

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, April 5, 1989

The Senate convened at 10:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Kerwin Sletto, Calvary Free Lutheran Church, Bismarck.

This is the day that the Lord has made. Let us rejoice and be glad in it. Thank You, Lord Jesus, for this beautiful day that You have given to us. Thank You that You are here with us and that You never leave us nor forsake us.

Lord, sometimes it is so easy to grow tired and discouraged because of burdens. Refresh us, Lord, and strengthen us by Your grace. Help us to lean upon You and come to You with our burdens. Help us to be submissive to Your will and guide us by Your truth.

Be with these legislators as they make important decisions that affect our state. We pray that You will bless our state and our nation. Be with Governor Sinner, Lt. Governor Omdahl, Speaker Kretschmar, and all other officials of our government. Grant them Your wisdom.

Now, Lord, we pray that you will bless this day. In Jesus' name. Amen.

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

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. INGSTAD: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Mr. President, I was absent from the Senate to go yesterday, to the funeral of John McEnroe of Grand Forks. Mr. President, John McEnroe's passing will be a great loss to our community - he was one of those quiet community leaders who never took credit for what he accomplished. John's life was full of accomplishments. He was managing editor of the Bismarck Tribune, a lieutenant commander in the U.S. Navy during the war, and a writer at NBC for Bob Hope and Bing Crosby.

John was born in Grand Forks in 1916, he returned to Grand Forks in 1950 to become a respected businessman and banker.

Mr. President, John McEnroe believed in people. He loved children and gave freely of himself. Grand Forks has lost a true leader and I've lost a real friend.

As John might have written for Bob Hope, "thanks for the memories".

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2378, SB 2388.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1006 as recommended by the Committee on Appropriations as printed on pages 1542-1543 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act making an appropriation for defraying the expenses of the school for the deaf and the school for the blind of the state of North Dakota; to provide for a statement of legislative intent; 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; 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: David; Lashkowitz

HB 1006 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1007 as recommended by the Committee on Appropriations as printed on pages 1569-1570 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act making an appropriation for defraying the expenses of the state library of the state of North Dakota.

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, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

HB 1007 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1158 as recommended by the Committee on Appropriations as printed on page 1570 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1158: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to conducting nondiscrimination tests under the state health and life insurance programs; and to provide an appropriation.

ROLL CALL

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

YEAS: Axtman; 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; Nalewaja; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Freborg; Naaden; Nelson

ABSENT AND NOT VOTING: David; Lashkowitz

HB 1158 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that HB 1578, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to SCR 4065 as recommended by the Committee on Finance and Taxation as printed on pages 1593-1594 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4065: A concurrent resolution directing the Legislative Council to study the balance between the various tax systems in North Dakota, policies and issues of taxing gaming in North Dakota, and policies, planning, and funding of local and regional airports in North Dakota.

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

SCR 4065 was declared adopted on a voice vote.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1029 as recommended by the Committee on Finance and Taxation as printed on page 1594 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to amend and reenact subsections 1 and 2 of section 26.1-03-17 of the North Dakota Century Code, relating to the rate of insurance premium tax on accident and health insurance and other lines of insurance; 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 49 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

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

NAYS: Moore

ABSENT AND NOT VOTING: David; Langley; Lashkowitz

HB 1029 passed and the title was agreed to.

MOTION

SEN. SATROM MOVED that HB 1071, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1442 as recommended by the Committee on Finance and Taxation as printed on page 1595 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 1442: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to adjustments to taxable income for corporations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 20 YEAS, 31 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Freborg; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjelm; Streibel; Tennefos; Thane; Todd; Vosper

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

ABSENT AND NOT VOTING: David; Lashkowitz

HB 1442 lost.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1200 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1200: Reps. Nicholas, Schmidt, Marks

MOTIONS

SEN. W. MEYER MOVED that the Senate reconsider its action whereby HB 1164 failed to pass, which motion prevailed on a verification vote.

SEN. MAIXNER MOVED that HB 1164 be further amended as follows:

In addition to the amendments to engrossed House Bill No. 1164 adopted by the Senate as printed on pages 1543-1545 of the Senate Journal, engrossed House Bill No. 1164 is further amended as follows:

Page 1, remove line 2

Page 2, remove lines 17 through 29

Page 3, remove lines 1 through 29

Re-number accordingly

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

SECOND READING OF HOUSE BILL

HB 1164: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.3 and a new subsection to section 57-38-01.3 of the North Dakota Century Code, relating to net operating loss deductions and special deductions; and to amend and reenact subsection 4.2 of section 57-38-01, subsection 5 of section 57-38-30.3, subsections 1 and 5 of section 57-38.4-01, and section 57-38.4-02 of the North Dakota Century Code, relating to alternative minimum taxable income and individual and corporation income 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 29 YEAS, 22 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: David; Lashkowitz

HB 1164 passed and the title was agreed to.

SECOND READING OF SENATE BILLS

SB 2026: A BILL for an Act making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; to provide for an appropriation and transfer from the fund for unemployment compensation claims; and declaring an emergency.

ROLL CALL

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

YEAS: Axtman; 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: David; Lashkowitz

SB 2026 passed, the title was agreed to, and the emergency clause carried.

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.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 50 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Axtman; 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; Stenehjøm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Freborg; Lashkowitz

SB 2535 lost.

SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs of the state of North Dakota; to provide for a transfer from the state general fund; and to provide for a transfer from the veterans' postwar trust fund.

ROLL CALL

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

YEAS: Axtman; 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; Stenehjøm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Lashkowitz

SB 2009 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1006, HB 1007, HB 1158, HB 1029, HB 1164, and SCR 4065 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 1442 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand at recess until 1:00 p.m., which motion prevailed.

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has adopted the conference committee report on HB 1455 and subsequently passed the same.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1455 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1267 of the Senate Journal and that HB 1455 be amended as follows:

That the Senate recede from its amendments and that House Bill No. 1455 be amended as follows:

Page 1, line 18, replace "November" with "January"

Page 1, line 19, after "year" insert ". A teacher hired after January first has all the rights provided in section 15-47-27.1 except that only one evaluation is required during that school year"

Renumber accordingly

For the Senate: Sens. Mathern, O'Connell, Krebsbach
For the House: Reps. Schindler, D. Olson, Wilkie

HB 1455 was placed on the Seventh 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 adopted the conference committee report on SB 2213, SB 2278, SB 2394, and SB 2514 and subsequently passed the same.

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 Sixty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1592, after line 42, insert:

"SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)
THE SECRETARY ANNOUNCED that the President signed the following enrolled bill: HB 1584.

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

MR. SPEAKER: The President has signed: HB 1584."

Page 1595, line 42, replace the first "Senate" with "House"

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

SECOND READING OF HOUSE BILL

HB 1058: A BILL for an Act to establish a program of protective services for vulnerable adults; to repeal section 14-07.1-09 of the North Dakota Century Code, relating to immunity for making reports and penalties for making false reports; to provide a penalty; and to provide an appropriation.

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

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

NAYS: David; Kinnoin; Mutch; Nelson; Nething; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1058 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that HB 1507, be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1010: A BILL for an Act making an appropriation for defraying the expenses of the division of emergency management of the state of North Dakota.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1010 passed and the title was agreed to.

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the centennial commission of the state of North Dakota.

ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1019 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that HB 1021 be amended as follows:

Page 1, line 1, replace "making" with "to make"

Page 1, line 2, after "Dakota" insert "; and to amend and reenact section 4-09-20 of the North Dakota Century Code, relating to investments of moneys in the state seed department revolving fund"

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Section 4-09-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-09-20. Fees and collections - Disposition. All moneys arising from the collection of fees and other charges under the provisions of this chapter must be deposited by the state seed commissioner with the state treasurer and credited to the seed department revolving fund, and must be disbursed, within the limits of legislative appropriations therefrom, upon vouchers signed by the state seed commissioner and warrant-checks prepared by the office of management and budget, after approval of such expenditures by the office of the budget. The state treasurer shall, at the direction of the commission, provide for the investment of available moneys from the revolving fund. The state treasurer shall deposit twenty percent of the income from the investment of the moneys in the general fund and the remaining eighty percent of the investment income in the seed department revolving fund."

Renumber accordingly

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

SECOND READING OF HOUSE BILLS

HB 1021: A BILL for an Act to make an appropriation for defraying the expenses of the state seed department of the state of North Dakota; and to amend and reenact section 4-09-20 of the North Dakota Century Code, relating to investments of moneys in the state seed department revolving fund.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Satrom

HB 1021 passed and the title was agreed to.

HB 1036: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to insurance benefits for part-time employees; 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 NOT PASS, the roll was called and there were 32 YEAS, 20 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Lips; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Nalewaja; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Ewen; Freborg; Hanson; Kinnoin; Krebsbach; Langley; Lodoen; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1036 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1466 and HB 1543 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1128 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1128: Reps. Dorso, Tokach, Frey

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 2093: Reps. Whalen, Lang, Starke

MOTION

SEN. HEIGAARD MOVED that HB 1038, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to SB 2371 as printed on page 1532 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2371: A BILL for an Act to provide for the licensure and regulation of clinical laboratory personnel and to establish a North Dakota board of clinical laboratory practice; to provide a penalty; to provide an 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 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

SB 2371 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do concur in the House amendments to SB 2458 as printed on pages 1600-1602 of the Senate Journal.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2458, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on SB 2458, the roll was called and there were 40 YEAS, 12 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz

The motion to adopt the conference committee report on SB 2458 was adopted.

SECOND READING OF SENATE BILL

SB 2458: A BILL for an Act to create and enact chapter 57-39.3 of the North Dakota Century Code, relating to an in-lieu fee to be collected by out-of-state retailers making sales into North Dakota if federal legislation is adopted; to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.3-02, and 57-40.5-02 of the North Dakota Century Code, relating to sales, use, motor vehicle excise, and aircraft excise tax rates; to provide an effective date; and to declare an emergency.

MOTION

SEN. MAIXNER MOVED the previous question, which motion failed on a verification vote.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Hilken; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz

SB 2458 passed, the title was agreed to, and the emergency clause carried.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: HB 1008, HB 1030, HB 1076, HB 1126, HB 1167, HB 1181, HB 1207, HB 1213, HB 1249, HB 1266, HB 1276, HB 1281, HB 1284, HB 1295, HB 1298, HB 1321, HB 1421, HB 1489, HB 1668, HB 1671, HB 1673, HCR 3045, HCR 3046, HCR 3085.

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

MR. SPEAKER: The President has signed: HB 1008, HB 1030, HB 1076, HB 1126, HB 1167, HB 1181, HB 1207, HB 1213, HB 1249, HB 1266, HB 1276, HB 1281, HB 1284, HB 1295, HB 1298, HB 1321, HB 1421, HB 1489, HB 1668, HB 1671, HB 1673, HCR 3045, HCR 3046, HCR 3085.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do concur in the House amendments to SB 2354 as printed on pages 1444-1445 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to establish an economic feasibility institute and to specify the purpose, powers, and duties of the institute.

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; 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: Heigaard; Lashkowitz

SB 2354 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do not concur in the House amendments to SB 2201 as printed on pages 1598-1600 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 CONFERENCE COMMITTEES

THE PRESIDENT APPOINTED as a Conference Committee on SB 2201: Sens. Satrom, Dotzenrod, Moore.

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 1185, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1185: Sens. J. Meyer, Holmberg, Stenehjem.

SEN. W. 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 1200, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1200: Sens. W. Meyer, Axtman, Vosper.

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 1365, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1365: Sens. Maxson, Stenehjem, Holmberg.

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 1446, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1446: Sens. J. Meyer, Maxson, Stenehjem.

SEN. SATROM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1479, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1479: Sens. Satrom, Maixner, Ingstad.

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 1564, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1564: Sens. Hanson, Nalewaja, Holmberg.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2371, SB 2354, and SB 2458 and subsequently passed the same.

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

HB 1185: Sens. J. Meyer, Holmberg, Stenehjem
 HB 1365: Sens. Maxson, Stenehjem, Holmberg
 HB 1446: Sens. J. Meyer, Maxson, Stenehjem
 HB 1564: Sens. Hanson, Nalewaja, Holmberg
 HB 1200: Sens. W. Meyer, Axtman, Vosper
 HB 1479: Sens. Satrom, Maixner, Ingstad

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2201 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2201: Sens. Satrom, Dotzenrod, Moore

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on SB 2152 as printed on page 1595 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2152: A BILL for an Act to amend and reenact sections 54-10-14 and 54-10-15 of the North Dakota Century Code, relating to the requirements for requesting a state audit by petition or at the request of the chairman of the board.

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, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; 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; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Waldera

SB 2152 passed and the title was agreed to.

MOTIONS

SEN. MAXSON MOVED that SB 2192 and SB 2193, which are on the Seventh order, be laid over one legislative day, which motion prevailed.

SEN. MAIXNER MOVED that SB 2320, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed SB 2242 as printed on pages 1596-1597 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to provide for the regulation of government self-insurance pools.

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

SB 2242 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1058, HB 1010, HB 1019, HB 1021, HB 1036, SB 2152, and SB 2242 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1006, HB 1007, HB 1158, HB 1029, HB 1164, SCR 4065, HB 1442, HB 1058, HB 1010, HB 1019, HB 1021, HB 1036, SB 2152, and SB 2242 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1007, HB 1029, HB 1158, HB 1164.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1442.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1130, HB 1228, HB 1337, HCR 3056.

MOTIONS

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 Seventh order of business, and at the conclusion of the Seventh order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of HCR 3071, the Senate stand adjourned until 10:00 a.m., Thursday, April 6, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SCR 4070 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, after "funds" insert "and to repeal the "trigger tax" affecting the airport and airway trust fund before the January 1, 1991, effective date of that tax"

Page 2, line 17, after the semicolon insert "and"

Page 2, after line 17, insert:

"WHEREAS, the 50 percent reduction in taxing authority of the "trigger tax" affecting the airport and airway trust fund would adversely affect the modernization and improvement of the total airway and airport infrastructure of the national air transportation system;"

Page 2, line 24, after "funds" insert "and to repeal the "trigger tax" affecting the airport and airway trust fund before the January 1, 1991, effective date of that tax"

Renumber accordingly

SCR 4070 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred HCR 3071 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3071 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2072 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1054 of the Senate Journal.

For the Senate: Sens. Mathern, Kelsh, Stenehjem
For the House: Reps. R. Larson, Myrdal, Scherber

Engrossed SB 2072 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2173 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1324 of the Senate Journal.

For the Senate: Sens. Keller, Schoenwald, Todd
For the House: Reps. R. Tollefson, Tokach, Gerhardt

Engrossed SB 2173 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2187 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1369-1370 of the Senate Journal and that Engrossed SB 2187 be amended as follows:

That the House recede from its amendments and that engrossed Senate Bill No. 2187 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 49-11-24, 49-11-28, 49-11-29, and 49-11-30 of the North Dakota Century Code, relating to fencing on railroad rights of way and maintenance of cattleguards and gates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-11-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-24. Railroad right of way to be fenced - Fences.

1. Every ~~person, company, or corporation~~ owning or operating any ~~line of railroad or railway~~ within this state shall construct a fence on each side of its right of way and shall maintain such fence and keep it in good repair. Such fence shall be

constructed within six months after the completion of the railroad or railway owner or lessee of land abutting any operating railroad's right of way who has a legal fence, as defined in section 47-26-01, along all sides of the land except the side abutting the right of way may make a written request of the owners or operators of the railroad to construct a fence along the right of way. Upon receipt of the request, the owners or operators shall erect, within a reasonable time, a legal fence along the right of way to confine livestock as required by section 36-11-01. The owners or operators shall maintain the fence so long as the owner or lessee maintains the fence around the other sides of the enclosure.

2. Where the railroad has a fence along its right of way, the owners or operators of the railroad shall maintain the fence without necessity of a request by the owner or lessee so long as the owner or lessee maintains a fence around the other sides of the enclosure.
3. Except for the penalty and liability imposed by sections 49-11-29 and 49-11-30, the failure to comply with the requirements of this section is not, in itself, evidence of negligence and the fact that this section has been violated is not admissible in any other action.

SECTION 2. AMENDMENT. Section 49-11-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-28. ~~Cattle guards and swinging~~ Swinging gates - When railroad required to maintain. Every person, company, or corporation owning or operating any line of railroad within this state shall:

- 1- ~~Construct and maintain suitable and safe cattle guards on both sides of all public crossings; and~~
- 2- ~~Construct and maintain suitable and safe swinging gates on both sides of all private crossings~~ Upon the written request of the owner or lessee of land abutting the railroad's right of way, the owners or operators of a railroad shall construct and maintain suitable and safe swinging gates on any side of a private crossing enclosed by the railroad under section 49-11-24. The request must be made at the same time a request is made under subsection 1 of section 49-11-24.

SECTION 3. AMENDMENT. Section 49-11-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-29. Failure to construct fence, ~~cattle guard, or swinging gate~~ - Penalty. Any person owning or operating any line of railroad within this state and refusing or neglecting to comply with any of the provisions of sections 49-11-24 through 49-11-28 shall be is guilty of a class A misdemeanor. A prosecution or conviction under sections 49-11-24 through 49-11-28 ~~shall does~~ not relieve such person from liability for the maiming or killing of livestock on such the right of way by reason of ~~his~~ that person's negligence.

SECTION 4. AMENDMENT. Section 49-11-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-30. Failure of railroad to fence - Damage to owner of stock - How collected. Any corporation operating a railroad and failing to fence the same against livestock running at large ~~and failing to maintain proper and sufficient cattle guards at all points~~ where the duty to fence ~~or maintain cattle guards~~ exists, ~~shall be is~~ liable to the owner of any stock killed or injured by reason of the want of such fence ~~or cattle guard~~ for the full amount of the damages sustained by the owner, unless the injury was occasioned by the grossly negligent act of the owner of the stock or ~~his~~ the owner's agent. To recover ~~the same, it shall be necessary for~~ the owner of the stock to ~~must prove only the loss of or injury to~~ his the owner's property. Notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, ~~shall must~~ be served upon an officer of the corporation or upon a station or ticket agent employed by ~~said~~ the corporation in the county where ~~such the~~ loss or injury occurred. If the corporation fails or neglects to pay ~~such damage the damages~~ within ninety days after the notice is served on it, the owner ~~shall be is~~ entitled to recover from the corporation double the amount of damages actually sustained by ~~him the owner~~, and ~~twenty-five dollars as an a~~ reasonable attorney's fee when it ~~shall be is~~ adjudged by a court of competent jurisdiction that the claimant is entitled to the amount claimed."

Renumber accordingly

For the Senate: Sens. Richard, Schoenwald, Mutch
For the House: Reps. Christman, Urlacher, B. Anderson

Engrossed SB 2187 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2291 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1412-1417 of the Senate Journal and that Engrossed SB 2291 be further amended as follows:

That the House recede from its amendments and that engrossed Senate Bill No. 2291 be amended as follows:

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 - ~~Appointment~~ - 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. 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. 502, § 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 January 1, 1990."

Renumber accordingly

For the Senate: Sens. J. Meyer, Mathern, Peterson
For the House: Reps. Clayburgh, Haugland, J. DeMers

Engrossed SB 2291 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2304 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1439 of the Senate Journal.

For the Senate: Sens. Robinson, Holmberg, Lodoen
For the House: Reps. Lindgren, Wentz, Enget

SB 2304 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2335 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1371 of the Senate Journal and that Engrossed SB 2335 be further amended as follows:

That the Senate accede to the House amendments to engrossed Senate Bill No. 2335, as printed on page 1371 of the Senate Journal and pages 1533-1534 of the House Journal, and that engrossed Senate Bill No. 2335 be further amended as follows:

Page 1, line 5, after the first semicolon insert "to repeal subsection 3 of section 39-01-15 of the North Dakota Century Code, relating to the committee appointed to develop guidelines for qualification and the issuance of certificates or insignia for parking privileges for the mobility impaired;" and remove "and"

Page 1, line 6, after "appropriation" insert "; and to provide an effective date"

Page 3, line 9, remove the overstrike over "~~The registrar shall appoint a three member committee. The~~"

Page 3, remove the overstrike over lines 10 through 14

Page 3, line 15, remove the overstrike over "~~under this subsection. The committee shall~~", after "develop" insert "review", and remove the overstrike over "~~guidelines for~~"

Page 3, remove the overstrike over lines 16 and 17

Page 3, line 18, remove the overstrike over "~~4~~"

Page 4, line 22, replace "4." with "5."

Page 5, line 9, replace "5." with "6."

Page 5, line 16, replace "6." with "7."

Page 5, line 26, replace "7." with "8."

Page 6, line 6, replace "8." with "9."

Page 7, line 1, replace "9." with "10."

Page 7, line 15, replace "10." with "11."

Page 8, after line 23, insert:

"SECTION 6. REPEAL. Subsection 3 of section 39-01-15 of the North Dakota Century Code is hereby repealed.

SECTION 7. EFFECTIVE DATE. Section 6 of this Act becomes effective on July 1, 1992."

Renumber accordingly

For the Senate: Sens. Schoenwald, Richard, Tennefos

For the House: Reps. Belter, D. Larson, Hokana

Engrossed SB 2335 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1036, HB 1058.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2242 and subsequently passed the same.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2152 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HB 1010, HB 1019.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1292 and subsequently passed with the emergency clause failing to pass the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2461, SB 2465, SB 2482, SB 2483, SB 2491, SB 2502, SB 2510, SB 2526, SB 2527.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1659, HB 1662.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2368.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has failed to pass: SB 2499.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1052, HB 1075, HB 1078, HB 1127, HB 1144, HB 1262, HB 1254, HB 1283, HB 1302, HB 1323, HB 1352, HB 1353, HB 1368, HB 1370, HB 1372, HB 1375, HB 1379, HB 1387, HB 1389, HB 1415, HB 1424, HB 1444, HB 1451, HB 1462, HB 1475, HB 1476, HB 1481, HB 1483, HB 1494, HB 1495, HB 1498, HB 1526, HB 1527, HB 1537, HB 1538, HB 1539, HB 1540, HB 1559, HB 1580, HB 1585, HB 1599, HB 1621, HB 1631, HB 1640, HB 1657, HB 1666, HB 1667, HCR 3040, HCR 3058, HCR 3076.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2020, SB 2261, SB 2518.

HOUSE AMENDMENTS TO REENGROSSED SB 2020

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

Page 3, line 7, replace "77,180,932" with "79,080,932"

Page 5, after line 6, insert:

"SECTION 11. APPROPRIATION. In addition to the amount appropriated to the Bank of North Dakota in subdivision 2 of section 1 of this Act, there is hereby appropriated \$1,900,000, or so much thereof as may be necessary, from the Bank's operations or capital reserves for the purpose of acquiring, constructing, and remodeling an office building for the period beginning January 1, 1989, and ending June 30, 1991.

SECTION 12. EMERGENCY. Section 11 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 471 - BANK OF NORTH DAKOTA

The Bank of North Dakota is appropriated an additional \$1,900,000 from its operating or capital reserves for the acquisition, construction, and remodeling of an office building. The section appropriating the \$1,900,000 is an emergency measure to allow the Bank to enter into a lease and begin the project prior to July 1, 1989.

HOUSE AMENDMENTS TO ENGROSSED SB 2261

Page 3, line 6, after the period insert "However, the survey shall maintain a facility or branch office for geologic studies and a core and sample library at a location where appropriate analytical equipment, geologic literature, and geological expertise are available."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2261

In lieu of the amendments to engrossed Senate Bill No. 2261 adopted by the House as printed on page 1271 of the House Journal, engrossed Senate Bill No. 2261 is amended as follows:

Page 3, line 6, after the period insert "However, the survey shall maintain a facility or branch office for geologic studies and a core and sample library at the university of North Dakota where appropriate analytical equipment, geologic literature, and geological expertise are available."

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2518

Page 1, line 18, remove "or any other"

Page 1, line 19, remove "provisions of this section"

Page 1, line 20, after "grant" insert "additional"

Page 2, line 1, remove "following"

Page 2, remove lines 2 through 5

Page 2, line 6, remove "2. The"

Page 2, line 9, replace "For property within city limits, the" with "The"

Page 2, line 10, replace "city" with "municipality"

Page 2, line 11, replace "city" with "municipality" and remove "For"

Page 2, remove lines 12 through 14

Renumber accordingly

FIRST READING OF HOUSE BILLS

HB 1659: A BILL for an Act to create and enact two new sections to chapter 54-34 of the North Dakota Century Code, relating to the establishment of state foreign trade offices and a Washington, D.C., office of economic development.

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

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HB 1662: A BILL for an Act to amend and reenact section 54-52.1-06 of the North Dakota Century Code, relating to the state contribution for coverage under the uniform group insurance program.
Was read the first time and referred to the Committee on Appropriations.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: SB 2189, SB 2247, SB 2252, SB 2269, SCR 4033, SCR 4055, SCR 4059, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4067, SCR 4072.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2189, SB 2247, SB 2252, SB 2269, SCR 4033, SCR 4055, SCR 4059, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4067, SCR 4072.

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

PATRICIA CONRAD, Secretary