this section which relate to a person's income are subject to an annual cost-of-living adjustment as provided in this subsection. The cost-of-living adjustment for any taxable year is the percentage by which the consumer price index determined in the preceding taxable year exceeds or is less than the consumer price index determined in taxable year 1988. For purposes of this subsection, the consumer price index for any taxable year is the average of the consumer price index as of the close of the twelve-month period ending on August thirty-first of the taxable year. For purposes of this subsection, "consumer price index" means the consumer price index for all urban consumers published by the United States department of labor. The tax commissioner shall make the adjustments to dollar amounts relating to a person's income under this section as provided in this subsection and certify the amounts determined to each county director of tax equalization on or before January first of each year.

4."

Page 4, line 25, overstrike "4." and insert immediately thereafter "5."

Page 5, line 3, overstrike "5." and insert immediately thereafter "6."

Renumber accordingly

HB 1245 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 1250 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

Page 1, line 1, after "16.1-01-07" insert ", 16.1-03-12"

Page 1, line 2, remove "16.1-04-03, 16.1-06-16,"

Page 1, line 5, remove "16.1-15-17, 16.1-15-22, 16.1-15-25, 16.1-15-35,"

Page 2, line 4, replace "thirty-five" with "fifty-seven"

Page 2, line 16, replace "forty" with "thirty-nine"

Page 2, line 17, replace "thirty" with "fifty-five"

Page 3, replace lines 14 through 28 with:

"SECTION 3. AMENDMENT. Section 16.1-03-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-03-12. Meeting of district committee to elect delegates to state party convention - Optional precinct caucus - Proxies. Prior to the ~~second Monday~~ fourth Tuesday in June in each ~~presidential~~ general election year and upon the call of the chairman, the district committee of each state senatorial district shall meet at a place designated by the chairman to elect delegates to a state party convention to be held as provided in this chapter. If the bylaws of the state senatorial district so provide, precinct committeemen may call a precinct caucus prior to the district meeting to elect additional delegates to attend the district meeting. One delegate to the state convention ~~shall~~ must be elected for each three hundred votes, or major fraction thereof, cast in the district at the last preceding presidential election for the candidates for presidential electors of the party, but every district ~~shall be~~ is entitled to at least one delegate. Delegates ~~shall~~ must be electors of their district. If any delegate ~~shall be~~ is unable to attend the convention, ~~he~~ the delegate shall designate in writing an alternate from the list of alternates selected at the district convention to attend and represent and act for ~~him~~ the delegate."

Page 4, remove lines 1 through 11

Page 4, line 20, overstrike "twenty" and insert immediately thereafter "twenty-two"

Page 4, line 22, remove the overstrike over "~~forty-day~~" and after "~~or~~" insert ", twenty-two-day, or"

Page 5, line 10, replace "twenty" with "twenty-two", overstrike "general,", overstrike the second comma, and after "primary" insert "or forty days before any general"

- Page 5, line 22, overstrike "within"
- Page 5, line 23, remove "thirty" and overstrike "days next"
- Page 6, line 6, remove the overstrike over "second" and remove "first"
- Page 6, line 7, replace "September" with "August"
- Page 6, line 18, replace "June" with "May"
- Page 6, line 19, replace "July" with "June"
- Page 7, line 3, replace "sixty-six" with "sixty-two"
- Page 7, line 4, replace "forty-six" with "forty-two"
- Page 7, line 5, replace "forty-sixth" with "forty-second"
- Page 8, line 5, replace "forty-sixth" with "forty-second"
- Page 8, line 12, replace "sixty-six" with "sixty-two" and replace "forty-six" with "forty-two"
- Page 8, line 13, replace "forty-sixth" with "forty-second"
- Page 9, line 24, replace "forty-sixth" with "forty-second"
- Page 12, line 1, replace "thirty-five" with "forty-one"
- Page 13, line 11, replace "forty" with "thirty-nine"
- Page 14, line 1, replace "forty-sixth" with "forty-second"
- Page 14, line 5, replace "forty-sixth" with "forty-second"
- Page 15, line 2, replace "fortieth" with "fifty-seventh"
- Page 15, line 7, replace "thirty-fifth" with "fifty-seventh"
- Page 15, line 12, replace "thirty-fifth" with "forty-second"
- Page 15, line 22, remove the overstrike over "fifty-five" and remove "thirty"
- Page 15, line 23, after the first "or" insert "forty-two days before a"
- Page 16, line 11, replace "thirty-five" with "fifty-seven" and replace "thirty-fifth" with "fifty-seventh"
- Page 16, line 14, replace "thirty-fifth" with "fifty-seventh"
- Page 16, line 21, replace "thirty-five" with "fifty-seven"
- Page 16, line 23, replace "thirty-fifth" with "fifty-seventh"
- Page 16, line 27, replace "thirty-fifth" with "fifty-seventh"
- Page 17, line 6, replace "thirty-five" with "fifty-seven"

Page 17, line 7, replace "thirty-fifth" with "fifty-seventh"

Page 17, line 11, replace "thirty-fifth" with "fifty-seventh"

Page 18, line 3, replace "October" with "September"

Page 18, remove lines 9 through 28

Page 19, remove lines 1 through 29

Page 20, remove lines 1 through 17

Page 20, line 24, replace "sixty-six" with "sixty-two"

Page 20, line 25, replace "forty-six" with "forty-two" and replace "forty-sixth" with "forty-second"

Page 21, line 11, replace "sixty-six" with "sixty-two" and replace "forty-six" with "forty-two"

Page 21, line 12, replace "forty-sixth" with "forty-second"

Renumber accordingly

HB 1250 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 rereferred Engrossed HB 1320 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to Engrossed House Bill No. 1320 as printed on page 1013 of the Senate Journal, Engrossed House Bill No. 1320 is amended as follows:

Page 1, line 19, after "period" insert "not to exceed fifteen days if the eviction is for failure to pay rent, and in all other cases, not to exceed five days"

Renumber accordingly

HB 1320 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 1333 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1333 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 Engrossed HB 1365 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 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 12-60-16.6 of the North Dakota Century Code, relating to the dissemination of criminal history record information.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-60-16.6 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-60-16.6. Criminal history record information - Dissemination to parties not described in section 12-60-16.5. Only the bureau may disseminate criminal history record information to parties not described in section 12-60-16.5. The dissemination may be made only if all the following requirements are met:

1. The information has not been purged or sealed.
2. The information is of a conviction, including a conviction for violating section 12.1-20-03, 12.1-20-04, 12.1-20-06.1, or 12.1-20-11 notwithstanding any disposition following a deferred imposition of sentence; or the information is of a reportable event occurring within one year preceding the request.
3. The request is written and contains:
  - a. The name of the requester.
  - b. The name of the record subject.
  - c. At least two items of information used by the bureau to retrieve criminal history records, including:
    - (1) The fingerprints of the record subject.
    - (2) The state identification number assigned to the record subject by the bureau.
    - (3) The social security number of the record subject.
    - (4) The date of birth of the record subject.
    - (5) A specific reportable event identified by date and either agency or court.
4. The identifying information supporting a request for a criminal history record does not match the record of more than one individual."

Renumber accordingly

HB 1365 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 1401 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 8, remove "elderly"

Page 1, line 9, remove "Each teacher must be placed in a regional human service"

Page 1, line 10, remove "center."

Page 1, line 12, remove "elderly"

Page 1, line 15, remove "older"

Page 1, line 16, replace "shall" with "may"

Page 1, line 19, replace "shall" with "may"

Page 1, line 21, replace "older" with "the", after "blind" insert "and visually impaired", and replace "such as" with "including"

Page 2, line 1, remove "The service area for each teacher must be approximately one-third"

Page 2, remove line 2

Page 2, line 3, remove "of referrals."

Re-number accordingly

HB 1401 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 1421 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:

Page 3, line 2, after the underscored period insert "The tests for the correspondence study must be administered by a certified teacher employed either by the public school district in which the parent resides or a state-approved private or parochial school."

Page 4, after line 9, insert:

"6. That the child, not including a child with developmental disabilities as defined by subsection 1 of section 25-01.2-01, is receiving home-based instruction in accordance with the provisions of this chapter."

Page 5, line 13, after "education" insert "or has received a general equivalency degree"

Page 5, line 15, remove the second "or"

Page 5, line 18, remove "by law"

Page 5, line 19, replace "the public schools" with "accordance with sections 15-38-07, 15-41-06, and 15-41-24"

Page 5, line 20, replace "eighty" with "seventy-five"

Page 7, line 15, replace "evaluated by a licensed professional for learning" with "professionally evaluated for a potential learning problem"

Page 7, line 16, remove "disabilities", after the first "the" insert "multidisciplinary assessment team", and replace "results in the determination that" with "determines that the child is not handicapped according to the eligibility criteria of the department of public instruction and the child does not require specially-designed instruction according to rules adopted by the department of public instruction"

Page 7, line 17, remove "a learning disability exists"

Page 7, line 24, after the underscored period insert "If the evaluation of the multidisciplinary assessment team determines that the child is handicapped, but not developmentally disabled, according to the eligibility criteria of the department of public instruction, and the student requires specially-designed instruction due to the handicap and that this instruction cannot be provided without special education and related services, the parent providing instruction may continue to provide home-based instruction, upon filing with the superintendent of public instruction an individualized education program plan, formulated within rules adopted by the department of public instruction, indicating that the child's needs for special education are being appropriately addressed by persons qualified to provide special education or related services. If such a plan is not filed, the parent is not entitled to an exemption under subsection 5 of section 15-34.1-03."

ReNUMBER accordingly

HB 1421 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred Engrossed HB 1422 has had the same under consideration and recommends by a vote of 7 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 3, replace lines 14 through 25 with:

"82,001- 84,000	406.00	331.00	256.00	177.00
84,001- 86,000	416.00	339.00	262.00	181.00
86,001- 88,000	426.00	347.00	268.00	185.00
88,001- 90,000	436.00	355.00	274.00	189.00
90,001- 92,000	446.00	363.00	280.00	193.00
92,001- 94,000	456.00	371.00	286.00	197.00
94,001- 96,000	466.00	379.00	292.00	201.00
96,001- 98,000	476.00	387.00	298.00	205.00
98,001-100,000	486.00	395.00	304.00	209.00
100,001-102,000	496.00	403.00	310.00	213.00
102,001-104,000	506.00	411.00	316.00	217.00
104,001-105,500	516.00	419.00	322.00	221.00"

Renumber accordingly

HB 1422 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 HB 1424 has had the same under consideration and recommends by a vote of 7 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 16, replace "may" with "shall, after reviewing the evaluations,"

Page 1, line 20, replace "liable" with "libel"

Renumber accordingly

HB 1424 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 1480 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 5, remove "30.1-28-11,"

Page 2, line 16, replace "and" with "or"

Page 4, line 20, remove "the"

Page 5, line 11, overstrike "habilitation" and insert immediately thereafter "treatment"

Page 6, line 11, after "~~shall~~" insert an underscored comma

Page 17, remove lines 5 through 28

Page 18, remove lines 1 through 26

Page 21, line 14, remove "an annual", replace "report" with "reports", and after "court" insert "at such times as the court shall require"

Renumber accordingly

HB 1480 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 HB 1538 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 13, replace the first "or" with ", and the same rate of tax is imposed if the special fuel is" and remove ", storage, or consumption"

Page 1, line 20, after the underscored period insert "For purposes of this section, "use" means the consumption of fuel for heating, agricultural,

or railroad purposes, or for industrial purposes other than in the performance of a contract with any unit of government. If any fuel subject to tax by this section was subject to tax in any other state or its political subdivisions, the tax in this section applies but at a rate measured by the difference between the rate imposed in this section and the rate imposed by the other state or its political subdivisions. If the tax imposed by the other state or its political subdivisions is the same or greater than the tax imposed by this section, no tax is due. The provisions for credit in this section apply only if the other state or its political subdivisions allow a credit with respect to the tax imposed by this section which is substantially similar in effect to the credit provided in this section."

Page 2, line 3, after the period insert "The tax imposed by section 57-43.2-03 on special fuels imported for use in this state attaches when the fuel is used in this state."

Page 2, line 11, remove ", storage, or consumption"

Renumber accordingly

HB 1538 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 HB 1559 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, replace "sections" with "section", after "15-19-02" insert "," subsection 2 of section 15-19-06," and after the second "and" insert "section"

Page 1, line 3, after "study" insert "and the administrative operational fund"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Subsection 2 of section 15-19-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The state board of public school education superintendent of public instruction may, if it deems advisable, establish an administrative operational fund, of not to exceed ten thousand dollars, out of the special operating fund for the division of independent study. The administrative operational fund so established shall must be deposited in the Bank of North Dakota and may be drawn upon by the state director of the division of independent study for the payment of necessary expenses in the administration and operation of the division of independent study within the limits and regulations rules prescribed by the board of public school education superintendent of public instruction. The director shall submit a full, minute, and itemized statement of every expenditure made during the month to the board superintendent of public instruction in accordance with such the rules and

regulations as adopted by the board may prescribe superintendent of public instruction, and thereafter the board superintendent of public instruction may, in its discretion, periodically authorize additional transfers to the administrative operational fund, but the balance in such fund ~~shall~~ may never exceed ten thousand dollars, and any unencumbered balance therein at the end of any biennium ~~shall~~ must revert to the state treasury. The administrative operational fund may not be used to pay salaries or expenses of the director. The board superintendent of public instruction shall determine the amount of the bond to be posted by the director."

Renumber accordingly

HB 1559 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 HB 1578 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be referred to the Committee on Appropriations:

Page 1, line 3, after "directors" insert "; and to provide an appropriation"

Page 2, after line 18, insert:

"SECTION 6. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of providing general support for the North Dakota leadership and educational administration center for the biennium beginning July 1, 1989, and ending June 30, 1991."

Renumber accordingly

HB 1578 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 HB 1604 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be referred to the Committee on Appropriations:

Page 1, line 2, after "state" insert "; and to provide an appropriation"

Page 2, line 18, replace "One citizen who is not a health care provider or educator" with "Three parents who are not health care providers or educators, selected from a list of names submitted by the North Dakota conference of churches"

Page 5, line 3, replace "Upon review by the superintendent and consideration" with "After the local school board has considered any recommendations made by the superintendent and determined whether or not to adopt those recommendations,"

Page 5, remove line 4

Page 5, after line 15, insert:

"SECTION 9. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of financing comprehensive health education programs for the biennium beginning July 1, 1989, and ending June 30, 1991."

Renumber accordingly

HB 1604 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 1614 has had the same under consideration and recommends by a vote of 7 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 2, remove "and" and after "15-40.2-03" insert ", and section 57-15-27"

Page 7, after line 13, insert:

"SECTION 5. AMENDMENT. Section 57-15-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-27. Interim fund. The governing body of any county, city, school district, park district, or other municipality authorized to levy taxes, may include in its budget an item to be known as the "interim fund" which shall be carried over to the next ensuing fiscal year to meet the cash requirements of all funds or purposes to which the credit of the municipality may be legally extended, for that portion of such fiscal year prior to the receipt of taxes therein. In no case shall such interim fund be in excess of the amount reasonably required to finance the municipality for the first nine months of the next ensuing fiscal year. Such interim fund shall not be in excess of three-fourths of the current annual appropriation for all purposes other than debt retirement purposes and appropriations financed from bond sources. The interim fund for school districts may not be in excess of three-fourths of the current annual appropriation plus twenty thousand dollars."

Renumber accordingly

HB 1614 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 Reengrossed HB 1637 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 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 of the North

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

15-34.2-03. Transportation - Payment optional with school board - Schedule. The school board of any school district in the state may pay, ~~in its discretion,~~ to each family living more than two miles [3.22 kilometers] from a school in the district which is taught the required length of time, a sum per day for each day's attendance of a student or students of such family, when transported by a member of the family or by a conveyance furnished or paid for by the family, or when the family has paid for lodging for the child, according to the distance between the home of the family and the school, at the rate of ~~ten~~ twenty cents per day for each one-half mile [.80 kilometer] over two miles [3.22 kilometers]. Such distance shall be measured by the route from the front door of the nearest operating school to the front door of the family's residence according to the most convenient public course of travel. Payments for transportation shall not be limited to the amount set forth in this section where the student or students are required to be transported to another school because the school which they had been attending is closed.

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

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

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

15-40.1-07. High school per-pupil payments - Amount - Proportionate payments. ~~These~~ Payments must be paid made each year from state funds to ~~all each school districts of the county~~ district operating a high ~~schools school~~ and to ~~each school districts district~~

contracting to educate high school pupils in a federal school, subject to adjustment as provided in section 15-40.1-09, ~~payments~~ as follows:

1. For each high ~~schools~~ school district having under seventy-five pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1-70~~ 1.635 times the number of high school pupils in grades nine through twelve registered in that school district, times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
2. For each high ~~schools~~ school district having seventy-five or more, but less than one hundred fifty pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1-40~~ 1.35 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
3. For each high ~~schools~~ school district having one hundred fifty or more, but less than five hundred fifty pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1-32~~ 1.28 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
4. For each high ~~schools~~ school district having a total high school enrollment of five hundred fifty or more pupils in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the factor ~~1-20~~ 1.17 times the number of high school pupils in grades nine through twelve registered in that school district times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
5. For high schools having an approved alternative education program, the amount of money resulting from multiplying the factor in:
  - a. Subsection 1 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has less than seventy-five pupils in average daily membership.
  - b. Subsection 2 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has seventy-five or more, but less than one hundred fifty pupils in average daily membership.

- c. Subsection 3 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has one hundred fifty or more, but less than five hundred fifty pupils in average daily membership.
- d. Subsection 4 times the number of pupils registered in the alternative education program times the educational support per pupil as provided in section 15-40.1-06 if the alternative education program has five hundred fifty or more pupils in average daily membership.

Every high school district ~~shall~~ must receive at least as much in total payments as it would have received if it had the highest number of pupils in the next lower category. However, no payment ~~shall~~ may be made for those pupils for whom federal agencies provide education. Such payments ~~shall~~ may not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this chapter have been met. Payments ~~shall~~ must be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school district shall be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation or students enrolled in less than four units of standard high school work who are in their fourth year of high school coursework and who are enrolled in approved alternative high school curriculum programs, proportionate payments ~~shall~~ must be made to the public school district in which such student is enrolled for specific courses. School districts offering high school summer school programs ~~shall~~ be are eligible for proportionate payments provided each course offered in such programs satisfies requirements for graduation, comprises at least as many clock hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction. The superintendent may adopt rules regarding eligibility for school districts to receive proportionate payments for such summer education programs.

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

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

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

1. For each one-room rural schools there must be paid that school, the amount of money resulting from multiplying the factor ~~1.30~~ 1.29 times the number of pupils in that school in grades one through eight in average daily membership, up to a maximum of sixteen pupils, times the educational support per pupil as provided in section 15-40.1-06 for each of the first sixteen pupils in grades one through eight in average daily membership, and for . There must be paid .9 times each additional pupil in its school in grades one through eight in average daily membership there shall be paid .9 times the educational support per pupil as provided in section 15-40.1-06, except that no payment may be made for more than twenty pupils in average daily membership. If the one-room rural school is located in a school district with another elementary school, the weighting factor for the pupils in grades one through six must be based on the average daily membership in the district in grades one through six as provided in subsections 2 through 4. If the one-room rural school is located in a school district with another school that has pupils in grade seven or eight, the weighting factor for the pupils in grades seven and eight must be the same as that provided for in subsection 5.
2. For each elementary schools school in school districts having under one hundred pupils in average daily membership there must be paid that in grades one through six, the amount of money resulting from multiplying the factor ~~1.0~~ 1.045 times the number of pupils in that school in grades one through six in average daily membership in each classroom or for each teacher, up to a maximum of twenty pupils per classroom or per teacher, times the educational support per pupil as provided in section 15-40.1-06 for each of the first twenty pupils in grades one through six in average daily membership in each classroom or for each teacher and for . There must be paid .9 times each additional pupil in that school in grades one through six in average daily membership in each classroom or for each teacher there shall be paid .9 times the educational support per pupil as provided in section 15-40.1-06, except that no payment may be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher.
3. For each elementary schools school in school districts having one hundred or more pupils in average daily membership in grades one through six, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary pupils, there must be paid that in grades one through six, the amount of money resulting from multiplying the factor ~~.9~~ .9025 times the number of

- pupils in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
4. For each elementary schools school in school districts having an average daily membership of one thousand or more elementary pupils, there must be paid that in grades one through six, the amount of money resulting from multiplying the factor .95 times the number of pupils in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
  5. For each of the above classes of elementary schools, except for one-room rural schools that are not located in a district with another school that has pupils in grade seven or eight, there must be paid that to each school the amount of money resulting from multiplying the factor ~~1.0~~ 1.005 times the number of pupils in that school in grades seven and eight in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades seven and eight in average daily membership in each classroom or for each teacher, except that no payment may be made for more than thirty pupils in average daily membership in each classroom or for each teacher.
  6. For each elementary schools school having pupils under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, there must be paid that the amount of money resulting from multiplying the factor ~~.49~~ .75 times the educational support per pupil as provided in section ~~15-40.1-06~~ for each number of special education pupil pupils in that school under the compulsory age for school attendance in average daily membership in each classroom or for each teacher times the educational support per pupil as provided in section 15-40.1-06.
  7. For each elementary schools school providing kindergartens which are a kindergarten that is established according to provisions of section 15-45-01, and for each out-of-state kindergarten programs program, approved by the state superintendent and utilized by North Dakota school districts bordering other states, there must be paid that the amount of money resulting from multiplying the factor .50 times the number of pupils in that school in average daily membership in each classroom or for each teacher times the educational

support per-pupil payment for that elementary school as determined under this section ~~for each of the first twenty-five pupils in average daily membership in each classroom or for each teacher~~, except that no payment may be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher. The full per-pupil payment shall be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period shall receive a proportionately smaller per-pupil payment.

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

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

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

1. For schoolbuses and school vehicles transporting pupils who live outside the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to thirty-five and one-half cents during each year of the ~~1987-89~~ 1989-91 biennium for vehicles having a capacity of nine or fewer pupils and seventy-two cents per mile [1.61 kilometers] for each year of the ~~1987-89~~ 1989-91 biennium for schoolbuses having a capacity of ten or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of ten or more pupils ~~shall be~~ are entitled to ~~an~~ the following:
  - a. An amount equal to nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses if the school district transports an average of less than one and one-half pupils per bus route mile.
  - b. The amount of money resulting from multiplying the factor 2.0 times nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses if the school district transports an average of from 1.500 to 1.999 pupils per bus route mile.
  - c. The amount of money resulting from multiplying the factor 2.5 times nineteen cents per day for each public school

pupil living outside the city limits who is transported in such buses if the school district transports an average of from 2.000 to 2.499 pupils per bus route mile.

- d. The amount of money resulting from multiplying the factor 3.0 times nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses if the school district transports an average of more than 2.499 pupils per bus route mile.
- e. The amount of money resulting from multiplying the factor 3.5 times nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses if the school district transports an average of more than 2.999 pupils per bus route mile.
2. For pupils who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to nine and one-half cents per pupil per one-way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1.
3. A school district receiving transportation aid under this section may not receive payment for more than one hundred twenty percent of actual transportation costs or less than fifty percent of actual costs during the first year of the 1989-91 biennium. During the second year of the 1989-91 biennium a school district may not receive more than one hundred ten percent of its actual transportation costs nor less than fifty percent of its actual costs.

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

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

15-40.1-16.1. Transportation aid for certain academic, vocational education, and special education programs. There shall be paid from state funds to each school district an amount for transporting pupils to and from schools in other districts and to and from schools within school districts for vocational education courses offered through cooperative arrangements approved by the state board of vocational education and for academic courses offered through cooperative arrangements approved by the superintendent of public

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

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

Transportation payments to school districts for teachers. Any school district or districts that employ a teacher who teaches at more than one school is entitled to receive state funds at the rate provided for state employees for travel by motor vehicle for all miles traveled by the teacher between schools to teach.

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

Re-number accordingly

HB 1637 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 1661 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, after line 17, insert:

"e. The student has exhausted all available options for obtaining grants, scholarships, gifts, family resources, or similar benefits."

Page 2, line 4, after "division" insert ", as well as the student,"

Re-number accordingly

HB 1661 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. Axtman, Vice Chairman) to which was referred HCR 3004 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.

HCR 3004 was placed on the Fourteenth 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 HCR 3019 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 NOT PASS.

HCR 3019 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. Axtman, Vice Chairman) to which was referred HCR 3021 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.

HCR 3021 was placed on the Fourteenth 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 HCR 3046 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3046 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

HB 1664: A BILL for an Act to create and enact a new subsection to section 32-12.1-02 of the North Dakota Century Code, relating to a definition of state agency; and to amend and reenact sections 32-12.1-05, 32-12.1-07, and 32-12.1-15 of the North Dakota Century Code, relating to liabilities of political subdivisions and participation by state agencies in government subdivisions self-insurance pools.

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

HB 1667: A BILL for an Act to amend and reenact sections 40-23-09, 40-23-10, and 40-23.1-07 of the North Dakota Century Code, relating to preparation of assessment lists and methods of notice of assessments of benefits for improvements by special assessment.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3019: A concurrent resolution for the amendment of sections 3 and 4 of article IV of the Constitution of North Dakota, relating to the terms of legislative assembly members; and to provide an effective date.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

HCR 3046: A concurrent resolution to create a new section to article V of the Constitution of North Dakota, relating to the reorganization of executive and administrative offices, boards, bureaus, agencies, commissions, and instrumentalities of state government.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

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

PATRICIA CONRAD, Secretary