

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 28, 1989

The Senate convened at 1:00 p.m., with President Omdahl presiding.

The prayer was offered by Rev. Forrest Erickson, Grace Lutheran Brethren Church, Bismarck.

Heavenly Father, we come before You today with thanksgiving in our hearts for the blessings of a nation and of a state where we may govern ourselves in freedom. We ask that You will grant our lawmakers wisdom and divine guidance as they face many difficult issues. Grant them hearts that are truly sensitive to Your will so that their decisions will reflect righteousness and justice. Grant them good health and clear minds so that they may be able to carry on to completion the tasks set before them. And give to them and give to us all the desire and determination to conduct our lives in such a way that all who see and hear us may be moved to give glory and honor to You.

Now, Father, we commit this day to You, asking for Your grace and strength. In the name of Jesus Christ, I pray. Amen.

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

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1413.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1041, HB 1076, HB 1205, HB 1266, HB 1281, HB 1292, HB 1295, HB 1368, HB 1369, HB 1455, HB 1462, HB 1481, HB 1494, HB 1526, HB 1527, HB 1564, HB 1621, HB 1660, HCR 3045, HCR 3058.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: SB 2047, SB 2049, SB 2059, SB 2119, SB 2146, SB 2175, SB 2203, SB 2219, SB 2246, SB 2268, SB 2307, SB 2356, SB 2363, SB 2486, SB 2493, SCR 4030, SCR 4048, SCR 4049, SCR 4050, SCR 4052, SCR 4053, SCR 4054, SCR 4056, SCR 4057, SCR 4058, SCR 4060.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2047, SB 2049, SB 2059, SB 2119, SB 2146, SB 2175, SB 2203, SB 2219, SB 2246, SB 2268, SB 2307, SB 2356, SB 2363, SB 2486, SB 2493, SCR 4030, SCR 4048, SCR 4049, SCR 4050, SCR 4052, SCR 4053, SCR 4054, SCR 4056, SCR 4057, SCR 4058, SCR 4060.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: HB 1018, HB 1083, HB 1110, HB 1169, HB 1238, HB 1272, HB 1324, HB 1330, HB 1357, HB 1362, HB 1427, HB 1493, HB 1515, HB 1522,

HB 1544, HB 1545, HB 1562, HB 1565, HB 1576, HB 1577, HB 1595, HB 1596, HB 1622, HB 1652, HB 1654, HCR 3020, HCR 3025, HCR 3028, HCR 3029, HCR 3036, HCR 3048, HCR 3055, HCR 3064, HCR 3065, HCR 3066, HCR 3073, HCR 3074, HCR 3078, HCR 3079.

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

MR. SPEAKER: The President has signed: HB 1018, HB 1083, HB 1110, HB 1169, HB 1238, HB 1272, HB 1324, HB 1330, HB 1357, HB 1362, HB 1427, HB 1493, HB 1515, HB 1522, HB 1544, HB 1545, HB 1562, HB 1565, HB 1576, HB 1577, HB 1595, HB 1596, HB 1622, HB 1652, HB 1654, HCR 3020, HCR 3025, HCR 3028, HCR 3029, HCR 3036, HCR 3048, HCR 3055, HCR 3064, HCR 3065, HCR 3066, HCR 3073, HCR 3074, HCR 3078, HCR 3079.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: SB 2428, SB 2464.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2428, SB 2464.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2526, SB 2530.

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

MR. PRESIDENT: The House has passed unchanged: SB 2223, SB 2336, SB 2473.

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

MR. PRESIDENT: The House has passed, with the emergency clause failing to pass: SB 2372.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2313.

Page 2, line 29, remove "of"

Page 3, line 1, replace "the decedent's death" with "after the appointment of a personal representative"

Page 3, line 26, replace "of the decedent's death" with "after the appointment of a personal representative"

Page 4, line 29, replace "decedent's death" with "appointment of a personal representative"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2240, SB 2262, SB 2291, SB 2296, SB 2314, SB 2320, SB 2398, SB 2475.

HOUSE AMENDMENTS TO ENGROSSED SB 2240

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to repeal subsection 25 of section 20.1-02-05 of the North Dakota Century Code, relating to complimentary fishing licenses."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Subsection 25 of section 20.1-02-05 of the 1987 Supplement to the North Dakota Century Code is hereby repealed."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2262

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to declare legislative intent; to create and enact chapter 23-09.2 of the North Dakota Century Code, relating to education of food preparers; to amend and reenact subsections 14 and 15 of section 43-15-10 of the North Dakota Century Code, relating to powers of the state board of pharmacy; and to repeal sections 19-02-13, 19-02-14, 19-02-15, 19-02-16, 19-02-17, 19-02-18, 19-02-19, 19-02-20, 19-02-21, 19-02-22, 19-02-23, and 19-02-24 of the North Dakota Century Code, relating to food and drug regulation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE INTENT. Because facilities are not always available for the preparation of food onsite by nonprofit public-spirited organizations not regularly engaged in the business of selling food, it is the intent of the legislative assembly to exempt organizations in those situations from preparing food in licensed or approved kitchens. Because the unintentional mishandling of food may jeopardize the public health and welfare, whether the mishandling is done by an establishment open to public patronage or by a nonprofit public-spirited organization providing a limited type of food service, it is the intent of the legislative assembly to authorize the department of health and consolidated laboratories to offer educational support to food preparers.

SECTION 2. Chapter 23-09.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

23-09.2-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Department" means the department of health and consolidated laboratories.
2. "Food preparer" means any person who manufactures, processes, sells, handles, or stores food and who is not required to obtain a license from the department under chapter 19-02.1, 23-09, or 23-09.1.
3. Any term used in this chapter has the same meaning as when used in a comparable context in chapters 19-02.1, 23-09, and 23-09.1.

23-09.2-02. Rules. The department may adopt rules regarding education of food preparers.

23-09.2-03. Minor violations. The department, local boards of health, and district health units shall attempt to resolve minor violations of this chapter through education. The department, local

boards of health, and district health units are not required to report for prosecution minor violations of this chapter.

23-09.2-04. Exclusions. This chapter does not apply to private homes where food is prepared or stored for individual family consumption. This exclusion does not apply to the use of home-canned goods, nongrade A dairy products and food prepared using nongrade A dairy products, and to meat not inspected under the Federal Meat Inspection Act [34 Stat. 1260-1265; 21 U.S.C. 603 et seq.].

SECTION 3. AMENDMENT. Subsections 14 and 15 of section 43-15-10 of the 1987 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

- 14. To make, adopt, amend, and repeal rules as may be deemed necessary by the board from time to time for the proper administration and enforcement of this chapter, ~~chapters 19-02 and chapter 19-02.1 as those chapters pertain that chapter pertains~~ to drugs, subject to approval of the director of the state department of health and consolidated laboratories, and chapter 19-03.1 subject to approval of the controlled substances board.
- 15. The board or its authorized representatives may investigate and gather evidence concerning alleged violations of the provisions of chapter 43-15, ~~chapters 19-02 and chapter 19-02.1 that pertain pertains~~ to drugs, chapters 19-03.1, 19-03.2, and 19-04, or of the rules of the board. Board investigative files are confidential and may not be considered public records or open records for purposes of section 44-04-18, until a complaint is filed or a decision made by the board not to file a complaint.

SECTION 4. REPEAL. Sections 19-02-13, 19-02-14, 19-02-15, 19-02-18, 19-02-19, 19-02-21, 19-02-22, and 19-02-23 of the North Dakota Century Code, and sections 19-02-16, 19-02-17, 19-02-20, and 19-02-24 of the 1987 Supplement to the North Dakota Century Code are hereby repealed."

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2291

Page 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the creation of a human services advisory board; to amend and reenact sections 50-06-01, 50-06-01.3, 50-06-05.1, 50-06-16, and 50-06-17 of the North Dakota Century Code, relating to the authority of the human services advisory board and the structure of the department of human services; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-01. Definition Definitions. Whenever the word
"department" is As used in this chapter, it shall mean unless the
context otherwise requires:

1. "Board" means the human services advisory board.
2. "Department" means the department of human services.

SECTION 2. AMENDMENT. Section 50-06-01.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-01.3. ~~Executive~~ Appointment of executive director - Compensation. The governor shall appoint the executive director of the department ~~shall be appointed by, and~~ who shall serve at the pleasure of, the governor. The board may advise the governor concerning the appointment or reappointment of an executive director. The executive director shall take the oath of office required of civil officers by section 44-01-05 and ~~shall~~ must be bonded as required of civil officers by section 44-01-06. The executive director ~~shall~~ is entitled to receive compensation in the amount established by the governor within the limits of legislative appropriations.

SECTION 3. A new section to chapter 50-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Human services advisory board - Membership - Meetings - Compensation and expenses - Responsibilities.

1. The governor shall appoint nine members of the human services advisory board. Each member appointed to the board must possess expertise that the governor determines will assist the board in recommending and reviewing department policy for the delivery of human services. The board must represent a broad constituency from across the state, and must include persons who are recipients of human services. No board member may be an employee of the department or serve simultaneously on a regional human service center advisory council.
2. Before August 1, 1990, the governor shall appoint three members with terms ending June 30, 1992, three members with terms ending June 30, 1994, and three members with terms ending June 30, 1996. One member must be appointed from each regional human service area and one member must be appointed at large. All subsequent appointments are for terms of six years, with the terms commencing on July first. A vacancy on the board may be filled for the unexpired term only. Members serve until their successors are appointed and may serve for no more than one full six-year term. The governor may remove a member for cause.
3. The governor or the governor's designee, who may not be an employee of the department, shall act as president of the board. Before September 1, 1990, and every July first thereafter, the board shall meet and elect a vice president, a secretary, and other officers as the board determines necessary. The board shall meet quarterly and at other times determined necessary by the executive director, the president, or a majority of the members of the board.
4. All board members are entitled to receive the same compensation for their services as provided in section

54-35-10 for members of the legislative council. Members are entitled, as provided in sections 44-08-04 and 54-06-09, to receive reimbursement for their necessary travel and mileage expenses incurred in attending meetings of the board and while engaged in the performance of their duties.

5. The board shall recommend and review policy for the department, and shall advise the executive director with respect to other issues and concerns.

SECTION 4. AMENDMENT. Section 50-06-05.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-05.1. Powers and duties of the department. The department shall have has the following powers and duties to be administered, with the advice of the board, by the department through its state office or through regional human service centers or otherwise as directed by it:

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of deprived, unruly, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate social legislation to the legislative assembly.
8. To direct and supervise county social service board activities as may be financed in whole or in part by or with funds allocated or distributed by the department.
9. To inform the public as to social conditions and ways of meeting social needs.
10. To secure, hold, and administer for the purpose for which it is established, any property and any funds donated to it

either by will or deed, or otherwise, or through court order or otherwise available to the board or department, and to administer ~~said~~ those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.

11. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department including child-care facilities, nonmedical adult-care facilities and maternity homes, and persons or organizations receiving and placing children, and to require ~~such~~ those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
12. To permit the making of any surveys of human service needs and activities if ~~deemed by the department~~ determined to be necessary and ~~expedient~~.
13. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever ~~the department deems it~~ necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena ~~shall~~ may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or maternity hospital or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
14. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, and marital counseling, and related consultation, when referred by self, parent, guardian, county social service board, court, physician, or other individual or agency, and when application is made by self (if an adult or emancipated youth), parent, guardian, or agency having custody; also, on the same basis, to provide human services to children and adults in relation to their placement in or return from the Grafton state school, state hospital, or North Dakota industrial school.
15. To provide marital counseling to individuals ordered to participate in such treatment by the family court.
16. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, probation, and aftercare services when requested by the judge of a juvenile court, all reports to be kept confidential for the use of the judge except as may be disclosed by the judge.
17. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition

reports, treatment, and probation and parole services, when requested by the judge in a criminal case, all reports to be kept confidential for use by the judge except as may be disclosed by the judge.

18. To act as the official agency of the state in the administration of the food stamp program and to direct and supervise county administration of that program. Provided, however, that the department with the consent of the budget section of the legislative council may terminate the program ~~should~~ if the rate of federal financial participation in administrative costs provided under Public Law 93-347 ~~be~~ is decreased or limited, or ~~should~~ if the state or counties become financially responsible for all or a portion of the coupon bonus payments under the Food Stamp Act.
19. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing assistance payments, and rental subsidies under any rental assistance programs initiated by the federal government not otherwise by law made the responsibility of another state agency possessing statewide jurisdiction.
20. To act as the official agency of the state in the administration of the energy assistance program; to direct and supervise county administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. Provided, however, that the department with the consent of the budget section of the legislative council may terminate the program ~~should~~ if the rate of federal financial participation in administrative costs ~~be~~ is decreased or limited to less than fifty percent of total administrative costs, or ~~should~~ if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits.
21. ~~Repealed by S.L. 1987, ch. 582, § 30, effective July 14, 1987.~~
- ~~22.~~ To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of ~~such~~ the child.
22. To exercise and carry out any other powers and duties granted the department under state law.

SECTION 5. AMENDMENT. Section 50-06-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

~~50-06-16. Authority to adopt rules. Rulemaking authority. The department may adopt rules necessary to carry out its the responsibilities under this chapter of the department in conformity with any statute administered or enforced by the department. The board shall review the adoption, amendment, or repeal of any rules by the department. All rules adopted shall must be published in the North Dakota Administrative Code. Rules adopted by agencies prior to January 1, 1982, which relate to functions or agencies covered by this chapter shall remain in effect until such time as they are specifically amended or repealed by the department.~~

SECTION 6. AMENDMENT. Section 50-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

~~50-06-17. Biennial report to governor and office of management and budget - Budget estimates. The department shall submit to the governor and the office of management and budget a board shall review and make recommendations concerning the biennial report as prescribed by section and budget estimate prior to the department's submission of the report and estimate in accordance with sections 54-06-04 and 54-44.1-04.~~

SECTION 7. EFFECTIVE DATE. This Act becomes effective on July 1, 1990."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2296

Page 1, line 12, replace "one thousand" with "five hundred", after "shall" insert "make reasonable efforts to", and after "notify" insert "in writing"

Page 1, line 15, after the period insert "Service by mail is complete upon mailing."

Renumber accordingly

HOUSE AMENDMENTS TO SB 2314

Page 1, line 9, replace "twelve" with "ten"

Page 1, line 11, after "device" insert "while the vessel is in operation"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2320

Page 6, line 13, after "Act" insert "on an ongoing basis during the interims between the 1989, 1991, 1993, and 1995 legislative sessions"

Page 6, line 14, after "in" insert "1990, 1992, and"

Page 8, line 27, remove the overstrike over " If a telecommunications company offers both regulated services"

Page 8, line 28, remove the overstrike over "and services that are unregulated" and remove the overstrike over " the"

Page 8, remove the overstrike over line 29

Page 9, remove the overstrike over lines 1 and 2

Page 9, line 3, remove the overstrike over "~~the commission in enforcing this section~~" and remove "as exempted by action of the"

Page 9, line 4, remove "commission pursuant to section 49-21-02.1"

Page 9, line 5, remove "incremental"

Reumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2398

Page 1, line 4, after "children" insert "; and to declare an emergency"

Page 2, line 5, after the underscored period insert "As used in this section, "domestic violence" means domestic violence as defined in section 12-64-01 or, if Senate Bill No. 2454 is approved by the fifty-first legislative assembly and becomes effective, section 14-07.1-01. The court also shall consider the interaction and interrelationship, or the potential for interaction and interrelationship, of the child with any person who resides in, is present, or frequents the household of a parent, and who may significantly affect the child's best interests. The court shall consider that person's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault, on other persons."

Page 3, line 10, after the underscored period insert "As used in this subdivision, "domestic violence" means domestic violence as defined in section 12-64-01 or, if Senate Bill No. 2454 is approved by the fifty-first legislative assembly and becomes effective, section 14-07.1-01."

Page 3, line 11, after the underscored period insert:

"The interaction and interrelationship, or the potential for interaction and interrelationship, of the child with any person who resides in, is present, or frequents the household of a parent and who may significantly affect the child's best interests. The court shall consider that person's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault, on other persons.

1."

Page 3, after line 17, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Reumber accordingly

HOUSE AMENDMENTS TO SB 2475

Page 1, line 1, replace "section" with "sections" and after "57-36-25" insert "and 57-36-32"

Page 1, line 3, after "products" insert "and on the sale of cigarettes; and to provide an expiration date"

Page 1, line 12, replace "thirty-five" with "twenty-three"

Page 2, after line 20, insert:

"SECTION 2. AMENDMENT. Section 57-36-32 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-36-32. Separate and additional tax on the sale of cigarettes - Collection - Allocation of revenue - Tax avoidance prohibited. There is hereby levied and assessed and there shall be collected by the state tax commissioner and paid to the state treasurer, upon all cigarettes sold in this state, an additional tax, separate and apart from all other taxes, of ~~eight and one-half~~ ten mills on each such cigarette, to be collected as existing taxes on cigarettes sold are, or hereafter may be, collected, by use of appropriate stamps and under similar accounting procedures. No person, firm, or corporation shall transport or bring or cause to be shipped into the state of North Dakota any cigarettes as provided herein, other than for delivery to wholesalers in this state, without first paying such tax thereon to the state tax commissioner. All of the moneys collected by the state treasurer under this section shall be credited to the state general fund.

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date the provisions of sections 57-36-25 and 57-36-32 shall be as they existed on June 30, 1989."

Renumber accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has failed to pass: SB 2355.

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-sixth Day and finds it to be correct.

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

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1016 as recommended by the Committee on Appropriations as printed on pages 1309-1310 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act making an appropriation for insurance premium tax payments distribution to fire departments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1016 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. D. MEYER MOVED that the amendments to HB 1033 as recommended by the Committee on State and Federal Government as printed on page 1344 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS.

MOTIONS

SEN. D. MEYER MOVED that HB 1033 be further amended as follows:

In lieu of the proposed amendments to House Bill No. 1033 as printed on page 1344 of the Senate Journal, House Bill No. 1033 is amended as follows:

Page 1, line 12, after "and" insert ", except with respect to institutions of higher education and offices of constitutional officers,"

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

Renumber accordingly

SEN. D. MEYER MOVED that the proposed amendments be adopted, which motion lost on a verification vote.

SEN. D. MEYER MOVED that HB 1033 be placed ahead of HB 1034 and HB 1035 on the Fourteenth order on the calendar, which motion prevailed.

SEN. MAIXNER MOVED that HB 1033, HB 1034, and HB 1035 be moved to the top of the calendar, which motion prevailed.

SEN. INGSTAD MOVED that the Senate reconsider the action by which the amendments to HB 1033 failed to pass, which motion prevailed on a verification vote.

The amendments to HB 1033 lost on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1033: A BILL for an Act to create and enact two new subsections to section 54-44.3-12 of the North Dakota Century Code, relating to duties of the director of the state's central personnel division with respect to classification, compensation, and salary administration plans.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 40 YEAS, 12 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Hanson; Kinnoin; Moore; Mutch; Naaden; Nelson; Nothing; Peterson; Robinson; Tennefos; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1033 passed and the title was agreed to.

HB 1034: A BILL for an Act to create and enact four new subsections to section 54-44.3-12 of the North Dakota Century Code, relating to duties of the director of the state's central personnel division; to provide for a uniform classification plan and legislative intent regarding certain adjustments; and to provide an effective date.

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 47 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; 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; Nothing; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Moore; Tennefos; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1034 passed and the title was agreed to.

HB 1035: A BILL for an Act to create a pay equity implementation fund; to create and enact a new section to chapter 54-44.3 of the North Dakota Century Code, relating to compensation relationships within the state's classification plan; and to provide an expiration date.

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 43 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Dotzenrod; Freborg; Moore; Mutch; Naaden; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1035 passed and the title was agreed to.

MOTION

SEN. D. MEYER MOVED that HB 1036, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1101 as recommended by the Committee on Judiciary as printed on pages 1345-1346 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1101: A BILL for an Act to amend and reenact sections 30.1-01-04, 30.1-09-07, subsection 2 of section 30.1-09-08, sections 30.1-12-08, 30.1-14-04, 30.1-18-05, 30.1-19-06, subdivision d of subsection 1 of section 30.1-20-06, and sections 30.1-20-15, 30.1-29-19, 30.1-30-01, and 30.1-30-02 of the North Dakota Century Code, relating to probate, conservators, and durable powers of attorney.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1101 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to HB 1191 as recommended by the Committee on Industry, Business and Labor as printed on page 1313 of the

Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1191: A BILL for an Act to create and enact two new sections to chapter 65-05.1 of the North Dakota Century Code, relating to workers' compensation rehabilitation services; to amend and reenact sections 65-05.1-01, 65-05.1-02, and 65-05.1-04 of the North Dakota Century Code, relating to workers' compensation rehabilitation services; to repeal sections 65-05.1-05 and 65-05.1-06 of the North Dakota Century Code, relating to workers' compensation rehabilitation services; 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, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard

HB 1191 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to HB 1196 as recommended by the Committee on Industry, Business and Labor as printed on pages 1313-1314 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 prevailed.

HB 1196 was rereferred to the Committee on Appropriations.

SEN. D. MEYER MOVED that the amendments to HB 1229 as recommended by the Committee on State and Federal Government as printed on pages 1314-1315 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. MAIXNER MOVED that HB 1229, which is on the Fourteenth order, be laid over two legislative days, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1250 as recommended by the Committee on Judiciary as printed on pages 1347-1349 of the Senate Journal be adopted, and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that HB 1250 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1250: A BILL for an Act to amend and reenact sections 4-22-17, 16.1-01-07, 16.1-03-12, 16.1-07-03, 16.1-07-04, 16.1-07-05, 16.1-11-01, 16.1-11-05, 16.1-11-06, 16.1-11-11, 16.1-11-17, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-11-30, 16.1-12-04, 16.1-12-05, 16.1-12-07, 16.1-12-09, 16.1-13-03, 46-06-03, and 61-24-03 of the North Dakota Century Code, relating to the date of the primary election and election filing deadlines; and to repeal sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and 16.1-11-34 of the North Dakota Century Code, relating to the presidential preference primary.

ROLL CALL

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

YEAS: Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Langley; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Ewen; Freborg; Hanson; Holmberg; Ingstad; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Robinson; Stenhjem; Streibel; Tallackson; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1250 lost.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1320 as recommended by the Committee on Judiciary as printed on page 1349 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1320: A BILL for an Act to create and enact a new subsection to section 33-06-01 and a new section to chapter 33-06 of the North Dakota Century Code, relating to grounds for eviction and eviction orders.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1320 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1365 as recommended by the Committee on Judiciary as printed on pages 1349-1350 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1365: A BILL 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1365 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. D. MEYER MOVED that the amendments to HB 1379 as recommended by the Committee on State and Federal Government as printed on page 1316 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1379: 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 licensing of estheticians and manicurists; and to amend and reenact section 43-11-01 of the North Dakota Century Code, relating to definitions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; 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; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Holmberg; Moore; Stenehjem

ABSENT AND NOT VOTING: Lashkowitz

HB 1379 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1401 as recommended by the Committee on Education as printed on pages 1350-1351 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; 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; Maixner

HB 1401 passed and the title was agreed to.

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

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

SB 2192: Reps. Aas, Shaft, Ulmer

SB 2193: Reprs. Aas, Shaft, Ulmer
 SB 2213: Reprs. R. Berg, V. Olson, Aarsvold
 SB 2278: Reprs. Christman, Myrdal, L. Hanson
 SB 2514: Reprs. Stenehjelm, Howard, Kolbo

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

- SCR 4066: A concurrent resolution directing the Legislative Council to study the economic and social impact to North Dakota political subdivisions, agriculture, and businesses resulting from the increasing number of acres of land acquired by the federal and state governments.
- SCR 4067: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of authorizing tribal courts to order involuntary commitments to state-operated facilities in accordance with the state's mental health commitment laws.
- SCR 4068: A concurrent resolution requesting the United States Congress to provide funds to construct bank protective works on the Missouri River downstream from the Garrison Dam and other Pick-Sloan dams.
- SCR 4069: A concurrent resolution directing the Legislative Council to study state employee compensation levels and practices.

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

The resolutions were declared adopted on a voice vote.

MOTIONS

SEN. RICHARD MOVED that SB 2518 be further amended as follows:

- Page 1, line 18, after "Notwithstanding" insert "the vacancy requirement or"
- Page 1, line 19, replace "city" with "municipality" and remove "annual"
- Page 1, line 20, replace "for" with "during"
- Page 2, line 1, replace "city" with "municipality" and after "county" insert ", or is a county,"
- Page 2, line 3, replace "city" with "United States, the state, or a political subdivision of the state"
- Page 2, after line 4, insert:

"For property within city limits, the project operator shall apply to the governing body of the city annually for the exemption and the governing body of the city may grant the exemption for only one year at a time. For property outside city limits, the project operator shall apply to the board of county commissioners for the exemption and the board of county commissioners may grant the exemption for no more than three years at a time."

Renumber accordingly

SEN. RICHARD MOVED that the proposed amendments be adopted, 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 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; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Meyer, D.; Moore

ABSENT AND NOT VOTING: Lashkowitz; Redlin

SB 2518 passed and the title was agreed to.

MOTIONS

SEN. INGSTAD MOVED that the Senate reconsider the action by which HB 1078 failed to pass, which motion prevailed.

SEN. J. MEYER MOVED that HB 1078 be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. J. Meyer's motion, HB 1078 was rereferred.

SEN. MUTCH MOVED that the Senate reconsider the action by which HB 1333 failed to pass, which motion prevailed.

SEN. STROMME MOVED that HB 1333 be laid over two legislative days, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. W. MEYER MOVED that the amendments to HB 1422 as recommended by the Committee on Agriculture as printed on pages 1352-1353 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1422: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to special number plates for farm vehicles; to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to registration of certain farm motor vehicles; to provide a penalty; 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 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Lashkowitz

HB 1422 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1424 as recommended by the Committee on Education as printed on page 1353 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to amend and reenact section 15-47-27.1 of the North Dakota Century Code, relating to the nonrenewal of contracts of first-year teachers.

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; 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: Freborg

ABSENT AND NOT VOTING: Lashkowitz

HB 1424 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. DOTZENROD MOVED that the amendments to HB 1466 as recommended by the Committee on Political Subdivisions as printed on pages 1316-1317 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1466: A BILL for an Act to amend and reenact subsections 1 and 2 of section 41-09-40 of the North Dakota Century Code, relating to perfecting security interests in farm equipment.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1466 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1480 as recommended by the Committee on Judiciary as printed on page 1353 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1480: A BILL for an Act to create two new sections to chapter 30.1-28 of the North Dakota Century Code, relating to guardians of incapacitated persons; to amend and reenact sections 30.1-26-01, 30.1-28-01, 30.1-28-02, 30.1-28-03, 30.1-28-04, 30.1-28-05, 30.1-28-06, 30.1-28-07, 30.1-28-08, 30.1-28-09, 30.1-28-10, and 30.1-28-12 of the North Dakota Century Code, relating to guardians of incapacitated persons; 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, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

HB 1480 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1483 as recommended by the Committee on Finance and Taxation as printed on page 1317 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1483: A BILL for an Act to create and enact a new section to chapter 57-20 of the North Dakota Century Code, relating to the collection of delinquent taxes; and to amend and reenact sections 57-20-09 and 57-28-04 of the North Dakota Century Code, relating to the inapplicability of tax payment discounts and service of notice of the expiration of the period of redemption.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1483 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to HB 1489 as recommended by the Committee on Industry, Business and Labor as printed on page 1317 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1489: A BILL for an Act to amend and reenact section 26.1-26-31.1 of the North Dakota Century Code, relating to an exemption from the continuing education requirements for insurance agents, brokers, and consultants, to credit for certain courses, and to reporting requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Hilken; Holmberg; Ingstad; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner;

Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Axtman; Heinrich; Keller; Kelsh; Mathern; Mushik; O'Connell; Schoenwald

ABSENT AND NOT VOTING: Lashkowitz

HB 1489 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1538 as recommended by the Committee on Finance and Taxation as printed on pages 1353-1354 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1538: A BILL for an Act to amend and reenact sections 57-43.2-03 and 57-43.2-04 of the North Dakota Century Code, relating to a special fuels excise tax levy and to the collection and payment of the tax.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1538 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that HB 1040 and HB 1077 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1040 as recommended by the Committee on Finance and Taxation as printed on page 1311 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 prevailed.

HB 1040 was rereferred to the Committee on Appropriations.

SEN. KELSH MOVED that the amendments to HB 1077 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1397 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 prevailed.

HB 1077 was rereferred to the Committee on Appropriations.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: SB 2047, SB 2049, SB 2059, SB 2119, SB 2146, SB 2175, SB 2203, SB 2219, SB 2246, SB 2268, SB 2307, SB 2356, SB 2363, SB 2428, SB 2464, SB 2486, SB 2493, SCR 4030, SCR 4048, SCR 4049, SCR 4050, SCR 4052, SCR 4053, SCR 4054, SCR 4056, SCR 4057, SCR 4058, SCR 4060.

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. KELSH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1039, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1039: Sens. Kelsh, Heinrich, Peterson.

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1123, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1123: Sens. Schoenwald, Krauter, Mutch.

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1124, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1124: Sens. Keller, Krauter, Todd.

SEN. J. MEYER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1152, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1152: Sens. Hanson, Maxson, Stenehjem.

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1294, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1294: Sens. Keller, Krauter, Nething.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1016, HB 1033, HB 1034, HB 1035, HB 1101, HB 1191, HB 1320, HB 1365, HB 1379, HB 1401, HB 1422, HB 1424, HB 1466, HB 1480, HB 1483, HB 1489, HB 1538, SCR 4066, SCR 4067, SCR 4068, SCR 4069, and SB 2518 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1016, HB 1033, HB 1034, HB 1035, HB 1101, HB 1191, HB 1320, HB 1365, HB 1379, HB 1401, HB 1422, HB 1424, HB 1466, HB 1480, HB 1483, HB 1489, HB 1538, SCR 4066, SCR 4067, SCR 4068, SCR 4069, and SB 2518 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: SCR 4066, SCR 4067, SCR 4068, SCR 4069.

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 1039: Sens. Kelsh, Heinrich, Peterson
 HB 1123: Sens. Schoenwald, Krauter, Mutch
 HB 1124: Sens. Keller, Krauter, Todd
 HB 1152: Sens. Hanson, Maxson, Stenehjem
 HB 1294: Sens. Keller, Krauter, Nething

MOTIONS

SEN. HEIGAARD MOVED that the Senate reconsider the action by which HB 1021 passed, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1021 be laid over one legislative day, which motion prevailed.

SEN. HEIGAARD MOVED that the absent member be excused, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of HB 1668, HB 1673, HB 1671, and SB 2533 the Senate stand adjourned until 1:00 p.m., Wednesday, March 29, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2533 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2533 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4043 has had the same under consideration and recommends by a vote of 5 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 7, replace "in 1992" with "January 1, 1993. The amendment provides that the state auditor must be a licensed certified public accountant and must be appointed by the legislative assembly for a term of six years"

Page 1, replace lines 18 through 20 with "The legislative assembly, by a majority vote of the members elected to and serving in each house, shall appoint, without regard to political affiliation, a state auditor. The auditor must be a certified public accountant licensed to practice in this state"

Page 1, line 21, remove "years and must be a qualified elector"

Page 1, line 22, replace "four" with "six" and replace "in 1992" with "January 1, 1993"

Page 1, line 23, replace "elected" with "appointed" and replace "The term begins on December first" with "The auditor may be removed for cause at any time by a two-thirds vote of the members elected to and serving in each house, or by a two-thirds vote of the members of the legislative council if the legislative assembly is not in session. If a vacancy occurs in the position of state auditor, the legislative council may designate a temporary state auditor to exercise and perform all of the powers and duties of the office until a replacement is appointed by the legislative assembly"

Page 2, line 1, remove "following the auditor's election"

Page 2, line 2, after the third underscored comma insert "and shall audit financial records and accounts of political subdivisions,"

Re-number accordingly

SCR 4043 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred HB 1010 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1010 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred HB 1019 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1019 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources (Sen. Krauter, Chairman) to which was referred Engrossed HB 1449 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "pheasant and duck upland" with "wildlife"

Page 1, line 2, remove "a" and replace "transfer" with "transfers"

Page 1, line 3, after "fund" insert "and from the habitat restoration stamp fund", after the first semicolon insert "and", after "appropriation"

insert "of the interest generated by the fund", and remove "; and to provide an"

Page 1, line 4, remove "expiration date"

Page 1, line 6, replace "Pheasant and duck upland" with "Wildlife"

Page 1, line 7, replace "pheasant and duck upland" with "wildlife"

Page 1, line 9, replace "pheasant and duck upland" with "wildlife"

Page 1, line 10, replace "upland" with "wildlife" and after "habitat" insert ", food plot development,"

Page 1, line 14, replace "pheasants and waterfowl" with "wildlife"

Page 1, line 16, replace "pheasant and duck upland" with "wildlife"

Page 1, line 19, replace "pheasant and" with "wildlife"

Page 1, line 20, remove "duck upland"

Page 2, after line 2, insert:

"SECTION 2. WILDLIFE HABITAT RESTORATION TRUST FUND. The funds transferred as required in section 3 of this Act must be invested in interest-bearing accounts known as the wildlife habitat restoration trust fund. The fund is established to provide funds from the interest generated by the fund for private land wildlife habitat leasing, food plot development, and wildlife habitat cost-sharing agreements as described in section 1 of this Act."

Page 2, line 10, replace "pheasant and" with "wildlife"

Page 2, line 11, remove "duck upland" and after "fund" insert ". The interest generated by the fund is to be used"

Page 2, replace lines 13 through 20 with:

"SECTION 4. TRANSFER. The amount of \$100,000 must be transferred annually from the game and fish operating fund to the wildlife habitat restoration trust fund.

SECTION 5. CONTINUING APPROPRIATION. The interest earned by moneys contained in the wildlife habitat restoration trust fund is hereby appropriated as a standing and continuing appropriation for the purposes of section 1 of this Act."

Renumber accordingly

HB 1449 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 1668 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1668 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1671 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1671 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1673 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 1673 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2129, SB 2152, SB 2172, SB 2222, SB 2231, SB 2242, SB 2304, SB 2365, SB 2468, SB 2497.

HOUSE AMENDMENTS TO SB 2129

Page 4, line 13, after "may" insert ", after public notice and hearing."

Page 4, line 16, after the underscored period insert "The insurance commissioner may not implement a fee increase pursuant to this section to enhance or in any manner add funds to the legislative appropriation for the insurance department."

Re-number accordingly

HOUSE AMENDMENTS TO SB 2152

Page 1, line 15, overstrike "Municipalities" and insert immediately thereafter "Cities"

Page 4, line 3, after "election" insert "or, in the case of school districts, upon petition of at least thirty-five percent of the qualified electors voting at the preceding school board election"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2172

Page 1, line 20, replace "current lessee of" with "property must first be offered for public purposes"

Page 1, remove line 21

Page 1, line 22, remove "described in the lease"

Page 2, line 3, remove the overstrike over "for"

Page 2, line 4, remove the overstrike over "public purposes", remove "as described in subsection 1", remove the overstrike over the comma, and remove "by"

Page 2, line 5, after "~~way~~" insert "lessee operators of grain and potato warehouses located on the property" and remove the overstrike over "~~shall~~"

Page 2, line 6, remove the overstrike

Page 2, line 7, remove the overstrike over "~~acquire the~~" and remove "lessee of the"

Page 2, line 8, after "property" insert "described in their lease", remove the overstrike over the period, overstrike the comma, and replace "adjoining" with "Adjoining agricultural"

Re-number accordingly

HOUSE AMENDMENTS TO SB 2222

Page 1, line 5, after "Nondisclosure" insert "- Record of information maintained"

Page 1, line 8, after the period insert "A criminal justice agency shall maintain a list of all files containing active criminal intelligence and investigative information. With respect to each file, the list must contain the file's number or other identifying characteristic, the date the file was established, and the number of documents contained in the file. The list required under this subsection is subject to section 44-04-18."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2231

Page 2, line 21, after "proceeding" insert "before another agency"

Page 2, line 22, after "its" insert "own"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2242

Page 1, line 2, remove "; and to provide a penalty"

Page 1, line 6, after "32-12.1" insert "or any state agency that unites with another state agency, political subdivision, or both, to self-insure against their legal liabilities"

Page 2, line 5, remove "A government self-insurance pool shall obtain excess insurance or"

Page 2, remove line 6

Page 2, line 7, remove "the commissioner of insurance."

Page 2, line 9, after "assets" insert "unless the pool obtains excess insurance or reinsurance with insurance companies approved for such business by the commissioner of insurance"

Page 4, remove lines 20 through 26

Page 5, remove lines 6 through 13 and lines 22 through 28

Page 6, remove lines 1 through 12

Re-number accordingly

HOUSE AMENDMENTS TO SB 2304

Page 2, line 12, overstrike "and has contracted with the board of county"

Page 2, overstrike lines 13 and 14

Page 2, line 15, overstrike "provided"

Page 2, line 16, replace "and similar senior groups" with "or comparable representative groups in counties or cities that do not have a council on aging"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2365

Page 5, line 18, overstrike "The" and insert immediately thereafter "Except in the case of trout, walleye, northern pike, and crappie, which may be raised in a private fish hatchery without the commissioner's approval, the"

Re-number accordingly

HOUSE AMENDMENTS TO SB 2468

Page 3, line 11, remove the overstrike over "~~The reporter shall hold office and~~"

Page 3, line 12, remove the overstrike over "~~discharge the duties thereof in person~~"

Page 3, line 13, remove the overstrike over the overstruck period

Page 4, line 3, after "appointment" insert "by administrative and personnel rules"

Re-number accordingly

HOUSE AMENDMENTS TO SB 2497

Page 1, line 12, replace "is" with "the sponsor knows to be"

Re-number accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2212, SB 2237, SB 2322, SB 2354, SB 2361, SB 2389.

HOUSE AMENDMENTS TO ENGROSSED SB 2212

Page 1, line 4, after "sections" insert "12-44.1-04, 12-44.1-06, 12-44.1-22, 12-44.1-23, 12-44.1-24, 12-44.1-25, 12-44.1-26, 12-44.1-27,"

Page 1, after line 17, insert:

"SECTION 1. AMENDMENT. Section 12-44.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-04. Administration - Organization - Management. The governing body of each jail shall:

1. Formulate an operations manual, available to all jail staff, which delineates the written policies and procedures for operating and maintaining the jail.
2. Review and update all policies and procedures in the operations manual at least annually.
3. Specify a single jail administrator in the operations manual to whom all jail staff are responsible. The operations manual shall include the jail administrator's duties, responsibilities, and authority for the management of the jail staff, inmates, programs, and physical plant.
4. Ensure that all full-time jail staff who work in direct and continuing contact with inmates receive jail management training as determined and funded by the ~~criminal justice training and statistics division of the attorney general's office~~ department of corrections or such other training as approved by the ~~criminal justice training and statistics division~~ department of corrections.

SECTION 2. AMENDMENT. Section 12-44.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-06. Grades of jail facilities. The ~~attorney general department of corrections~~ shall, following inspection pursuant to section 12-44.1-24, grade jails as to length of allowable inmate confinement based upon construction, size, and usage, as follows:

1. "Grade one" means a jail for confining inmates not more than one year.
2. "Grade two" means a jail for confining inmates not more than ninety days.
3. "Grade three" means a jail for confining inmates not more than ninety-six hours.

SECTION 3. AMENDMENT. Section 12-44.1-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-22. Jail register - Contents. Each jail administrator shall be responsible for a jail register in which shall be entered such inmate information on such forms as the ~~attorney general~~ department of corrections shall prescribe by rule.

SECTION 4. AMENDMENT. Section 12-44.1-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-23. Jail report. Each jail administrator shall make and file a quarterly report from the jail register with the ~~attorney general~~ the department of corrections. The ~~attorney general~~ department of corrections shall consolidate the jail reports for public release.

SECTION 5. AMENDMENT. Section 12-44.1-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-24. Jail standards - Inspections. The ~~attorney general~~ department of corrections shall:

1. Prescribe rules and regulations pursuant to chapter 28-32 establishing minimum standards for the construction, operation, and maintenance of public or private juvenile detention centers, county and city jails, and regional corrections centers.
2. Prescribe rules for the care and treatment of inmates.
3. Cause rules and regulations to be made available to inmates or be posted in at least one conspicuous place in each jail, juvenile detention center, or regional corrections center and in each cell or cellblock where they may be read by inmates.
4. Appoint a jail inspector qualified by special experience, education, or training to inspect each jail, juvenile detention center, and regional corrections center at least once each year to determine if the rules and regulations have been complied with. Inspection shall include, but not be limited to, health and safety, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined, and personnel training.

SECTION 6. AMENDMENT. Section 12-44.1-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-25. Inspection report - Notice of noncompliance - Hearing.

1. A written report of each inspection pursuant to section 12-44.1-24 shall be made by the jail inspector within thirty days following each inspection.
2. Copies of the report shall be sent by the jail inspector to the governing body responsible for the jail, juvenile detention center, or regional corrections center and shall also be submitted to the ~~attorney general~~ department of corrections for review.
3. The inspection report shall specify those respects in which a jail, juvenile detention center, or regional corrections center does or does not comply with the required minimum standards and rules. The inspection report of noncompliance shall specify the time limits within which such standards or rules are to be met, with consideration being given to the magnitude or seriousness of the deficiencies and their potential effects on the health and safety of inmates, the cost of correction, and other information deemed relevant by the ~~attorney general~~ department of corrections.
4. Where the nature and extent of deficiencies are such that an immediate order of full or partial closure is deemed necessary by the ~~attorney general~~ department of corrections

to preserve the health and safety of inmates, the period of time for correction may be dispensed with and an order of immediate full or partial closure may be issued by the attorney general department of corrections.

5. Within thirty days after receipt of a notice or order of immediate closure, the governing body of a jail, juvenile detention center, or regional corrections center may request a review of the determination by the attorney general department of corrections pursuant to chapter 28-32. The review shall be heard not more than forty-five days following the request, unless the period is extended by the attorney general department of corrections.

SECTION 7. AMENDMENT. Section 12-44.1-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-26. Jail variances.

1. All jails, juvenile detention centers, and regional corrections centers shall comply with the requirements of the rules and regulations promulgated by the attorney general department of corrections unless a variance has been granted by the attorney general department of corrections. Any request for a variance must be in writing and must cite the rule in question, the reasons for requesting the variance, the period of time for the variance, and an explanation of how the policy of the rule will be served without strict compliance with the rule.
2. The attorney general department of corrections may grant a variance if it is determined that:
 - a. Compliance with the rule would cause extreme hardship as a result of circumstances which are unique to the jail, juvenile detention center, or regional corrections center.
 - b. The jail, juvenile detention center, or regional corrections center can and will substantially comply with the policy of the rule during the time of the variance from the rule.
3. The attorney general department of corrections shall give written reasons for granting or denying a variance request.
4. In previously existing jails, juvenile detention centers, or regional corrections centers where specific rules cannot be complied with because of alleged difficulty or undue hardship, exception to specific physical plant rules shall be made if the intent of the rule is met and security, supervision of prisoners, established programs, or the safe, healthful, or efficient operation of the jail, juvenile detention center, or regional corrections center is not seriously affected.

SECTION 8. AMENDMENT. Section 12-44.1-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-27. Corrective action - Enforcement.

1. Upon receipt of an inspection report stating noncompliance, the governing body of a jail, juvenile detention center, or regional corrections center shall promptly meet with the attorney general's department of corrections' inspection personnel to consider the inspection report. The governing body shall then initiate appropriate corrective action within ninety days following receipt of the inspection report, or may voluntarily close the jail, juvenile detention center, or regional corrections center or the objectionable portion.
2. If the governing body of a jail, juvenile detention center, or regional corrections center fails to initiate corrective action within ninety days after receipt of the inspection report and notice of noncompliance, or fails to close the jail, juvenile detention center, or regional corrections center or objectionable portion, the attorney general director of the department of corrections is authorized to petition the district court of the judicial district in which the jail, juvenile detention center, or regional corrections center is located to order the initiation of corrective action or the closure of the jail, juvenile detention center, or regional corrections center. The petition to the district court shall include the inspection report regarding the jail, juvenile detention center, or regional corrections center. The governing body shall have twenty days to respond to the petition and shall serve a copy of the response on the attorney general director of the department of corrections by certified mail.
3. A hearing shall be held on the petition of the attorney general department of corrections before the district court. An order shall be rendered by the district court which dismisses the petition, directs that corrective action be initiated in some form by the governing body, or directs the closure of the jail, juvenile detention center, or regional corrections center."

Page 20, line 14, overstrike "Director of" and replace "the department" with "Department"

Page 20, line 15, after "administer" insert "juvenile", after "program" insert "and other treatment and rehabilitation programs", and overstrike "director of"

Page 20, line 16, remove the first "the"

Page 20, line 17, overstrike "an" and insert immediately thereafter "a juvenile" and after "program" insert "and other treatment and rehabilitation programs"

Page 20, line 18, overstrike "aftercare"

Page 20, line 19, overstrike "state industrial school" and insert immediately thereafter "division of juvenile services", remove the overstrike over "and may", and remove the underscored comma

Page 20, line 20, remove "which those persons may receive aftercare"

Page 20, line 21, remove "establish", overstrike "and regulations", and remove the overstrike over "~~under, which such persons may receive~~"

Page 20, line 22, replace "therefor" with "services"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2237

Page 1, line 1, remove "65-02-06,"

Page 1, remove lines 14 through 22

Page 2, remove lines 1 through 7

Page 7, line 24, remove the overstrike over "of", after "~~seven~~" insert "ten", and remove the overstrike over "~~dollars~~"

Page 7, line 25, remove the overstrike over "~~per week~~" and replace "as follows:" with "for each child. This rate must be paid to each eligible child regardless of the date of death."

Page 7, remove lines 26 through 29

Page 15, line 18, after "who" insert "willfully"

ReNUMBER accordingly

HOUSE AMENDMENTS TO SB 2322

Page 2, line 4, after "withdraw" insert "in any one year", after "repayment" insert "up to", and replace "funds from the" with "school district's special reserve fund balance on the preceding July first. If after any withdrawal from the special reserve fund made under this subsection, the balance of the fund falls below five hundred dollars, the entire balance must be withdrawn and no taxes may be levied under section 57-19-04 for five years following the year of the withdrawal."

Page 2, remove line 5

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2354

Page 1, line 1, remove "advisory"

Page 1, line 2, remove "board,"

Page 1, line 8, remove ", in consultation with the advisory board,"

Page 1, line 16, after the first comma insert "and" and remove ", and serve as"

Page 1, line 17, remove "executive secretary to the advisory board"

Page 1, line 19, remove "in"

Page 1, line 20, remove "consultation with the advisory board"

Page 1, remove line 21

Page 2, remove lines 1 through 26

Page 2, line 29, after the first comma insert "processes,"

Page 3, line 12, after "feasibility" insert "studies and business"

Page 3, line 23, after the period insert "The institute may not duplicate services or capabilities available through or provided by other public entities."

Page 4, line 4, after the period insert "Any state funding for the institute may be provided through legislative appropriation to the economic development commission for that purpose."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2361

Page 1, line 6, after "to" insert "Job Training Partnership Act"

Page 1, line 8, replace "supportive" with "job training"

Page 1, line 10, replace "depleted" with "obligated"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2389

Page 1, line 1, remove "a new subsection to section 11-16-01 and"

Page 1, line 3, remove "duties of states attorneys in commitment proceedings and to"

Page 1, remove lines 12 through 16

Page 7, line 17, remove "Application to state's attorney -"

Page 7, line 21, after "with" insert "shall present the information necessary for the commitment of an individual for involuntary treatment to", remove the overstrike over "the clerk of court", and remove "shall present the information necessary for the"

Page 7, remove line 22

Page 7, line 24, remove the overstrike over "clerk of court" and remove "state's attorney"

Page 8, line 13, replace "state's attorney" with "clerk of court"

Page 8, line 20, replace "state's attorney" with "clerk of court"

Page 8, line 22, after the period insert "The clerk of court or the petitioner may request the state's attorney to review the completed petition prior to submitting it to the court." and remove "The"

Page 8, remove lines 23 through 28

Page 13, line 13, remove the overstrike over "and the"

Page 13, line 14, remove the overstrike over "~~results of the outreach workers' investigation~~"

Renumber accordingly

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1210 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1210: Reps. Shaft, Howard, Ulmer

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

MR. PRESIDENT: The House has amended and subsequently passed, with the emergency clause failing to pass: SB 2400.

Page 1, line 1, replace "section" with "sections" and after "5-02-05" insert "and 5-02-05.1"

Page 1, line 3, after "days" insert "and alcoholic beverage permits", remove "and", and after "penalty" insert "; and to declare an emergency"

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Section 5-02-05.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-05.1. Special Sunday ~~convention event~~ alcoholic beverage permit - Penalty.

1. Any city or county may issue a special Sunday ~~convention event~~ alcoholic beverage permit to a private club, lodge, restaurant, motel, or hotel, as defined under city ordinances or county resolutions and licensed as a retail alcoholic beverage establishment pursuant to under chapter 5-02; or to a ~~civic center, which publicly owned or operated facility that serves as the headquarters for a state, multistate, or national convention event~~ of a bona fide organization recognized by the governing body of the city or county in which the ~~convention event~~ is held. A county may not issue a permit under this section to a private club, lodge, restaurant, motel, or hotel located within the geographical boundaries of a city.
2. The authority for issuing such special permit rests solely with the governing body of the city or county. A special permit ~~must~~ ~~may~~ be granted only upon proper application and approval by the governing body, and ~~shall~~ ~~must~~ include payment of a fee determined by ~~such~~ the governing body. A special permit granted by the city or county is effective for one Sunday only.
3. Under the special permit, alcoholic beverages may be distributed and dancing may be permitted in those rooms of the private club, lodge, restaurant, motel, hotel, or ~~civic center publicly owned or operated facility~~ which have been specifically reserved for ~~convention event~~ activities, ~~but may not be permitted in bar and lounge areas containing the~~

~~permanent bar fixtures and normally open to the public. A city or county may permit dancing and the distribution of alcoholic beverages between the hours of twelve noon on the specified Sunday and one a.m. on Monday. Under no circumstances may the~~ The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority and conditions of the special permit. ~~It is the duty of the~~ The private club, lodge, restaurant, motel, hotel, or ~~civic center~~ publicly owned or operated facility granted the special permit ~~to shall~~ enforce the requirements of this section and the conditions established by the governing body of the city or county under the permit.

4. The special Sunday ~~convention~~ event alcoholic beverage permit ~~must~~ may not be granted to allow the distribution of alcoholic beverages at gatherings or meetings which, in the opinion of the governing body of the city or county, are primarily local in nature.
5. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section or the conditions of a special permit, or who furnishes information required by this section which is false or misleading, is guilty of a class A misdemeanor.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2260, SB 2393, SB 2424.

HOUSE AMENDMENTS TO ENGROSSED SB 2260

Page 3, line 11, replace "may" with "shall"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2393

Page 1, line 13, replace "twenty percent of the employer's contribution rate" with "two-hundredths of one percent of the employer's taxable wages"

Page 2, remove lines 3 through 11

Page 2, line 15, remove "However, for each year"

Page 2, remove lines 16 through 19

Page 3, remove lines 13 through 21

Renumber accordingly

HOUSE AMENDMENTS TO SB 2424

Page 1, line 9, after "but" insert "if the mileage expense is chargeable to any entity other than the county the charge and reimbursement may" and after "not" insert "be"

Page 1, line 10, remove "reimbursement" and after "each" insert "round"

Re-number accordingly

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

MR. PRESIDENT: The House has failed to pass: SB 2263.

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

MR. PRESIDENT: The House has passed unchanged: SB 2324.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2373.

Page 1, line 10, remove the overstrike over "~~The nonresident waterfowl hunting license shall~~"

Page 1, line 11, remove the overstrike over "~~entitle the nonresident to hunt waterfowl~~"

Page 1, line 12, remove the overstrike over "~~in~~"

Page 1, line 13, remove the overstrike over "~~specified waterfowl hunting zones-~~"

Re-number accordingly

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

PATRICIA CONRAD, Secretary