

## JOURNAL OF THE SENATE

## Fifty-first Legislative Assembly

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Bismarck, March 29, 1989

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

The prayer was offered by Rev. Ed Johnson, Chaplain, United Tribes Technical College.

Great Spirit God, our Father: We give You thanks for this day and for all the love You have shown upon us, for the gifts of our families and friends, and also the material gifts You have given us.

Be with us here and let the light of Your divine wisdom shine forth in all the proceedings here today.

We pray for the Governor, Lt. Governor, and for the members of the Legislature, and for all others who are appointed to guard our political welfare, that they may be enabled by Your powerful protection to discharge the duties of their office with honesty and ability.

We ask this in Jesus' name, Your Son, who lives and reigns with You and the Holy Spirit, one God, forever and ever. Amen.

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

A quorum was declared by the President.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 28, 1989

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

Dear Mr. President:

This is to inform you that on March 28, 1989, I signed the following: SB 2035, SB 2060, SB 2067, SB 2071, SB 2083, SB 2095, SB 2108, SB 2109, SB 2117, SB 2118, SB 2122, SB 2123, SB 2124, SB 2137, SB 2156, SB 2166, SB 2169, SB 2180, SB 2191, SB 2200, SB 2207, SB 2208, SB 2224, SB 2229, SB 2236, SB 2266, SB 2267, SB 2275, SB 2282, SB 2283, SB 2287, SB 2299, SB 2311, SB 2323, SB 2330, SB 2331, SB 2337, SB 2338, SB 2348, SB 2349, SB 2353, SB 2367, SB 2381, SB 2405, SB 2431, SB 2434, SB 2436, SB 2437, SB 2441, SB 2442, SB 2450, SB 2457, SB 2469, SB 2474, SB 2476,

SB 2477, SB 2479, SB 2492, SB 2496, SB 2507, SB 2515, SB 2519.

Sincerely,

GEORGE A. SINNER  
Governor

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 9:40 a.m., March 29, 1989: SCR 4030, SCR 4048, SCR 4049, SCR 4050, SCR 4052, SCR 4053, SCR 4054, SCR 4056, SCR 4057, SCR 4058, SCR 4060.

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 11:10 a.m., March 29, 1989: 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.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1360.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1013, HB 1057, HB 1211, HB 1226, HB 1307, HB 1312, HB 1384, HB 1407, HB 1457, HB 1521, HB 1603, HB 1618, HCR 3004, HCR 3005, HCR 3021, HCR 3067, HCR 3081, HCR 3083.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1016, 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.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1005, HB 1022, HB 1024, HB 1128, HB 1254, HB 1476, HB 1657.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1033, HB 1034, HB 1035.

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

MR. SPEAKER: The Senate has failed to pass: HB 1042, HB 1116, HB 1327, HB 1354, HB 1484, HB 1509, HCR 3019, HCR 3082.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2518.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1050, HB 1051, HB 1061, HB 1062, HB 1106, HB 1119, HB 1142, HB 1146, HB 1178, HB 1184, HB 1192, HB 1434, HCR 3003, HCR 3009, HCR 3023, HCR 3032, HCR 3035, HCR 3037, HCR 3049, HCR 3059, HCR 3060, HCR 3069.

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

MR. PRESIDENT: The House has reconsidered its action whereby it did concur with the Senate amendments to HB 1134, and subsequently did not concur with

the Senate amendments to HB 1134, and the Speaker has appointed as a conference committee to meet with a like committee from the Senate on:

HB 1134: Reps. Gates, Trautman, J. DeMers

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1455, and HB 1660 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1455: Reps. Schindler, D. Olsen, Wilkie

HB 1660: Reps. Martinson, Clayburgh, Carlson

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 2072: Reps. R. Larson, Myrdal, Scherber

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

MR. PRESIDENT: The House has passed unchanged: SB 2007.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2411, SB 2419, SCR 4022.

#### HOUSE AMENDMENTS TO ENGROSSED SB 2411

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 26.1-04-03 of the North Dakota Century Code, relating to payment of claims for damages to motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 26.1-04-03 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Payment of claims for damages to motor vehicles. If a motor vehicle is damaged and the insured does not intend to repair the motor vehicle, the insurer must pay to the insured the full cost of repairing the damage to the motor vehicle, less sales tax and less the cost of any previous damage to the motor vehicle. However, this subsection does not prohibit an insurer from paying to the insured of the motor vehicle the actual cash value of the motor vehicle prior to it being damaged and taking possession of the motor vehicle as salvage in lieu of paying the cost of repairs."

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SB 2419

Page 1, line 1, replace the comma with "and"

Page 1, line 2, remove ", and a new subsection to section 61-20-06"

Page 1, line 3, after "wells" insert "; and to amend and reenact sections 61-20-06 and 61-20-07 of the North Dakota Century Code, relating to the plugging of abandoned water wells"

Page 1, underscore lines 7 and 8

Page 1, line 9, underscore "plug, or cut off and seal or plug the well upon", remove the second "the", and underscore "order of the state"

Page 1, line 10, underscore "engineer", after "engineer" insert "issued", underscore "after", replace "consultation with" with "approval of", and underscore "the board of county commissioners of the"

Page 1, underscore lines 11 through 15

Page 1, line 16, underscore "the state", replace "water commission" with "engineer", and underscore "that the well is not abandoned."

Page 1, underscore lines 19 through 22

Page 2, underscore lines 1 and 2

Page 2, line 3, underscore "unless the owner certifies to the state", replace "water commission" with "engineer", and underscore "that the well is not"

Page 2, underscore line 4

Page 2, replace lines 5 through 9 with:

"SECTION 3. AMENDMENT. Section 61-20-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-20-06. Duties of state ~~water commission~~ engineer. The state ~~water commission~~ engineer shall advise the citizens of the state as to the practicability of measures affecting the underground waters of this state. The state ~~water commission~~ engineer shall:

1. Counsel and consult with the owner and assist ~~him~~ the owner to work out the most desirable control and use of ~~his~~ that person's well.
2. Select at least three representative flowing wells in each county having that number, and as many more as it may deem advisable.
3. Cause the record of their flows and pressures to be taken, from time to time, to learn as much as possible of the decline, fluctuations, and permanence of the artesian supply.
4. Plan and conduct such other investigations as it may find advisable to ascertain the best method of prolonging the utility of the same.
5. Keep a record of the location, size, depth, flow, size of flow, character of water, construction, and history of all artesian wells of the state, and keep it on file for public reference.

6. Secure the enforcement of all laws pertaining to artesian and phreatic waters of the state.
7. Publish from time to time, as it may deem advantageous, bulletins containing information concerning the artesian wells and phreatic waters of the state.
8. Advise the owner of land on which an abandoned artesian or flowing well is located, of appropriate measures or procedures to seal, plug, or cut off and seal or plug the well.

The state water commission engineer may make such additional reasonable rules and regulations governing such wells as ~~it~~ the state engineer shall determine.

SECTION 4. AMENDMENT. Section 61-20-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-20-07. Enforcement of chapter by state water commission engineer - Appeal. The provisions of this chapter ~~shall~~ must be enforced by the state water commission engineer. An appeal from the ~~commission's state engineer's~~ commission's state engineer's ruling may be taken under the provisions of chapter 28-32."

Re-number accordingly

HOUSE AMENDMENTS TO SCR 4022

Page 1, line 15, remove "the first"

Page 1, line 16, replace "the first" with "a"

Page 2, line 5, replace "The first one-half" with "One-half"

Page 2, line 6, after "taxes" insert ", not including any revenue allocated by law for distribution or grants to political subdivisions,"

Page 3, line 1, replace "The first one" with "One"

Page 3, line 2, after "taxes" insert ", not including any revenue allocated by law for distribution or grants to political subdivisions," and after "allocated" insert "as"

Re-number accordingly

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2009, SB 2014, SB 2026, SB 2308, SB 2321, SB 2416, SB 2449, SB 2454, SB 2459, SB 2500, SB 2532.

HOUSE AMENDMENTS TO ENGROSSED SB 2009

Page 1, line 3, after the semicolon insert "to provide for a transfer from the state general fund;"

Page 1, line 15, replace "626,330" with "620,392"

Page 1, line 18, replace "2,405,834" with "2,399,896"

Page 1, line 19, replace "1,319,405" with "1,198,405"

Page 1, line 20, replace "1,086,429" with "1,201,491"

Page 2, line 2, replace "73,363" with "63,965"

Page 2, line 3, replace "4,074" with "4,074"

Page 2, remove line 4

Page 2, line 5, replace "1,906,068" with "416,670"

Page 2, line 6, replace "2,992,497" with "3,098,161"

Page 2, line 7, replace "1,319,405" with "1,198,405"

Page 2, line 8, replace "4,311,902" with "4,296,566"

Page 2, replace lines 9 through 17 with:

"SECTION 2. APPROPRIATION - TRANSFER. The amount of \$1,480,000 is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, which shall be transferred by the state treasurer to the veterans' postwar trust fund in two equal transfers of \$740,000 each. The first transfer shall be made on July 1, 1989, and the second on July 1, 1990.

SECTION 3. INVESTMENT INCOME - TRANSFER. The estimated income line item appropriated in section 1 of this Act includes, to the extent the funds are made available by the administrative committee on veterans' affairs, \$274,000 which is the total estimated investment income on the veterans' postwar trust fund for the biennium beginning July 1, 1989, and ending June 30, 1991. Such amounts shall be transferred to the veterans' home operating fund from the veterans' postwar trust fund by the state treasurer as requested by the administrative committee on veterans' affairs for the biennium beginning July 1, 1989, and ending June 30, 1991."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

The operating expenses line item is reduced from the increases provided by the Senate as follows:

	HOUSE REDUCTIONS TO SENATE INCREASES	GENERAL FUND	INCREASES REMAINING OVER EXECUTIVE BUDGET
Up-front costs for state fleet service	\$ (3,038)		\$ 11,172
Employee assistance program	(2,000)		0
Registration fees for employee professional development seminars	0		940

58th DAY

WEDNESDAY, MARCH 29, 1989

1455

Employee awards program	<u>(900)</u>	<u>0</u>
Total	\$ (5,938)	\$ 12,112

This amendment increases the estimated income line item by \$30,000 for additional income estimated to be received on the Veterans Home permanent trust fund during the 1989-91 biennium with a corresponding decrease in general fund support for the Veterans Home.

In addition, the transfer from the veterans postwar trust fund to the Veterans Home is reduced by \$151,000, from \$425,000 to \$274,000, with a corresponding increase in general fund support for the Veterans Home. The \$274,000 is the estimated investment income on the veterans postwar trust fund for the 1989-91 biennium.

DEPARTMENT 321 - DEPARTMENT OF VETERANS AFFAIRS

The operating expenses line item is reduced by \$9,398 from the \$10,906 of increases provided by the Senate. The reductions are as follows:

	GENERAL FUND
Claims program - travel and supplies	\$ (5,000)
Administration program - travel	(1,598)
Administrative committee reimbursement	(1,800)
Rent	<u>(1,000)</u>
Total	\$ (9,398)

Increases of \$1,508 for loan program operating expenses and \$1,674 for equipment for the loan program which were provided by the Senate are not reduced.

HOUSE AMENDMENTS TO ENGROSSED SB 2014

Page 1, line 15, replace "1,405,640" with "1,327,990"

Page 1, line 17, replace "1,864,733" with "1,787,083"

Page 1, line 19, replace "609,359" with "531,709"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 709 - COUNCIL ON THE ARTS

The grants line item is reduced from the engrossed bill as follows:

	GENERAL FUND
Community programs	\$ (50,000)
Touring	<u>(27,650)</u>
Total general fund reduction	\$ (77,650)

This amendment provides for increases in the grants line item in excess of the executive budget as follows:

	GENERAL FUND	FEDERAL FUNDS	TOTAL
Arts in education	\$ 10,000	\$	\$ 10,000
Rural arts initiative	<u>50,000</u>	<u>50,000</u>	<u>100,000</u>
Total	\$ 60,000	\$ 50,000	\$ 110,000

## HOUSE AMENDMENTS TO SB 2026

Page 1, remove lines 20 through 22

Page 2, remove line 1

Page 2, line 25, replace "\$700,000" with "\$1,200,000"

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

Page 3, line 1, replace "789,556" with "744,051"

Page 3, line 2, replace "700,000" with "1,200,000"

Page 3, line 3, replace "1,489,556" with "1,944,051"

Re-number accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 125 - ATTORNEY GENERAL

The \$45,505 general fund deficiency appropriation for the Attorney General's office is removed because it is no longer necessary.

## DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

The amendment provides for an additional \$500,000 to be transferred to the health insurance plan from the unemployment compensation claims fund and extends the time that the transfer can occur from June 30, 1989, to June 30, 1991. An estimated additional \$500,000 is needed to make payment on claims that occurred prior to June 30, 1989, but which will be filed after June 30, 1989. The Public Employees Retirement System originally planned on paying these claims with premiums received during the next biennium from the self-insured plan, but since the group health insurance contract has been awarded to Blue Cross, PERS will not be receiving this income and funds will not be available to make the claim payments.

The purpose of extending the time period is because some of the billings incurred prior to June 1989 may not be paid until July 1989 or after.

## HOUSE AMENDMENTS TO SB 2308

Replace the following amendments adopted by the House:

Page 1, line 3, after "mediation" insert "; and to repeal section 14-09.1-06 of the North Dakota Century Code, relating to contested child proceedings mediation"

Page 1, line 12, after "proceeding" insert "except as provided in this section"

Page 1, line 13, after "the" insert "compulsion nor the" and replace "all" with:

- "1. The evidence relates to a crime, civil fraud, or a violation under the Uniform Juvenile Court Act;
2. The evidence relates to a breach of duty by the mediator;
3. The validity of the mediated agreement is in issue; or
4. All"

Page 1, after line 15, insert:

"SECTION 2. REPEAL. Section 14-09.1-06 of the 1987 Supplement to the North Dakota Century Code is hereby repealed."

with:

Page 1, line 2, remove "and"

Page 1, line 3, remove "information"

Page 1, line 7, replace "information" with "evidence"

Page 1, line 10, remove "or any document, or copy"

Page 1, line 11, remove "of a document, prepared for the purpose of the mediation"

Page 1, line 12, replace "court" with "subsequent civil" and after "proceeding" insert "except as provided in this section"

Page 1, line 13, after "the" insert "compulsion nor the", remove "or documents", after "if" insert a colon, and replace "all" with:

- "1. The evidence relates to a crime, civil fraud, or a violation under the Uniform Juvenile Court Act;
2. The evidence relates to a breach of duty by the mediator;
3. The validity of the mediated agreement is in issue; or
4. All"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2321

Page 1, line 8, overstrike "he" and insert immediately thereafter "the guarantor"

Page 1, line 10, after the underscored period insert "If the contract does not so state, an oral attempt to revoke is not effective if at the time of the oral communication the guarantee requests delivery of a written revocation and confirms the request in writing."

Re-number accordingly

## HOUSE AMENDMENTS TO ENGROSSED SB 2416

Page 1, line 14, replace "July 1, 1989" with "January 1, 1990"

Page 1, line 19, replace "an oral and maxillofacial" with "a dentist"

Page 1, line 20, remove "surgeon"

Page 1, line 21, replace "ten" with "eight" and replace "five hundred" with "two thousand"

Page 2, line 9, replace "an oral and maxillofacial" with "a dentist"

Page 2, line 10, remove "surgeon"

Page 2, line 11, replace "ten" with "eight" and replace "five hundred" with "two thousand"

Re-number accordingly

## HOUSE AMENDMENTS TO SB 2449

Page 2, line 10, remove "The governor"

Page 2, remove lines 11 through 16

Re-number accordingly

## HOUSE AMENDMENTS TO ENGROSSED SB 2454

Page 10, line 12, replace "peace" with "law enforcement"

Page 15, line 10, overstrike "peace" and insert immediately thereafter "law enforcement"

Re-number accordingly

## HOUSE AMENDMENTS TO SB 2459

Page 1, line 17, after the underscored period insert "As an alternative to the state's attorney serving as legal counsel to the parent, the state's attorney may request the court to order, upon which the court shall order, that other legal counsel services that may be available be provided to the parent at no cost to the parent. These alternative legal counsel services include counsel services for indigent persons or the services of a juvenile supervisor or judicial referee."

Page 2, line 13, after the underscored period insert "As an alternative to the state's attorney serving as legal counsel to the parent, the state's attorney may request the court to order, upon which the court shall order, that other legal counsel services that may be available be provided to the parent at no cost to the parent. These alternative legal counsel services include counsel services for indigent persons or the services of a juvenile supervisor or judicial referee."

Page 4, line 5, after the underscored period insert "As an alternative to the state's attorney serving as legal counsel to the parent, the state's attorney may request the court to order, upon which the court shall order, that other legal counsel services that may be available be provided to the parent at no cost to the parent. These alternative legal counsel services include counsel services for indigent persons or the services of a juvenile supervisor or judicial referee."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2500

Page 1, line 2, replace "paleontological" with "fossil and western history"

Page 1, line 5, replace "paleontological" with "fossil and western history"

Page 1, line 6, replace "paleontological" with "fossil and western history"

Page 1, line 7, after "built" insert "and maintained" and replace "and" with  
", federal, or"

Page 1, line 13, replace "paleontological" with "fossil and western history"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2532

Page 1, line 2, after "land" insert "; and to declare an emergency"

Page 1, after line 13, insert:

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

Renumber accordingly

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-seventh Day and finds it to be correct.

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

MOTIONS

SEN. SATROM MOVED that HB 1029, which is on the Sixth order, be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Sen. Satrom's motion, HB 1029 was rereferred.

SEN. J. MEYER MOVED that HB 1446, which is on the Sixth order, be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. J. Meyer's motion, HB 1446 was rereferred.

SEN. D. MEYER MOVED that HB 1297, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to HB 1186 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1397-1398 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1186: A BILL for an Act to create and enact three new sections to chapter 43-13 of the North Dakota Century Code, relating to optometry board disciplinary powers and board immunity and impaired optometrists; and to amend and reenact sections 43-13-02, 43-13-03, 43-13-04, 43-13-06, 43-13-07, 43-13-11, 43-13-12, 43-13-13, 43-13-15, 43-13-16, 43-13-17, 43-13-18, 43-13-19, 43-13-20, 43-13-21, 43-13-22, 43-13-23, 43-13-24,

43-13-25, 43-13-26, 43-13-28, and 43-13-31 of the North Dakota Century Code, relating to licensing of optometrists.

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 1186 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1258 as recommended by the Committee on Finance and Taxation as printed on page 1398 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1258: A BILL for an Act to provide for imposition of a transfer tax on the purchase price of land sold to certain governmental entities and to provide for distribution of tax revenues; and to declare an emergency.

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: Axtman; David; Dotzenrod; Ewen; Freborg; Heigaard; Hilken; Kelsh; Kinnoin; Krauter; Langley; Meyer, D.; Meyer, J.; Meyer, W.; Nelson; O'Connell; Richard; Stromme; Tallackson; Vosper; Waldera; Wogsland

NAYS: Hanson; Heinrich; Holmberg; Ingstad; Keller; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Tennefos; Thane; Todd; Yockim

ABSENT AND NOT VOTING: Lashkowitz

HB 1258 lost.

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MOTION

SEN. MAIXNER MOVED that the Senate reconsider the action by which the amendments to HB 1302 as printed on page 1239 of the Senate Journal were adopted, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. KRAUTER MOVED that the amendments to HB 1302 as recommended by the Committee on Natural Resources as printed on pages 1400-1401 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1302 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. AXTMAN MOVED that the amendments to HB 1444 as recommended by the Committee on Agriculture as printed on pages 1401-1404 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1444: A BILL for an Act to create and enact a new subsection to section 6-08.1-02, a new subsection to section 6-08.1-03, and sections 6-09.10-10 and 6-09.10-11 of the North Dakota Century Code, relating to disclosure of customer information by financial institutions, mediation records and meetings, and authority to receive and expend federal funds; to amend and reenact sections 6-09.10-03, 6-09.10-04, 6-09.10-04.1, 6-09.10-05, and subsection 3 of section 6-09.10-08.5 of the North Dakota Century Code, relating to fees charged for assistance provided to farmers and creditors, changing the name of the farm credit

counseling program, compensation for credit review board members, requests for assistance, and liability; and to declare an emergency.

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 1444 passed, the title was agreed to, and the emergency clause carried.

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CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1495 as recommended by the Committee on Finance and Taxation as printed on page 1405 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1495: A BILL for an Act to create and enact a new section to chapter 57-43.2 of the North Dakota Century Code, relating to a deduction for the cost of collecting and remitting special fuels taxes.

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; 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; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Shea; Tallackson

ABSENT AND NOT VOTING: Lashkowitz

HB 1495 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. KRAUTER MOVED that the amendments to HB 1554 as recommended by the Committee on Natural Resources as printed on pages 1405-1406 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1554: A BILL for an Act to create and enact a new section to chapter 61-16 of the North Dakota Century Code, relating to modification of water resource district boundaries; and to amend and reenact section 61-16-06 of the North Dakota Century Code, relating to the modification of the boundaries of water resource districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 10 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Kinnoin; Moore; Nalewaja; Nelson; O'Connell; Stenehjem; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1554 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1559 as recommended by the Committee on Education as printed on pages 1354-1355 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1559: A BILL for an Act to amend and reenact section 15-19-02, subsection 2 of section 15-19-06, and section 15-19-08 of the North Dakota Century Code, relating to requiring the superintendent of public instruction to appoint the director of the division of independent study and the administrative operational fund; and to repeal subsection 4 of section 15-19-06 of the North Dakota Century Code, relating to the budget of the division of independent study.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1559 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to HB 1571 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1406 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1571: A BILL for an Act to provide for presumptions regarding the administering of nutrition and hydration for incompetent patients.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Ingstad; Kelsh; Krauter; Lips; Meyer, W.; Mutch; Naaden; Nelson; O'Connell; Richard; Robinson; Satrom; Shea; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Wogsland

NAYS: Ewen; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kinnoin; Krebsbach; Langley; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Nalewaja; Nething; Olson; Peterson; Redlin; Schoenwald; Stenehjelm; Tallackson; Waldera; Yockim

ABSENT AND NOT VOTING: Lashkowitz

HB 1571 lost.

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CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1581 as recommended by the Committee on Finance and Taxation as printed on page 1318 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1581: A BILL for an Act to create and enact a new section to chapter 6-03 and a new section to chapter 6-06 of the North Dakota Century Code, relating to the amortization and deferral of certain loan losses by state-chartered banks and credit unions; and to provide an expiration 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 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 1581 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1614 as recommended by the Committee on Education as printed on page 1356 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1614: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, subsection 1 of section 15-40.2-03, and section 57-15-27 of the North Dakota Century Code, relating to school district interim funds and deductions from foundation aid payments; 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 41 YEAS, 11 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Kinnoin; Maixner; Meyer, D.; Meyer, W.; Moore; Naaden; Nelson; O'Connell; Streibel; Tennefos; Wogsland

ABSENT AND NOT VOTING: Lashkowitz

HB 1614 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to HB 1647 as recommended by the Committee on Transportation as printed on pages 1318-1319 of the Senate

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

#### MOTIONS

SEN. RICHARD MOVED that HB 1647 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 64-03 of the North Dakota Century Code, relating to the requirement that meters purchased for use on petroleum delivery vehicles be capable of printing receipts.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 64-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

#### Bulk petroleum delivery vehicles - When meters required.

1. Except as provided in chapter 64-04, a bulk petroleum delivery vehicle that dispenses more than twenty-five thousand gallons [94625 liters] of gasoline, distillates, or liquified petroleum gas annually and has a capacity of less than five thousand gallons [18925 liters] must be equipped with and the products must be dispensed through a meter that is approved by the public service commission.
2. A bulk petroleum dealer operating a vehicle that dispenses not more than twenty-five thousand gallons [94625 liters] of gasoline, distillates, or liquified petroleum gas annually shall maintain records showing the quantity of products annually delivered by the vehicle. The records must be maintained for five years.
3. On and after the effective date of this Act, every new, used, or rebuilt meter purchased for use on bulk petroleum delivery vehicles must be capable of printing receipts. After June 30, 1994, every bulk petroleum delivery vehicle required to be equipped with a meter under this section must be equipped with a meter capable of printing receipts.
4. A bulk petroleum dealer shall provide to a customer, upon request, a delivery receipt showing the quantity of the product delivered to the customer. After June 30, 1994, the receipt provided to a customer must be a metered receipt."

Renumber accordingly

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

#### SECOND READING OF HOUSE BILL

HB 1647: A BILL for an Act to create and enact a new section to chapter 64-03 of the North Dakota Century Code, relating to the requirement that meters purchased for use on petroleum delivery vehicles be capable of printing receipts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 25 NAYS, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Lashkowitz

HB 1647 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1661 as recommended by the Committee on Education as printed on page 1364 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 24 YEAS, 28 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Hilken; Keller; Kelsh; Krauter; Langley; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Waldera; Yockim

NAYS: David; Ewen; Freborg; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; Kinnoin; Krebsbach; Lips; Lodoen; Maixner; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Stenehjem; Streibel; Tennefos; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: Lashkowitz

HB 1661 lost.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1041, HB 1205, and HB 1235 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1041: Reprs. Rydell, Kloubec, Brokaw  
HB 1205: Reprs. Rydell, R. Larson, Ulmer  
HB 1235: Reprs. Stenehjem, Clayburgh, Kolbo

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to amend and reenact subsection 26.1-03-17 and subsection 1 of section 26.1-38-08 of the North Dakota Century Code, relating to insurance premium tax credits; and to provide an effective date.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

## FIRST READING OF SENATE BILL

Sen. Satrom introduced:

(Approved by the Committee on Delayed Bills)

SB 2535: A BILL for an Act to amend and reenact subsection 2 of section 26.1-03-17 and subsection 1 of section 26.1-38-08 of the North Dakota Century Code, relating to insurance premium tax credits; and to provide an effective date.

Was read the first time and referred to the Committee on Finance and Taxation.

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to a declaration of legislative intent.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

## FIRST READING OF SENATE BILL

Sen. Maixner introduced:

(Approved by the Committee on Delayed Bills)

SB 2536: A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to a declaration of legislative intent.

Was read the first time and referred to the Committee on Finance and Taxation.

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to authorize the director of the department of human services to transfer title and convey certain land owned by the state of North Dakota to job service North Dakota for use as a job service office.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

## FIRST READING OF SENATE BILL

Sen. Tallackson introduced:

(Approved by the Committee on Delayed Bills)

SB 2537: A BILL for an Act to authorize the director of the department of human services to transfer title and convey certain land owned by the state of North Dakota to job service North Dakota for use as a job service office.

Was read the first time and referred to the Committee on State and Federal Government.

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution urging the Congress of the United States to remove the highway trust fund and the airport and airway trust fund from the unified federal budget process and enact legislation to apportion to the states over a five-year period the surpluses currently retained in the trust funds.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Teneffos, Hilken and Reps. Timm, Dorso introduced:

(Approved by the Committee on Delayed Bills)

SCR 4070: A concurrent resolution urging the Congress of the United States to remove the highway trust fund and the airport and airway trust fund from the unified federal budget process and enact legislation to apportion to the states over a five-year period the surpluses currently retained in the trust funds.

Was read the first time and referred to the Committee on Finance and Taxation.

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution urging Congress to provide funds to replace the Four Bears Bridge west of New Town, North Dakota.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Satrom, Kinnoin, D. Meyer and Reps. Murphy, Enget introduced:

(Approved by the Committee on Delayed Bills)

SCR 4071: A concurrent resolution urging Congress to provide funds to replace the Four Bears Bridge west of New Town, North Dakota.

Was read the first time and referred to the Committee on State and Federal Government.

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution congratulating the people of Norway on the 175th Anniversary of the Constitution of Norway.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Lips introduced:

(Approved by the Committee on Delayed Bills)

SCR 4072: A concurrent resolution congratulating the people of Norway on the 175th Anniversary of the Constitution of Norway.

Was read the first time.

#### MOTION

SEN. MAIXNER MOVED that the rules be suspended, that SCR 4072 not be printed, not be referred to committee, but be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sen. Lips introduced:

(Approved by the Committee on Delayed Bills)

#### SENATE CONCURRENT RESOLUTION NO. 4072

A concurrent resolution congratulating the people of Norway on the 175th Anniversary of the Constitution of Norway.

WHEREAS, Syttende Mai, May 17, is Norwegian Independence Day; and

WHEREAS, on May 17, 1989, Norway will celebrate the 175th Anniversary of its Constitution, and on November 2, 1989, the state of North Dakota will celebrate the 100th Anniversary of its admission as the 39th state of the United States of America; and

WHEREAS, relations between Norway and the United States are based on a solid foundation of extensive family ties, many common interests, and a strong dedication to common values, including open and democratic government, respect for human rights, independence and self-determination, and a dedication to peace among all nations of the world; and

WHEREAS, special ties exist between North Dakota and Norway because thousands of Norwegian immigrants were important in the development of North Dakota, including Nelson E. Nelson who came to America from Norway in 1849 and in 1869 established the first homestead on land that in 1889 became part of the state of North Dakota, and because approximately one-third of North Dakota's present population has a Norwegian ethnic background;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fifty-first Legislative Assembly extends its congratulations to the people of Norway on the 175th Anniversary of the Constitution of Norway and requests the Governor to transmit to Norwegian Ambassador Kjell Eliassen and Consul General Bjarne Grindem a message congratulating the people of Norway on May 17, 1989, the 175th Anniversary of the Constitution of Norway; and

BE IT FURTHER RESOLVED, that the Fifty-first Legislative Assembly urges the Governor to extend to Ambassador Kjell Eliassen and Consul General Bjarne

Grindem an invitation to the people of Norway to participate in events celebrating the 100th Anniversary of North Dakota's statehood; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor for transmittal to Ambassador Kjell Eliassen and Consul General Bjarne Grindem.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4072: A concurrent resolution congratulating the people of Norway on the 175th Anniversary of the Constitution of Norway.

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

SCR 4072 was declared adopted on a voice vote.

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#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution urging the Attorney General of North Dakota to request the United States District Court for the District of North Dakota to modify the district court's orders to minimize or eliminate the role of the court monitor that was created by the court in the case concerning the deinstitutionalization of developmentally disabled persons.

Your Committee on Delayed Bills moved a DO NOT PASS on this resolution. The committee cast a ballot of 3 YEAS, 2 NAYS.

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

THE PRESIDENT DECLARED that the resolution would not be introduced.

#### APPOINTMENT OF CONFERENCE COMMITTEES

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1023, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1023: Sens. Tallackson, Yockim, Lips.

SEN. DOTZENROD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1510, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1510: Sens. Dotzenrod, Robinson, Holmberg.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2173 as printed on page 1324 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2173: Sens. Keller, Schoenwald, Todd.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do not concur in the House amendments to SB 2226 as printed on page 1009 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2226: Sens. Maixner, O'Connell, David.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do not concur in the House amendments to SB 2230 as printed on page 1371 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2230: Sens. Krauter, Maixner, Moore.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House amendments to SB 2256 as printed on pages 1324-1325 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2256: Sens. Maxson, Nalewaja, Stenehjelm.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HILKEN MOVED that the Senate do not concur in the House amendments to SB 2335 as printed on page 1371 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2335: Sens. Schoenwald, Richard, Tennesos.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do not concur in the House amendments to SB 2417 as printed on pages 1325-1326 of the Senate and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2417: Sens. Maixner, Satrom, Ingstad.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2242 as printed on pages 1438-1439 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2242: Sens. Keller, Krauter, Mutch.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do not concur in the House amendments to SB 2262 as printed on pages 1411-1412 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2262: Sens. Kelsh, J. Meyer, Stenehjem.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2320 as printed on pages 1417-1418 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2320: Sens. Langley, Krauter, Nething.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do not concur in the House amendments to SB 2475 as printed on pages 1418-1419 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2475: Sens. Richard, Robinson, Moore.

## MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1186, HB 1302, HB 1444, HB 1495, HB 1554, HB 1559, HB 1581, HB 1614, and HB 1647 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the vote by which HB 1258, HB 1571, and HB 1661 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1186, HB 1302, HB 1444, HB 1495, HB 1554, HB 1559, HB 1581, HB 1614, HB 1647, and SCR 4072 be messaged to the House immediately, which motion prevailed.

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of HB 1658, the Senate stand adjourned until 10:00 a.m., Thursday, March 30, 1989, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred HB 1008 has had the same under consideration and

recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1008 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 Engrossed HB 1063 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 8, replace "\$302,300" with "\$422,300"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides an additional \$120,000 from the Capitol building fund to update and enhance the voting systems used by the House and Senate. The improvements include replacement of the control modules, superbrains, and display units, and installation of upgraded software.

HB 1063 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred HB 1126 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1126 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 rereferred Engrossed HB 1130 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1130 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1283 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 8, overstrike "Beginning on October 1, 1987, food or food products purchased"

Page 2, line 9, overstrike "for human consumption" and insert immediately thereafter "Purchases made"

Page 3, line 21, overstrike "Beginning on October 1, 1987, food or food products purchased"

Page 3, line 22, overstrike "for human consumption" and insert immediately thereafter "Purchases made"

Renumber accordingly

HB 1283 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred Reengrossed HB 1421 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

Page 4, line 8, after "child" insert ", not including a child with developmental disabilities as defined by subsection 1 of section 25-01.2-01,"

Page 5, line 13, after "education" insert "or has received a general educational development certificate"

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

Page 5, line 18, remove "by law"

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

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

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

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

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

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

is not entitled to an exemption under subsection 5 of section 15-34.1-03."

Renumber accordingly

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

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred Engrossed HB 1479 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an exemption from the oil extraction tax for a well requiring a work-over project.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 57-51.1-03 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The production of oil from a qualifying well that was worked over is exempt from any taxes imposed under this chapter for a period of twelve months, beginning with the first day of the third calendar month after the completion of the work-over project. The exemption provided by this subsection is only effective if the well operator files a notice of intention to begin a work-over project with the industrial commission prior to commencement of the project and establishes to the satisfaction of the industrial commission upon completion of the project that the cost of the project exceeded either a minimum of sixty-five thousand dollars or a minimum of thirty thousand dollars if production is increased at least fifty percent during the first two months after completion of the project. A qualifying well under this subsection is a well with an average daily production of no more than fifty barrels of oil during the latest six calendar months of continuous production prior to the filing of the notice required by this subsection. A work-over project under this subsection means the continuous employment of a work-over rig, including recompletions and reentries. The exemption provided by this subsection becomes ineffective if the average price of a barrel of crude oil between June first and October thirty-first of any year is thirty-three dollars or more."

Renumber accordingly

HB 1479 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was rereferred HB 1537 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 "23-25" with "23-01"

Page 1, line 5, replace "23-25" with "23-01"

Page 2, line 5, after "opinion" insert "of the department"

Page 2, replace lines 9 through 16 with:

- "3. If the department, upon petition by any person affected by a rule of the department, identifies rules more stringent than federal regulations or rules where there are no corresponding federal regulations, the department shall review and revise those rules to comply with this Act within nine months of the filing of the petition."

Page 2, line 17, replace "5" with "4"

Page 2, line 19, replace "subsections 3 and 4" with "subsection 3"

Page 2, line 20, replace "6" with "5"

Page 2, line 22, after "regulation" insert "or where there is no corresponding federal regulation"

Page 2, line 28, replace "7" with "6"

Re-number accordingly

HB 1537 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 Engrossed HB 1539 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 4, line 5, remove "only within North Dakota"

Page 4, line 13, overstrike "located within" and overstrike "this state"

Page 4, line 18, remove "A"

Page 4, remove lines 19 through 21

Page 4, line 24, remove "A licensed distributor located"

Page 4, remove lines 25 and 26

Page 5, line 2, overstrike "located within" and overstrike "the state"

Page 5, line 8, remove ". A distributor"

Page 5, remove lines 9 and 10

Page 5, line 11, remove "within North Dakota"

Page 7, line 13, replace "an" with "the"

Page 7, line 14, after "reservation" insert "of the tribe of the enrolled tribal member"

Renumber accordingly

HB 1539 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 Engrossed HB 1658 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1658 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

PATRICIA CONRAD, Secretary