

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, April 6, 1989

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

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

(Psalms 24:1-3 NIV) The earth is the Lord's and everything in it, the world and all who live in it; for He founded upon the seas and established it upon the waters. Who may ascend the hill of the Lord? Who may stand in His holy place?

Holy God, Father of our Lord Jesus Christ, we stand in awe of Your majestic presence. We recognize that You, our God, are the Creator for You have made all that is. You have created the world and made man in Your own image. Being uniquely created You made it possible for us to seek Your face, O God.

With the words of the Psalmist we ask, who can come into Your presence, who may stand before Your glory? Thank You, dear God, for the Bible, Your word, which tells us that through Jesus Christ, Your Son, we may boldly come into Your divine presence. In Your presence, dear God, we acknowledge that we are not perfect, but prone to be selfish and sinful. Therefore, our first petition is to invoke Your grace and ask for forgiveness. "Create in me a pure heart, O God, and renew a steadfast spirit within me" (Psalms 51:10 NIV). Then, Lord, I pray for special direction and blessings upon this session today. May the decisions made be directed by the Holy Spirit who knows the hearts of all people. Help each person here to discern the impact their decision will have upon the people of our state.

Thank You, Lord, for the blessings of the past 100 years of statehood, continue to direct us in Your ways in the coming years, I ask in the name of Jesus Christ, our Saviour and Lord. Amen.

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

A quorum was declared by the President.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)
THE SECRETARY ANNOUNCED that the President signed the following enrolled bill: SB 2458.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2458.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)
THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: SB 2085, SB 2234, SB 2400, SCR 4066, SCR 4068, SCR 4069.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2085, SB 2234, SB 2400, SCR 4066, SCR 4068, SCR 4069.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)
 THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: SB 2129, SB 2172, SB 2308, SB 2316, SB 2321, SB 2454.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2129, SB 2172, SB 2308, SB 2316, SB 2321, SB 2454.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has adopted the conference committee report on SB 2152.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has adopted the conference committee report on SB 2242 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1229 and HB 1563 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The Speaker has signed: 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.

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)
 MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined 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 1596, line 6, replace "SENATE" with "HOUSE"

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

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)
 MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Sixty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1619, remove lines 6 through 8

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

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to SCR 4070 as recommended by the Committee on Finance and Taxation as printed on pages 1619-1620 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 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 and to repeal the "trigger tax" affecting the airport and airway trust fund before the January 1, 1991, effective date of that tax.

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

SCR 4070 was declared adopted on a voice vote.

MOTIONS

SEN. LIPS MOVED that HB 1507 be further amended as follows:

That the proposed amendments to reengrossed House Bill No. 1507 as printed on pages 1165-1169 of the Senate Journal be amended as follows:

Page 1168 of the Senate Journal, line 24, replace "two" with "one"

Page 1169 of the Senate Journal, line 30, replace "\$1,600,000" with "\$800,000"

Page 1169 of the Senate Journal, line 32, replace "\$200" with "\$100"

Page 1169 of the Senate Journal, line 39, replace "\$1,600,000" with "\$800,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The proposed amendments reduce the grants and per-pupil payment amounts to be made available to restructured districts. The amount appropriated for grants is reduced by \$800,000 from the general fund, from \$1,600,000 to \$800,000 and the per-pupil payments are reduced from \$200 to \$100.

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

MOTIONS

SEN. HEIGAARD MOVED that HB 1507 be further amended as follows:

That the proposed amendments to reengrossed House Bill No. 1507 as printed on pages 1165-1169 of the Senate Journal be amended as follows:

Page 1169 of the Senate Journal, line 30, replace "\$1,600,000" with "\$2,300,000"

Page 1169 of the Senate Journal, line 39, replace "\$1,600,000" with "\$2,300,000"

Renumber accordingly

SEN. HEIGAARD MOVED that the proposed amendments be adopted, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1507: A BILL for an Act to create and enact a new section to chapter 15-40.1 and seven new sections to title 15 of the North Dakota Century Code, relating to bonus payments for cooperative education programs and the establishment of planning grants and supplemental pupil payments for the restructuring of school district boundaries; to amend and reenact paragraph 2 of subdivision a of subsection 11 of section 15-39.1-04 of the North Dakota Century Code, relating to membership in the teachers' fund for retirement; and to provide an appropriation.

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, 8 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; 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; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Hilken; Mutch; Nelson; Nothing; Streibel; Tennefos

ABSENT AND NOT VOTING: Langley; Lashkowitz

HB 1507 passed and the title was agreed to.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1164 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1164: Reps. A. Hausauer, R. Anderson, Hokana

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

MR. PRESIDENT: The Speaker has signed: SB 2085, SB 2129, SB 2172, SB 2234, SB 2308, SB 2316, SB 2321, SB 2400, SB 2454, SB 2458, SCR 4066, SCR 4068, SCR 4069.

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 2201: Reps. R. Anderson, A. Hausauer, Hokana

MOTION

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.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bill was delivered to the Governor for his approval at the hour of 11:50 a.m., April 6, 1989: SB 2458.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: 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 HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed: 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.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1052, HB 1075, HB 1078, HB 1127, HB 1144, HB 1254, HB 1262, 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.

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

MR. SPEAKER: The President has signed: HB 1052, HB 1075, HB 1078, HB 1127, HB 1144, HB 1254, HB 1262, 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.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1021.

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

MR. SPEAKER: The Senate has failed to pass: HB 1333.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4065.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a BILL for an Act making an appropriation to the department of human services to defray the expenses of developing and expanding programs of active treatment for mentally ill and chemically addicted individuals; providing a transfer from the revolving loan fund maintained in the Bank of North Dakota; stating legislative intent and making an appropriation to the department of human services to supplement senior citizens mill levy match appropriations contained in House Bill No. 1012; stating legislative intent and making an appropriation to the department of human services to supplement the service program for elderly and disabled appropriations contained in House Bill No. 1012; stating legislative intent and making an appropriation to the department of human services for the family subsidy program; stating legislative intent and making an appropriation to the department of human services of any income in excess of estimated income contained in House Bill No. 1012 for the purpose of defraying the costs of expanded caseloads and increased utilization; and providing a transfer to the capital construction fund.

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

Sens. Heigaard, Mushik introduced:

(Approved by the Committee on Delayed Bills)

SB 2538: A BILL for an Act making an appropriation to the department of human services to defray the expenses of developing and expanding programs of active treatment for mentally ill and chemically addicted individuals; providing a transfer from the revolving loan fund maintained in the Bank of North Dakota; stating legislative intent and making an appropriation to the department of human services to supplement senior citizens mill levy match appropriations contained in House Bill No. 1012; stating legislative intent and making an appropriation to the department of human services to supplement the service program for elderly and disabled appropriations contained in House Bill No. 1012; stating legislative intent and making an appropriation to the department of human services for the family subsidy program; stating legislative intent and making an appropriation to the department of human services of any income in excess of estimated income contained in House Bill No. 1012 for the purpose of defraying the costs of expanded caseloads and increased utilization; and providing a transfer to the capital construction fund.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Committees (Sen. Heigaard, Chairman) respectfully submit the following names for your select committee to consider the Governor's nominations to the office of the North Dakota State Racing Commission:

- Sen. Jerome Kelsh, Chairman
- Sen. Tim Mathern
- Sen. Kent Vosper

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

MOTION

SEN. HEIGAARD MOVED that HCR 3071 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3071: A concurrent resolution directing the Legislative Council to study the adequacy and enforcement of motor vehicle dealer licensing laws.

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

HCR 3071 was declared adopted on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Reengrossed SB 2309 as printed on page 1597 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. HEIGAARD MOVED that SB 2309, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. KELSH MOVED that the conference committee report on Engrossed HB 1039 as printed on page 1581 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1039: A BILL for an Act to amend and reenact section 23-27-04.1 of the North Dakota Century Code, relating to emergency care or services rendered by officers, employees, or agents of ambulance service.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Waldera

HB 1039 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on Engrossed HB 1123 as printed on page 1581 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1123: A BILL for an Act relating to the rescission of long-term care insurance policies; and to amend and reenact sections 26.1-36-37, 26.1-45-06, and 26.1-45-07, and subsection 2 of section 26.1-45-09 of the North Dakota Century Code, relating to guaranteed renewability coverage of preexisting conditions, prior institutionalization requirements for long-term care insurance benefits, levels of care reimbursed by long-term care insurance policies, and outlines of coverage.

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 1123 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed HB 1124 as printed on pages 1581-1582 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1124: A BILL for an Act to create and enact a new subsection to section 26.1-36-32 and two new sections to chapter 26.1-36 of the North Dakota Century Code, relating to standards for medicare supplement insurance policies, filing requirements for medicare supplement insurance policy advertising, and noncustodial care coverage; and to amend and reenact subsection 4 of section 26.1-36-31 and section 26.1-36-34 of the North Dakota Century Code, relating to the definition of medicare supplement insurance policies and medicare supplement insurance policy loss ratio standards.

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 1124 passed and the title was agreed to.

REPORTS OF CONFERENCE COMMITTEES

SEN. HANSON MOVED that the conference committee report on HB 1152 as printed on page 1582 of the Senate Journal be adopted, which motion prevailed.

SEN. HILKEN MOVED that the conference committee report on HB 1351 as printed on page 1582 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1351: A BILL for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to driver's record abstracts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

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

NAYS: Stenehjem

ABSENT AND NOT VOTING: Lashkowitz

HB 1351 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on HB 1510 as printed on page 1583 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1510: A BILL for an Act to create and enact a new section to chapter 58-04 and a new subsection to section 58-06-01 of the North Dakota Century Code, relating to preparation of a budget for the township at its annual meeting and expansion of the board of township supervisors from three to five members; and to amend and reenact sections 58-04-02 and 58-05-02 of the North Dakota Century Code, relating to special township meetings and officers of a township.

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; 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: Freborg; Heigaard; Lashkowitz

HB 1510 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed SB 2072 as printed on page 1620 of the Senate Journal be adopted, which motion lost.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1010, HB 1019, HB 1130, HB 1228, HB 1292, HB 1337, HB 1466, HB 1543, HCR 3056.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed SB 2173 as printed on page 1620 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to amend and reenact sections 65-02-08 and 65-10-03 of the North Dakota Century Code, relating to the payment of attorneys' fees by the North Dakota workers compensation bureau; 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

SB 2173 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. RICHARD MOVED that the conference committee report on Engrossed SB 2187 as printed on pages 1620-1622 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2187: A BILL 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.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

SB 2187 passed and the title was agreed to.

MOTION

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

REPORT OF CONFERENCE COMMITTEE

SEN. J. MEYER MOVED that the conference committee report on Engrossed SB 2291 as printed on pages 1622-1627 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2291: A BILL 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 18 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Dotzenrod; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Kinnoin; Moore; Mutch; Naaden; Nelson; Nething; Stenehjerm; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz

SB 2291 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. ROBINSON MOVED that the conference committee report on SB 2304 as printed on page 1627 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2304: A BILL for an Act to amend and reenact subsections 1 and 2 of section 57-15-56 of the North Dakota Century Code, relating to priorities for use of revenues from tax levies for programs and activities for senior citizens; and to provide an effective date.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Tallackson

SB 2304 passed and the title was agreed to.

MOTION

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. SCHOENWALD MOVED that the conference committee report on Engrossed SB 2335 as printed on pages 1627-1628 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2335: A BILL for an Act to amend and reenact subsection 2 of section 23-13-02.3, sections 39-01-15 and 39-04-10.2, subsection 7 of section 39-06.1-06, and section 39-07-07.1 of the North Dakota Century Code, relating to vehicle refueling services, parking privileges, and traffic regulations concerning mobility impaired persons; 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; to provide a penalty; 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 50 YEAS, 0 NAYS, 3 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; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Maixner; Tallackson

SB 2335 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on HB 1455 as printed on page 1610 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Heinrich; Kinnoin; O'Connell

ABSENT AND NOT VOTING: Lashkowitz; Tallackson; Waldera

HB 1455 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do not concur in the House amendments to SB 2261 as printed on page 1630 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 2261: Sens. Maixner, O'Connell, Todd.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1128, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1128: Sens. Keller, Schoenwald, Nething.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Sixty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1558, after line 42, insert:

"ANNOUNCEMENT

THE PRESIDENT ANNOUNCED that Sen. Todd was appointed to replace Sen. Nething on the Conference Committee on SB 2032."

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

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

MR. SPEAKER: This is to inform you that the President has appointed Senator Todd to replace Senator Nething on the Conference Committee on SB 2032.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2032 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 2212 and subsequently passed the same.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2261 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2261: Sens. Maixner, O'Connell, Todd

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

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

HB 1128: Sens. Keller, Schoenwald, Nething

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 section 20.1-03-08 of the North Dakota Century Code, relating to nonresident fishing licenses.

Your Committee on Delayed Bills cast a ballot of 4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING in favor of allowing this bill.

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

FIRST READING OF SENATE BILL

Sen. O'Connell introduced:

(Approved by the Committee on Delayed Bills)

SB 2539: A BILL for an Act to amend and reenact section 20.1-03-08 of the North Dakota Century Code, relating to nonresident fishing licenses.

Was read the first time and referred to the Committee on Natural Resources.

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 nine new sections to chapter 36-23.1 of the North Dakota Century Code, relating to inspection and condemnation of meat and to injunctions; to amend and reenact sections 36-23.1-02, 36-23.1-03, and 36-23.1-04 of the North Dakota Century Code, relating to inspection of meat and slaughterhouses; to repeal sections 36-23.1-05, 36-23.1-06, and 36-23.1-08 of the North Dakota Century Code, relating to reinspections and the sale of unapproved meat; and to provide a penalty.

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

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

FIRST READING OF SENATE BILL

Sen. Naaden introduced:

(Approved by the Committee on Delayed Bills)

SB 2540: A BILL for an Act to create and enact nine new sections to chapter 36-23.1 of the North Dakota Century Code, relating to inspection and condemnation of meat and to injunctions; to amend and reenact sections 36-23.1-01, 36-23.1-02, 36-23.1-03, and 36-23.1-04 of the North Dakota Century Code, relating to inspection of meat and slaughterhouses; to repeal sections 36-23.1-05, 36-23.1-06, and 36-23.1-08 of the North Dakota Century Code, relating to reinspections and the sale of unapproved meat; and to provide a penalty.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution directing the Legislative Council to monitor the Department of Human Services' service payments to the elderly and the disabled and long-term care programs during the 1989-91 biennium.

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

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Thane, Mushik, Yockim introduced:

(Approved by the Committee on Delayed Bills)

SCR 4073: A concurrent resolution directing the Legislative Council to monitor the Department of Human Services' service payments to the

elderly and disabled and long-term care programs during the 1989-91 biennium.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution urging the Postmaster General of the United States Postal Service to issue a stamp commemorating the late John L. Lewis.

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

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Schoenwald, Keller, Shea and Reps. Frey, Oban introduced:
(Approved by the Committee on Delayed Bills)

SCR 4074: A concurrent resolution urging the Postmaster General of the United States Postal Service to issue a stamp commemorating the late John L. Lewis.

Was read the first time.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, that SCR 4074 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.

Sens. Schoenwald, Keller, Shea and Reps. Frey, Oban introduced:
(Approved by the Committee on Delayed Bills)

SENATE CONCURRENT RESOLUTION NO. 4074

A concurrent resolution urging the Postmaster General of the United States Postal Service to issue a stamp commemorating the late John L. Lewis.

WHEREAS, John L. Lewis was a giant of the American labor movement whose leadership of the United Mine Workers of America and the Congress of the Industrial Organizations resulted in his greatest achievements; and

WHEREAS, while president of the United Mine Workers of America, the leadership and negotiating skill of John L. Lewis won a number of crucial gains for coal miners in North Dakota and across the country; and

WHEREAS, those gains included the establishment of a health care and retirement plan, improved mine safety, better wages, the establishment of a minimum age for working in coal mines, abolition of the payment to miners in company scrip, and abolition of compulsory company housing and company stores; and

WHEREAS, John L. Lewis was a chief founder of the Congress of Industrial Organizations and served as its first president from 1935 to 1940; and

WHEREAS, under leadership of John L. Lewis the Congress of Industrial Organizations organized millions of workers in the steel, auto, rubber, textile, and shipbuilding industries; and

WHEREAS, President Lyndon B. Johnson awarded the Medal of Freedom, our nation's highest civilian decoration, to John L. Lewis for his efforts on behalf of American workers;

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

That the Fifty-first Legislative Assembly urges the Postmaster General of the United States Postal Service to issue a stamp commemorating the late John L. Lewis; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Postmaster General of the United States Postal Service; the Citizen Stamp Advisory Committee, United States Postal Service, 475 L'enfant Plaza Southwest, Washington, D.C. 20005; and to the editors of United Mine Workers Journal, 900 Fifteenth Street Northwest, Washington, D.C. 20005.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4074: A concurrent resolution urging the Postmaster General of the United States Postal Service to issue a stamp commemorating the late John L. Lewis.

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

SCR 4074 was declared adopted on a voice vote.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2042 has had the same under consideration and recommends that your conference committee, having been unable to agree, recommends that the conference committee be discharged and a new conference committee be appointed.

For the Senate: Sens. Maxson, Ingstad, Lodoen (absent)

For the House: Reps. Haugen, Lindgren, Carlson

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

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a new Conference Committee on SB 2042: Sens. Maxson, Dotzenrod, Lodoen.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3088.

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

MR. PRESIDENT: The House has amended and subsequently passed with the emergency clause failing to pass: SB 2334.

Page 1, line 1, replace "to construct and operate" with "for"

Page 1, line 8, replace "and operate" with "or lease"

Page 1, delete line 11

Page 1, line 12, replace "115,160" with "\$36,000"

Page 1, line 15, replace "362,460" with "189,000"

Page 1, line 17, remove "\$36,000 of"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT COMMISSION

This amendment deletes the salaries and wages (\$94,300) and operating expenses (\$79,160) to operate tourist information centers at Bowman, Williston, Fargo, and Grand Forks during the 1989-91 biennium. The remaining amount is to be used to construct centers at Bowman, Williston, and Grand Forks and to lease property at Fargo.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2116, SB 2456.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2021, SB 2029, SB 2037, SB 2298.

HOUSE AMENDMENTS TO ENGROSSED SB 2021

Page 1, line 14, replace "21,600" with "14,909"

Page 1, line 15, replace "923,707" with "786,611"

Page 1, line 16, replace "142,959" with "35,965"

Page 1, line 17, replace "215,825" with "115,825"

Page 1, line 19, replace "4,888,776" with "4,537,995"

Page 1, line 21, replace "3,688,186" with "3,337,405"

Page 2, remove line 2

Page 2, line 3, replace "351,204" with "397,204"

Page 2, line 4, replace "489,562" with "397,204"

Page 2, line 5, replace "4,177,748" with "3,734,609"

Page 2, line 7, replace "5,378,338" with "4,935,199"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - HISTORICAL SOCIETY

This amendment reduces all general fund increases provided by the Senate as follows:

Data processing	\$ (6,691)
Operating expenses	
Motor pool costs	\$ (9,000)
Exhibition and program activities	<u>(128,096)</u>
Total operating expenses	\$ <u>(137,096)</u>
Equipment	
Heritage Center security system	\$ (70,000)
Education and Interpretive Division equipment	(3,800)
State Archives and Historical Research	(18,835)
Library equipment	
Other equipment	<u>(14,359)</u>
Total equipment	\$ <u>(106,994)</u>
Capital improvements	\$ <u>(100,000)</u>
Total reductions	\$ (350,781)

DEPARTMENT 704 - INTERNATIONAL PEACE GARDEN

The capital improvements line item of \$138,358 relating to bond payments for Peace Garden construction projects is deleted because an appropriation for the bond payments is included in House Bill No. 1037.

The grants line item is increased by \$46,000 from the general fund, from \$351,204 to \$397,204, to provide additional funds to the International Peace Garden to purchase a computer and for replacement equipment.

HOUSE AMENDMENTS TO ENGROSSED SB 2029

Page 1, line 1, after "reenact" insert "section 57-40.3-10," and after "57-43.1-02" insert a comma

Page 1, line 3, after "to" insert "motor vehicle excise tax allocation and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.3-10. Allocation of revenue. All moneys collected and received under this chapter shall be transmitted monthly by the registrar to the state tax commissioner and by him shall be paid to the state treasurer to be transferred and credited as follows:

- 1- Fifty percent of the tax accruing under this chapter on motor vehicles purchased or acquired outside of this state for use in this state, shall be credited to the motor vehicle registration fund.
- 2- The remaining fifty percent of the tax accruing under this chapter on motor vehicles purchased or acquired outside of the state for use in this state shall be credited to the general fund.

3- All moneys accruing under this chapter on motor vehicles purchased in this state shall be credited to the general fund."

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2037

Page 1, line 2, remove ", a new section to chapter 15-59.2"

Page 1, line 5, remove ", sharing of costs by school districts of"

Page 1, line 6, remove "special education programs"

Page 1, line 7, after the semicolon insert "and"

Page 1, line 8, remove "15-59-02.1"

Page 1, line 9, remove "; and to provide an appropriation"

Page 5, remove lines 17 through 29

Page 6, remove lines 1 through 28

Page 7, remove lines 1 through 29

Page 8, remove lines 1 through 15

Page 11, remove lines 10 through 14

Page 11, remove lines 20 through 25

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2037

In addition to the amendments to reengrossed Senate Bill No. 2037 adopted by the House as printed on pages 1561 and 1562 of the House Journal, reengrossed Senate Bill No. 2037 is amended as follows:

Page 1, line 1, remove "a new subsection to section 15-40.1-06,"

Page 1, line 2, remove the second comma

Page 1, line 4, remove "foundation aid payments for special education,"

Page 1, line 6, remove the comma

Page 1, line 8, remove the first comma

Page 1, remove lines 11 through 16

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2298

Page 2, line 10, after "agency" insert "at the state mileage rate excluding meals and lodging"

Renumber accordingly

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1006, HB 1007, HB 1058, and HB 1158 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1006: Reps. Jensen, Wald, Kelly
 HB 1007: Reps. Smette, Gerntholz, Solberg
 HB 1058: Reps. Sorensen, R. Larson, Kelly
 HB 1158: Reps. Sorensen, Dalrymple, Watne

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 HB 1664, HCR 3086, and HCR 3089, the Senate stand adjourned until 8:00 a.m., Friday, April 7, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2536 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-51-03 of the North Dakota Century Code, relating to the gross production tax being a real property tax.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-51-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-51-03. Gross production tax to be in lieu of other taxes. The gross production tax is a real property tax on oil and gas producing mineral estates and interests. The payment of the taxes herein imposed shall be in full, and in lieu of all ad valorem taxes by the state, counties, cities, towns, townships, school districts, and other municipalities, upon any property rights attached to or inherent in the right to producing oil or gas, upon producing oil or gas leases, upon machinery, appliances, and equipment used in and around any well producing oil or gas and actually used in the operation of such well, and also upon oil and gas produced in the state upon which gross production taxes have been paid, and upon any investment in any property hereinbefore in this paragraph mentioned or described. This tax shall be measured by a percentage of the value at the well of the produced oil or gas. Any interest in the land, other than that herein enumerated, shall be assessed and taxed as other property within the taxing district in which such property is situated. It is expressly provided that the gross production tax shall not be in lieu of income taxes nor excise taxes upon the sale of oil and gas products as retail."

Renumber accordingly

SB 2536 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 Reengrossed HB 1196 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to reengrossed House Bill No. 1196 adopted by the Senate as printed on pages 1313-1314 of the Senate Journal, reengrossed House Bill No. 1196 is amended as follows:

Page 1, line 5, remove "6-06-08.1,"

Page 1, line 12, after the semicolon insert "to repeal section 6-06-08.1 of the North Dakota Century Code, relating to additional assessments of credit unions;"

Page 1, line 22, remove "6-06-08.1,"

Page 11, remove lines 7 through 29

Page 12, remove lines 1 through 5

Page 19, after line 2, insert:

"SECTION 20. REPEAL. Section 6-06-08.1 of the North Dakota Century Code is hereby repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 413 - DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS

This amendment repeals Section 6-06-08.1 authorizing the Department of Banking and Financial Institutions to impose an assessment on credit unions for additional examinations. The section is being repealed because this bill authorizes the Department of Banking and Financial Institutions to impose an annual assessment on credit unions that is sufficient to cover all costs related to the regulation of state-chartered credit unions.

In addition, this amendment provides that credit unions will pay 100 percent of the cost of their examinations rather than 80 percent the first year of the 1989-91 biennium and 90 percent the second year as the amendments previously passed by the Senate provide.

HB 1196 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 1641 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "enact" insert "a new subdivision to subsection 5 of section 12.1-28-02,"

Page 1, line 4, after "devices" insert ", coin-operated gaming devices,"

Page 1, line 5, after the second comma insert "53-06.1-12,"

Page 1, after line 9, insert:

"SECTION 1. A new subdivision to subsection 5 of section 12.1-28-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

A law enforcement officer may seize any device described in subdivision a of this subsection upon probable cause to believe that the device was used or is intended to be used in violation of this chapter or chapter 53-06.1. The court shall order the device forfeited in the same manner and according to the same procedure provided in chapter 19-03.1."

Page 3, after line 3, insert:

"d. In electronic video gaming device play of any game of chance permitted in this section, the maximum prize per play is four hundred dollars."

Page 3, after line 21, insert:

"SECTION 8. AMENDMENT. Section 53-06.1-12 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12. Tax based on adjusted gross proceeds. A tax as provided in this section upon the total adjusted gross proceeds received by a licensed eligible organization shall be paid to the licensing authority on a quarterly basis in such manner and upon such forms as ~~shall be~~ prescribed by the licensing authority by rule. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for expenses. The amount of this tax shall be paid from adjusted gross proceeds and not charged against the percentage limitation of expenses. Any games of chance conducted through the use of an electronic gaming device are subject only to the taxes imposed by this chapter and are not subject to the sales tax imposed by section 57-39.2-02.1. The tax is hereby imposed upon every eligible organization, to be levied, collected, and paid quarterly with respect to the adjusted gross proceeds of the eligible organization as provided in this section, computed at the following rates:

1. On adjusted gross proceeds not in excess of six hundred thousand dollars per quarter, a tax of five percent.
2. On adjusted gross proceeds in excess of six hundred thousand dollars per quarter, a tax of twenty percent."

Page 5, line 2, remove "purchase or"

Page 5, line 3, remove "manufacturer or"

Page 5, line 6, after the period insert "No North Dakota licensed manufacturer may be a distributor."

Page 7, line 4, replace "1990" with "1991"

Renumber accordingly

HB 1641 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred Engrossed HB 1664 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1664 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred HCR 3086 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3086 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred HCR 3089 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3089 was placed on the Tenth 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 2153 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1324 of the Senate Journal and that Engrossed SB 2153 be amended as follows:

Page 1, line 2, after "to" insert "a personal holiday for state employees and"

Page 1, line 7, replace "Closing of state offices" with "Personal holiday election" and after the period insert "With administrative approval, state employees may elect, in such a way as to allow each state agency to remain open, one of the following days as a personal holiday: the day after Thanksgiving; the day after the Christmas holiday, or the Monday after Christmas if the holiday falls on a Friday or Saturday; or Martin Luther King Day, the third Monday of January."

Page 1, line 8, replace "twelve noon" with "two-thirty p.m."

Renumber accordingly

For the Senate: Sens. Dotzenrod, Ingstad (absent), Maxson
For the House: Reps. Clayburgh, Schatz, Carlson

Engrossed SB 2153 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 2256 has had the same under consideration and recommends that the HOUSE RECODE from the House amendments as found on pages 1324-1325 of the Senate Journal and that Engrossed SB 2256 be amended as follows:

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

Page 11, line 11, after the period insert "The loss must be determined in accordance with and based upon the most current edition of the American medical association's "Guides to the Evaluation of Permanent Impairment." Any impairment award, not expressly contemplated within the American medical association's "Guides to the Evaluation of Permanent Impairment," must be determined by clear and convincing medical evidence."

Page 15, line 12, after the underscored period insert "Any rating of the percentage of functional impairment should be in accordance with the standards for the evaluation of permanent impairment as published in the most recent edition of the American medical association's "Guides to the Evaluation of Permanent Impairment" unless proven otherwise by clear and convincing medical evidence."

Renumber accordingly

For the Senate: Sens. Maxson, Nalewaja, Stenehjem
For the House: Reps. Dorso, Shide, Enget

Engrossed SB 2256 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 2262 has had the same under consideration and recommends that the HOUSE RECODE from the House amendments as found on pages 1411-1412 of the Senate Journal and that Engrossed SB 2262 be amended as follows:

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE INTENT. Because facilities are not always available for the preparation of food onsite by nonprofit public-spirited organizations not regularly engaged in the business of selling food or to persons not regularly engaged in the business of preparing or selling food and who prepare food for sale directly to the

ultimate consumer at a farmers' market, bake sale, or similar enterprise, it is the intent of the legislative assembly to exempt organizations and persons in those situations from preparing food in licensed or approved kitchens. Because the unintentional mishandling of food may jeopardize the public health and welfare, whether the mishandling is done by an establishment open to public patronage or by a nonprofit public-spirited organization or a person providing a limited type of food service, it is the intent of the legislative assembly to authorize the department of health and consolidated laboratories to offer educational support to food preparers.

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

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

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

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

23-09.2-03. Minor violations. The department, local boards of health, and district health units shall attempt to resolve minor violations of this chapter through education. The department, local boards of health, and district health units are not required to report for prosecution minor violations of this chapter.

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

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

14. To make, adopt, amend, and repeal rules as may be deemed necessary by the board from time to time for the proper administration and enforcement of this chapter, ~~chapters 19-02 and chapter 19-02.1 as those chapters pertain that chapter pertains~~ to drugs, subject to approval of the director of the state department of health and consolidated laboratories, and chapter 19-03.1 subject to approval of the controlled substances board.

15. The board or its authorized representatives may investigate and gather evidence concerning alleged violations of the provisions of chapter 43-15, ~~chapters 19-02 and~~ chapter 19-02.1 that ~~pertain~~ pertains to drugs, chapters 19-03.1, 19-03.2, and 19-04, or of the rules of the board. Board investigative files are confidential and may not be considered public records or open records for purposes of section 44-04-18, until a complaint is filed or a decision made by the board not to file a complaint.

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

Renumber accordingly

For the Senate: Sens. Kelsh, J. Meyer, Stenehjem
For the House: Reps. Stenehjem, Clayburgh, Koibo

Engrossed SB 2262 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 2322 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1444 of the Senate Journal and that SB 2322 be amended as follows:

Page 1, line 3, after "funds" insert "; and to provide an expiration date"

Page 2, after line 5, insert:

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

Renumber accordingly

For the Senate: Sens. Mathern, O'Connell, Freborg
For the House: Reps. R. Berg, Gates, Wilkie

SB 2322 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 2468 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. Hanson, Nalewaja, Stenehjem
For the House: Reps. Wentz, Stenehjem, Kaldor

SB 2468 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3088: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of entering into reciprocal agreements with Indian tribes concerning the registration of motor vehicles, and

the impact upon state funding provided to its political subdivisions as a result of an Indian tribe's exercise of its sovereign powers.
Was read the first time and referred to the Committee on Transportation.

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

PATRICIA CONRAD, Secretary