

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

\* \* \* \* \*

Bismarck, April 10, 1989

The Senate convened at 8:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Delmer Becker, Grace Bible Church, Bismarck.

We thank Thee, Lord, that Thou are Lord. That Thou hast proved to us again today. In spite of all we have seen, Thou hast still held check, and we are grateful. We are grateful for all Thy faithful servants have done. God, there are just a few days left. Keep it faithful to the end. They do not want to, Lord, but keep it to the end. Keep it, Lord. In Jesus' precious name. Amen.

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

A quorum was declared by the President.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

April 7, 1989

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

Dear Mr. President:

This is to inform you that on April 7, 1989, I signed the following: SB 2048.

Sincerely,

GEORGE A. SINNER  
Governor

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2021 as printed on pages 1650-1651 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 2021: Sens. Mushik, Wogsland, Thane.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1006, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1006: Sens. Stromme, Shea, Thane.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1007, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1007: Sens. Mushik, Waldera, Lips.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1021, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1021: Sens. Ewen, Stromme, Nelson.

#### MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 10:00 a.m., which motion prevailed.

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

#### SIGNING OF BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: SB 2009, SB 2026, SB 2152, SB 2213, SB 2238, SB 2242, SB 2278, SB 2354, SB 2371, SB 2378, SB 2388, SB 2394, SB 2461, SB 2465, SB 2482, SB 2483, SB 2491, SB 2502, SB 2510, SB 2514, SB 2526, SB 2527.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2009, SB 2026, SB 2152, SB 2213, SB 2238, SB 2242, SB 2278, SB 2354, SB 2371, SB 2378, SB 2388, SB 2394, SB 2461, SB 2465, SB 2482, SB 2483, SB 2491, SB 2502, SB 2510, SB 2514, SB 2526, SB 2527.

#### SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1229, HB 1563.

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

MR. SPEAKER: The President has signed: HB 1229, HB 1563.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2021 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2021: Sens. Mushik, Wogsland, Thane

#### 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 1006: Sens. Stromme, Shea, Thane

HB 1007: Sens. Mushik, Waldera, Lips  
HB 1021: Sens. Ewen, Stromme, Nelson

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 8:45 a.m., April 10, 1989: SCR 4033, SCR 4055, SCR 4059, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4066, SCR 4067, SCR 4068, SCR 4069, SCR 4072.

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 8:46 a.m., April 10, 1989: SB 2085, SB 2129, SB 2172, SB 2189, SB 2234, SB 2247, SB 2252, SB 2269, SB 2308, SB 2316, SB 2321, SB 2400, 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 2032 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has adopted the conference committee report on SB 2212.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed unchanged: SCR 4017.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2399.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SB 2382, SB 2470.

## HOUSE AMENDMENTS TO ENGROSSED SB 2382

Page 1, line 21, replace "twenty" with "ten"

Page 2, line 6, replace "twenty" with "ten"

Page 2, line 7, after "thereof" insert "or from a political subdivision or agency thereof"

Page 2, line 8, replace "The" with "An"

Page 2, line 9, remove "state bar association shall appoint an" and replace "to" with "consisting of the lieutenant governor, the attorney general or the attorney general's designee, and the state court administrator shall"

Page 2, line 10, remove "The committee"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "who qualify as eligible clients for legal assistance."

Page 2, line 15, remove "according to the following formula:"

Page 2, line 16, remove "1. At least ninety-five percent of the moneys must be distributed"

Page 2, remove lines 24 through 28

Page 3, line 11, replace "state bar association of North Dakota" with "advisory committee"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SB 2470

Page 1, line 16, after the period insert "If a school board is notified that a finding of probable cause is made, this subsection does not prevent the school board from moving to suspend the teacher under the provisions of subsection 4."

Renumber accordingly

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1245 and HB 1294.

#### REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1245 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1346-1347 and pages 1499-1500 of the Senate Journal.

For the Senate: Sens. Robinson, Satrom, Ingstad  
For the House: Reps. Goetz, A. Hausauer, J.DeMers

Engrossed HB 1245 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 HB 1294 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1077 of the Senate Journal.

For the Senate: Sens. Keller, Krauter, Nething  
For the House: Reps. Dorso, Shide, Skjerven

Engrossed HB 1294 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 HB 1504, HB 1558 HB 1614, and HB 1634 and subsequently passed the same.

#### REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred Reengrossed HB 1504 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 988-989 of the Senate Journal and that Reengrossed HB 1504 be further amended as follows:

Page 2, line 4, replace "shall" with "may"

Renumber accordingly

For the Senate: Sens. Heinrich, Peterson, Nalewaja  
For the House: Reps. Gates, Myrdal, Scherber

Reengrossed HB 1504 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 HB 1558 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 1503-1504 of the Senate Journal.

For the Senate: Sens. Richard, Dotzenrod, Tennefos  
For the House: Reps. Goetz, A. Hausauer, Tomac

Engrossed HB 1558 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 HB 1614 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1356 of the Senate Journal and that Engrossed HB 1614 be amended as follows:

Page 1, line 2, remove "and" and after "15-40.2-03" insert ", and section 57-15-27"

Page 7, after line 13, insert:

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

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

Re-number accordingly

For the Senate: Sens. Hilken, O'Connell, Freborg  
For the House: Reps. Myrdal, V. Olson, Ness

Engrossed HB 1614 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 HB 1634 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1504 of the Senate Journal and that Engrossed HB 1634 be amended as follows:

Page 1, line 11, replace "twelve" with "ten"

Renumber accordingly

For the Senate: Sens. Robinson, Satrom, Tennefos

For the House: Reps. Gorman, Knell, Scherber

Engrossed HB 1634 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

SEN. MAXSON MOVED that the conference committee report on SB 2192 as printed on page 1596 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2192: A BILL for an Act to amend and reenact section 28-32-05 of the North Dakota Century Code, relating to a change of an administrative hearing officer.

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, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Axtman; Lashkowitz; Meyer, D.; Moore; Wogsland

SB 2192 passed and the title was agreed to.

\*\*\*\*\*

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Reengrossed SB 2193 as printed on page 1685 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2193: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the appointment of independent administrative hearing officers.

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, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjsem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Yockim

NAYS: None

ABSENT AND NOT VOTING: Axtman; Lashkowitz; Meyer, D.; Wogsland

SB 2193 passed and the title was agreed to.

\*\*\*\*\*

REPORT OF CONFERENCE COMMITTEE

SEN. J. MEYER MOVED that the conference committee report on SB 2222 as printed on page 1685 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to provide for an exception to the open records law for law enforcement criminal intelligence and criminal investigative information.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Axtman; Lashkowitz; Meyer, D.

SB 2222 passed and the title was agreed to.

\*\*\*\*\*

REPORT OF CONFERENCE COMMITTEE

SEN. MAIXNER MOVED that the conference committee report on Engrossed SB 2226 as printed on pages 1685-1686 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2226: A BILL for an Act to create and enact a new section to chapter 54-30 of the North Dakota Century Code, relating to the sale or lease of land acquired by the state treasurer as trustee for the state of North Dakota; 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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

SB 2226 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

## MOTION

SEN. MAIXNER MOVED that SB 2320 be moved to the bottom of the calendar, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SEN. ROBINSON MOVED that the conference committee report on Engrossed SB 2376 as printed on page 1686 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2376: A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the sale of alcoholic beverages in gas stations, grocery stores, and convenience stores.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Streibel; Tennefos

ABSENT AND NOT VOTING: Axtman; Lashkowitz; Meyer, D.

SB 2376 passed and the title was agreed to.

\*\*\*\*\*

## REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed SB 2389 as printed on pages 1686-1687 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to create and enact a new section to chapter 25-03.1 of the North Dakota Century Code, relating to combination of preliminary and treatment hearings; and to amend and reenact sections 25-03.1-01, 25-03.1-02, 25-03.1-04, 25-03.1-06, 25-03.1-07, 25-03.1-08, 25-03.1-09, 25-03.1-11, 25-03.1-13, 25-03.1-14, 25-03.1-17, 25-03.1-18, 25-03.1-19, 25-03.1-21, 25-03.1-22, 25-03.1-25, 25-03.1-26, 25-03.1-27, subsection 5 of section 25-03.1-30, sections 25-03.1-34, 25-03.1-42, 25-03.1-43, and 25-03.1-46, relating to civil commitment of mentally ill and chemically dependent persons.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: David; Streibel

ABSENT AND NOT VOTING: Axtman; Lashkowitz; Meyer, D.; Wogsland

SB 2389 passed and the title was agreed to.

\*\*\*\*\*

## REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on SB 2459 as printed on page 1687 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2459: A BILL for an Act to create and enact a new section to chapter 14-15 of the North Dakota Century Code, relating to the right to counsel in termination proceedings under the Revised Uniform Adoption Act; and to amend and reenact sections 14-17-18 and 27-20-45 of the North Dakota Century Code, relating to the right to counsel in termination proceedings under the Uniform Parentage Act and the Uniform Juvenile Court Act.

## 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, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Yockim

NAYS: None

ABSENT AND NOT VOTING: Axtman; Lashkowitz; Meyer, D.; Olson; Wogsland

SB 2459 passed and the title was agreed to.

\*\*\*\*\*

REPORTS OF CONFERENCE COMMITTEES

SEN. SHEA MOVED that the conference committee report on Engrossed HB 1022 as printed on page 1679 of the Senate Journal be adopted, which motion prevailed.

SEN. KELSH MOVED that the conference committee report on Engrossed HB 1041 as printed on pages 1662-1663 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1041: A BILL for an Act to amend and reenact sections 15-47-36, 15-65-01, 15-65-02, and 15-65-03, subdivision h of subsection 1 of section 28-32-01, and subdivision l of subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the membership and name of the educational broadcasting council and the terms educational television services or facilities and radio facilities; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

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

\*\*\*\*\*

REPORTS OF CONFERENCE COMMITTEES

SEN. J. MEYER MOVED that the conference committee report on Engrossed HB 1210 as printed on pages 1679-1680 of the Senate Journal be adopted, which motion prevailed.

SEN. MAXSON MOVED that the conference committee report on Engrossed HB 1320 as printed on pages 1663-1664 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION  
ON CONSENT CALENDAR

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.

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

The resolution was declared adopted on a voice vote.

\*\*\*\*\*

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

Page 1672, line 22, after "Moore" insert "(refused to sign)"

Page 1672, line 23, after "Hokana" insert "(refused to sign)"

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

MOTIONS

SEN. HEIGAARD MOVED that the vote by which SCR 4073, SB 2192, SB 2193, SB 2222, SB 2226, SB 2376, SB 2389, SB 2459, HB 1022, HB 1041, HB 1210, and HB 1320 passed be reconsidered and the motion to reconsider to laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that SCR 4073, SB 2192, SB 2193, SB 2222, SB 2226, SB 2376, SB 2389, SB 2459, HB 1022, HB 1041, HB 1210, and HB 1320 be messaged to the House immediately, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in 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 does not concur in the Senate amendments to HB 1507 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1507: Reps. R. Hausauer, Gates, Aarsvold

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 2021: Reps. Gunsch, Gerntholz, Laughlin

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1016, HB 1029, HB 1101, HB 1186, HB 1196, and HB 1480 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 HB 1022, HB 1210, and HB 1320.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4073.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1041 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 2389 and SB 2459 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 2192, SB 2193, SB 2222, SB 2226, and SB 2376 and subsequently passed the same.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: SB 2046, SB 2055, SB 2078, SB 2089, SB 2097, SB 2105, SB 2110, SB 2131, SB 2135, SB 2145, SB 2206, SB 2216, SB 2245, SB 2271, SB 2281, SB 2286, SB 2292, SB 2294, SB 2295, SB 2301, SB 2310, SB 2319, SB 2328, SB 2344, SB 2347, SB 2360, SB 2418, SB 2463, SB 2508, SB 2523.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2046, SB 2055, SB 2078, SB 2089, SB 2097, SB 2105, SB 2110, SB 2131, SB 2135, SB 2145, SB 2206, SB 2216, SB 2245, SB 2271, SB 2281, SB 2286, SB 2292, SB 2294, SB 2295, SB 2301, SB 2310, SB 2319, SB 2328, SB 2344, SB 2347, SB 2360, SB 2418, SB 2463, SB 2508, SB 2523.

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

MR. PRESIDENT: The Speaker has signed: SB 2009, SB 2026, SB 2152, SB 2213, SB 2238, SB 2242, SB 2278, SB 2354, SB 2371, SB 2378, SB 2388, SB 2394, SB 2461, SB 2465, SB 2482, SB 2483, SB 2491, SB 2502, SB 2510, SB 2514, SB 2526, SB 2527.

#### MOTION

SEN. MAIXNER MOVED that SB 2540, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2540 was rereferred.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2020 as printed on pages 1629-1630 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission of the state of North Dakota and providing for transfers; 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; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; 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; Meyer, D.

SB 2020 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2298 as printed on page 1652 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2298: A BILL for an Act to amend and reenact subsections 1 and 2 of section 27-20-49 of the North Dakota Century Code, relating to payment by the state of the costs of transportation necessary for court-ordered medical examinations and treatment of a child.

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; Lips; Lodoen; Maixner; Mathern; Maxson; 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: Langley; Lashkowitz; Meyer, D.

SB 2298 passed and the title was agreed to.

\*\*\*\*\*

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2334 as printed on pages 1649-1650 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2334: A BILL for an Act to provide an appropriation for tourist information centers at Bowman, Williston, Fargo, and Grand Forks.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 4 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, J.; Meyer, W.; Moore; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Mutch; Streibel; Tennefos

ABSENT AND NOT VOTING: Lashkowitz; Meyer, D.

SB 2334 passed and the title was agreed to.

\*\*\*\*\*

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do not concur in the House amendments to SB 2037 as printed on page 1652 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 HB 2037: Sens. Mathern, Hilken, Peterson.

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 1626, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1626: Sens. W. Meyer, Kinnoin, Krebsbach.

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1507, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1507: Sens. Heinrich, Mathern, Freborg.

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2320 has had the same under consideration and recommends that the HOUSE

RECEDE from the House amendments as found on pages 1417-1418 of the Senate Journal and that Engrossed SB 2320 be amended as follows:

In lieu of the conference committee amendments to engrossed Senate Bill No. 2320 as printed on pages 1597-1598 of the Senate Journal, engrossed Senate Bill No. 2320 is amended as follows:

Page 3, line 3, remove ", but only"

Page 3, remove line 4

Page 3, line 5, remove "kilometers] or less from the central office,"

Page 5, line 16, remove "or decreases"

Page 5, line 18, after the underscored period insert "A decrease must be reflected in prices within thirty days of the effective date of the price factor."

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

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

Page 8, line 24, overstrike "Separation between regulated and unregulated services" and insert immediately thereafter "Cross-subsidization prohibited"

Page 8, line 25, after "services" insert ", including essential and nonessential services,"

Page 8, line 27, overstrike "enterprises"

Page 9, line 3, replace "as exempted by action of the" with "services, and revenues from essential services may not be used to subsidize or otherwise give advantage to a telecommunications company in its nonessential services. The commission may require a telecommunications company to keep separate books of account, to allocate costs in accordance with procedures established by rule or order of the commission, and to perform other acts that will assist the commission in enforcing this section"

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

Page 9, line 5, after "service" insert "or a nonessential service" and remove "incremental"

Re-number accordingly

For the Senate: Sens. Langley, Krauter (refused to sign), Nething

For the House: Reps. R. Larson, Whalen, Stofferahn (absent)

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

#### SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to create and enact subsection 6 of section 49-21-01.1 and four new sections to chapter 49-21, relating to the establishment of a regulatory reform review commission and exemption

from certain regulations for telecommunication companies; and to amend and reenact subsection 2 of section 49-02-01, sections 49-21-01, 49-21-02.1, 49-21-02.2, 49-21-04, 49-21-04.1, 49-21-05, 49-21-06, 49-21-07, and 49-21-09, relating to regulation of telecommunication companies.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 15 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Ewen; Freborg; Heinrich; Holmberg; Ingstad; Krebsbach; Langley; Lodoen; Maixner; Mathern; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera

NAYS: Axtman; Hanson; Heigaard; Hilken; Keller; Kelsh; Kinnoin; Krauter; Lips; Maxson; Redlin; Satrom; Schoenwald; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Meyer, D.

SB 2320 passed and the title was agreed to.

\*\*\*\*\*

#### MOTIONS

SEN. MAIXNER MOVED that the vote by which SB 2020, SB 2298, SB 2334, and SB 2320 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that SB 2020, SB 2298, SB 2334, and SB 2320 be messaged to the House immediately, which motion prevailed.

SEN. MAIXNER MOVED that the Senate stand in recess until 3:30 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2320 and subsequently passed the same.

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

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

HB 1507: Sens. Heinrich, Mathern, Freborg

HB 1626: Sens. W. Meyer, Kinnoin, Krebsbach

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2020, SB 2298, and SB 2334 and subsequently passed the same.

The Senate does not concur in the House amendments to SB 2037 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2037: Sens. Mathern, Hilken, Peterson

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SB 2006,  
SB 2062, SB 2114, SB 2520.

HOUSE AMENDMENTS TO ENGROSSED SB 2006

Page 1, line 3, remove "and"

Page 1, line 4, after "fund" insert "; and to provide legislative intent  
regarding health vaccination charges"

Page 1, line 14, replace "17,908,631" with "17,580,811"

Page 1, line 19, replace "9,467,600" with "8,717,600"

Page 2, line 2, replace "50,752,407" with "49,674,587"

Page 2, line 3, replace "35,876,120" with "35,712,210"

Page 2, line 4, replace "14,876,287" with "13,962,377"

Page 2, after line 10, insert:

"SECTION 3. LEGISLATIVE INTENT - HEALTH VACCINATION CHARGES. It  
is the intent of the legislative assembly that the department of health  
and consolidated laboratories adopt rules limiting the charges by  
private clinics and hospitals for providing vaccinations, with vaccine  
obtained at no cost from the department, to one-half of the cost  
incurred by the department in purchasing the vaccine."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

This amendment makes the following changes:

	GENERAL FUND	OTHER FUNDS	TOTAL
<u>Salary and wages</u>			
Deletes funds for salary increases for chemists and environmental engineers and scientists added by Senate	\$ (163,910)	\$ (163,910)	\$ (327,820)
<u>Grants, benefits, and claims</u>			
Deletes funds for the child evaluation and treatment program with funds to be provided in the appropriation for the UND rehabilitation hospital	(250,000)		(250,000)
Reduces funds for grants for licensed ambulance services	(500,000)		(500,000)

to provide \$500,000 for  
training grants and deletes  
\$264,000 for equipment grants  
and \$236,000 for training grants

Total changes	\$ (913,910)	\$ (163,910)	\$ (1,077,820)
---------------	--------------	--------------	----------------

This amendment also adds a section of legislative intent to limit charges by private clinics and hospitals for providing vaccinations, with vaccine obtained at no cost from the department, to one-half the cost incurred by the department in purchasing the vaccine.

#### HOUSE AMENDMENTS TO SB 2062

Page 1, line 1, after "Act" insert "to create and enact a new subdivision to subsection 6 of section 26.1-08-03 of the North Dakota Century Code, relating to the powers of the comprehensive health association board of directors; and"

Page 1, line 2, remove "26.1-08-08,"

Page 1, line 4, replace the first comma with "and" and remove ", and"

Page 1, line 5, remove "premium rates"

Page 2, after line 11, insert:

"SECTION 2. A new subdivision to subsection 6 of section 26.1-08-03 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Exempt, by a two-thirds majority vote, an applicant from the provisions of subsection 4 of section 26.1-08-12 when required under emergency circumstances to allow the applicant access to medical procedures deemed necessary to preserve life."

Page 5, line 26, overstrike "one thousand" and insert immediately thereafter "five hundred"

Page 6, line 15, remove "be less than five", overstrike "hundred", and after "~~fifty~~" insert "be less than one thousand"

Page 10, remove lines 5 through 27

Page 11, line 5, remove the overstrike over "~~six~~" and remove "nine"

Renumber accordingly

#### HOUSE AMENDMENTS TO SB 2114

Page 1, line 7, remove "in the general fund" and after the second comma insert "from special funds derived from federal funds and other income,"

Page 1, line 16, replace "all funds" with "special funds appropriation"

Page 1, remove lines 17 and 18

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The proposed amendments provide that the entire appropriation of \$589,057 is from special funds and the general fund appropriation of \$568,257 is removed. The special funds for the appropriation are to be received from the 10 percent profit margin of selling the seeds and planting stock at 110 percent of cost, private donations and contributions, federal grants and other grants that may become available, and other sources that may become available. The authority to sell the seeds and stock at 110 percent of cost is in an amendment to the State Forester's appropriation in Senate Bill No. 2003.

HOUSE AMENDMENTS TO ENGROSSED SB 2520

Page 2, line 2, replace "or" with an underscored comma and after "54-52" insert "15-39.1, or under the alternative retirement program provided by the state board of higher education,"

Renumber accordingly

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

MR. PRESIDENT: The Speaker has signed: SB 2046, SB 2055, SB 2078, SB 2089, SB 2097, SB 2105, SB 2110, SB 2131, SB 2135, SB 2145, SB 2206, SB 2216, SB 2245, SB 2271, SB 2281, SB 2286, SB 2292, SB 2294, SB 2295, SB 2301, SB 2310, SB 2319, SB 2328, SB 2344, SB 2347, SB 2360, SB 2418, SB 2463, SB 2508, SB 2523.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2001 as printed on page 1674 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 2001: Sens. Wogsland, Ewen, Streibel.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2002 as printed on pages 1674-1679 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 2002: Sens. Redlin, Stromme, Lips.

SEN. SATROM MOVED that the Senate do concur in the House amendments to SB 2029 as printed on pages 1651-1652 of the Senate Journal.

REQUEST

SEN. MOORE REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2029, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on SB 2029, the roll was called and there were 37 YEAS, 15 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Kinnoin; Langley; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz

The motion to adopt the conference committee report SB 2029 was adopted.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act to amend and reenact section 57-40.3-10, subsection 1 of section 57-43.1-02, and subsection 1 of section 57-43.2-02 of the North Dakota Century Code, relating to motor vehicle excise tax allocation and motor fuel taxes.

ROLL CALL

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

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

NAYS: Keller; Kinnoin; Langley; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Lashkowitz

SB 2029 passed and the title was agreed to.

\*\*\*\*\*

MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 5:00 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 Speaker has signed and your signature is respectfully requested: HB 1038, HB 1039, HB 1123, HB 1124, HB 1152, HB 1351, HB 1455, HB 1510, HB 1641, HB 1664, HCR 3022, HCR 3071, HCR 3086, HCR 3089.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1554 and subsequently failed to pass the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has adopted the conference committee report on HB 1191, HB 1365, and HB 1422 and subsequently passed the same.

#### REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1191 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1313 of the Senate Journal and that Engrossed HB 1191 be amended as follows:

Page 7, line 4, after the underscored period insert "The bureau shall establish, by administrative rule, an hourly rate to compensate a worker's attorney from the date the bureau has notified the worker to identify a rehabilitation plan under section 65-05.1-04. The bureau may establish, by administrative rule, absolute maximum fees for such representation."

Renumber accordingly

For the Senate: Sens. Keller, Krauter, Mutch  
For the House: Reps. Dorso, Tokach, Enget

Engrossed HB 1191 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 HB 1365 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 1349-1350 of the Senate Journal.

For the Senate: Sens. Maxson, Stenehjem, Holmberg  
For the House: Reps. D. Larson, Wentz, Ring

Engrossed HB 1365 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 HB 1422 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1352-1353 of the Senate Journal and that Engrossed HB 1422 be amended as follows:

Page 3, replace lines 14 through 25 with:

"82,001- 84,000	406.00	345.00	293.00	249.00
84,001- 86,000	426.00	362.00	307.00	261.00
86,001- 88,000	446.00	379.00	321.00	273.00
88,001- 90,000	466.00	396.00	335.00	285.00
90,001- 92,000	486.00	413.00	349.00	297.00
92,001- 94,000	506.00	430.00	363.00	309.00
94,001- 96,000	526.00	447.00	377.00	321.00
96,001- 98,000	546.00	464.00	391.00	333.00
98,001-100,000	566.00	481.00	405.00	345.00
100,001-102,000	586.00	498.00	419.00	357.00
102,001-104,000	606.00	515.00	433.00	369.00
104,001-105,500	626.00	532.00	447.00	381.00"

Renumber accordingly

For the Senate: Sens. D. Meyer, Axtman, Krebsbach  
 For the House: Reps. Knell, Dorso, Ness

Engrossed HB 1422 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 concurred in the House amendments to SB 2029 and subsequently passed the same.

The Senate does not concur in the House amendments to SB 2001 and SB 2002 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2001: Sens. Wogsland, Ewen, Streibel  
 SB 2002: Sens. Redlin, Stromme, Lips

**MOTION**

SEN. MAIXNER MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

**REPORT OF SELECT COMMITTEE**

MR. PRESIDENT: Your select committee (Sen. Kelsh, Chairman) appointed to consider the nominations for office of North Dakota State Racing Commission, do advise and consent to the nominations of Jerry Trenbeath, Daniel Diemert, Vincent Lindstrom, and Laura Locket.

The committee cast a unanimous ballot.

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

**ROLL CALL**

The question being "will the Senate advise and consent to the nomination of Jerry Trenbeath, Daniel Diemert, Vincent Lindstrom, and Laura Locket for the office of North Dakota State Racing Commission, 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; 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: Ingstad; Lashkowitz

SEN. MAIXNER MOVED that the Confirmation Session be dissolved, which motion prevailed.

**MOTIONS**

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Seventh order of

business, and at the conclusion of the Seventh order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of HCR 3088 and SB 2539, the Senate stand adjourned until 8:00 a.m., Tuesday, April 11, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Natural Resources (Sen. Krauter, Chairman) to which was referred SB 2539 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SB 2539 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Engrossed HB 1011 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:

Page 1, line 1, replace "making" with "to provide for"

Page 1, line 2, replace "and providing" with "and the civil air patrol; to provide"

Page 1, line 3, replace the first semicolon with "and"

Page 1, line 10, after "office" insert "and the civil air patrol"

Page 1, after line 12, insert:

"Subdivision 1.

ADJUTANT GENERAL"

Page 1, line 17, replace "465,816" with "598,908"

Page 1, remove line 18

Page 2, line 2, replace "11,858,410" with "11,921,502"

Page 2, line 4, replace "3,056,961" with "3,120,053"

Page 2, after line 4, insert:

"Subdivision 2.

CIVIL AIR PATROL

Salaries and wages	\$	49,215
Operating expenses		<u>35,691</u>
Total general fund appropriation	\$	84,906
Grand total general fund appropriation	\$	3,204,959
Grand total special funds appropriation	\$	8,801,449
Grand total all funds appropriation	\$	12,006,408"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 513 - CIVIL AIR PATROL

Provides a separate budget of \$84,906 from the general fund for the Civil Air Patrol because the Senate defeated House Bill No. 1199 which provided for the consolidation of the Civil Air Patrol with the Adjutant General. This is \$14,906 more than the consolidated version passed by the House (\$10,000 for lease payments - not needed under the consolidated proposal and \$4,906 to provide for the additional health insurance premiums and the salary increase).

## DEPARTMENT 540 - ADJUTANT GENERAL

	INCREASE (DECREASE)
Provides additional funds necessary to provide rent for six existing armories which would need to be vacated under the executive proposal	\$ 133,092
Deletes the Civil Air Patrol line item because this agency will not be consolidated with the Adjutant General as recommended in the executive budget	\$ (70,000)
Total general fund	<u>\$ 63,092</u>

The compensation increases in this bill are to be paid in accordance with legislative salary policy as provided in House Bill No. 1005.

HB 1011 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 1297 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:

Page 6, after line 22, insert:

"2. Any registration fees collected under section 21 of this Act;"

Page 8, line 23, replace "and must be used for administrative costs" with "for deposit in the state treasury for credit to the petroleum release compensation fund"

Page 8, line 24, remove "incurred under this Act"

Page 10, line 21, replace "two hundred fifty" with "twenty"

Page 11, line 7, replace "general" with "petroleum release compensation"

Page 11, line 9, replace "\$49,000" with "\$54,000"

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The proposed amendments provide that the tank owner or operator fee established in this Act is to be deposited in the petroleum release compensation fund rather than the state general fund and that the appropriation for administering the fund is to be from the petroleum release fund rather than general fund. The appropriation amount was increased by \$5,000, from \$49,000 to \$54,000, to include board costs.

Also, the amendments provide that the Insurance Commissioner may borrow \$20,000 rather than \$250,000 for startup, administration, and organizational costs.

HB 1297 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 1637 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1637 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred HCR 3087 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 1, replace "urging" with "supporting" and remove "to"

Page 1, line 2, replace "request" with "in requesting"

Page 1, line 11, remove "which"

Page 1, remove lines 12 through 14

Page 1, line 15, remove "court"

Page 1, line 16, remove "although the district court's original order was to require"

Page 1, remove lines 17 through 21

Page 2, line 23, replace "urges" with "supports"

Page 2, line 24, replace "to" with "in the" and after "request" insert "to"

Page 3, line 2, remove "for"

Page 3, line 3, remove "an appropriate pleading to be submitted to the district court"

Re-number accordingly

HCR 3087 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 Engrossed HCR 3088 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3088 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 2014 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1455-1456 of the Senate Journal and that Engrossed SB 2014 be amended as follows:

Page 1, line 15, replace "1,405,640" with "1,394,990"

Page 1, line 17, replace "1,864,733" with "1,854,083"

Page 1, line 19, replace "609,359" with "598,709"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 709 - COUNCIL ON THE ARTS

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

	GENERAL FUND
Community programs	\$ (7,000)
Touring arts	<u>(3,650)</u>
Total general fund reduction	\$ (10,650)

This amendment adds back \$67,000 from the general fund to the grants line item, \$43,000 for community programs and \$24,000 for touring.

The House had reduced the community programs and touring arts by \$50,000 and \$27,650, respectively.

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

	GENERAL FUND	FEDERAL FUNDS	TOTAL
Arts in education	\$ 10,000	\$	\$ 10,000
Rural arts initiative	50,000	50,000	100,000
Community programs	43,000		43,000
Touring arts	<u>24,000</u>	<u>          </u>	<u>24,000</u>
Total	\$ 127,000	\$ 50,000	\$ 177,000

For the Senate: Sens. Mushik, Waldera, Thane

For the House: Reps. Sorensen, Jensen, Kelly

Engrossed SB 2014 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 2042 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1276 of the Senate Journal and that SB 2042 be amended as follows:

Page 5, line 22, replace "or may be appropriately" with "zoned or" and remove "or useful in"

Page 5, remove lines 23 and 24

Page 5, line 25, remove "enterprises and is otherwise suitable"

Page 13, line 3, after "commission" insert "unless the proposed development is not consistent with the comprehensive city plan"

Re-number accordingly

For the Senate: Sens. Maxson, Dotzenrod, Lodoen

For the House: Reps. Haugen, Lindgren, Carlson

SB 2042 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 2072 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1054 of the Senate Journal and that Engrossed SB 2072 be amended as follows:

Page 1, line 1, replace "sections 25-02-01 and" with "section"

Page 1, line 2, replace "to provide for changing the name" with ", relating to the object"

Page 1, line 3, remove "to the North Dakota mental health center; and to"

Page 1, line 4, remove "provide for codifying the name change"

Page 1, remove lines 6 through 19

Page 2, line 1, remove the overstrike over "state hospital" and remove "North Dakota mental health center"

Page 2, line 2, replace "North Dakota mental health center" with "state hospital"

Page 2, line 4, replace "mental health center" with "state hospital"

Page 2, line 6, remove the overstrike over "state hospital"

Page 2, line 7, remove "North Dakota mental health center"

Re-number accordingly

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 2093 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1276-1277 of the Senate Journal and that Engrossed SB 2093 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 section 26.1-01-03.1 of the North Dakota Century Code, relating to general penalties for violation of provisions of the insurance title.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

"SECTION 1. AMENDMENT. Section 26.1-01-03.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-01-03.1. Cease and desist authority - Hearing - Failure to appear. The commissioner may issue an order to cease and desist when it appears that any person is engaged in an act or practice which violates or may lead to a violation of this title. The commissioner shall provide written notice to the person named in the order stating the time and place of the hearing on the matter and setting forth the alleged violation. A hearing must be held not later than ten days after the issuance of the order unless a delay is requested by all persons named in the order. The commissioner shall, within thirty days after the issuance of the cease and desist order, issue an order vacating the cease and desist order or making the cease and desist order permanent, as the facts require. The failure of any named person to appear at any proper hearing under this section after receiving notice of the hearing will cause that person to be in default and the allegations contained in the cease and desist order may be deemed to be true and may be used against the person at the hearing. If no civil monetary penalty is otherwise provided by law, the offender is, after hearing by the commissioner, subject to payment of an administrative monetary penalty of up to ten thousand dollars."

Renumber accordingly

For the Senate: Sens. Keller, Krauter, Todd  
For the House: Reps. Whalen, Lang, Starke

Engrossed SB 2093 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 2475 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1418-1419 of the Senate Journal and that SB 2475 be amended as follows:

Page 1, line 1, replace "section" with "sections 57-36-10," and after "57-36-25" insert ", subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32"

Page 1, line 2, after "to" insert "compensation available to distributors and"

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

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 57-36-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-36-10. Stamps may be purchased at discount. Any licensed distributor located within or without this state may purchase stamps at a discount of five percent of the face value thereof; and the. The tax commissioner may allow such the discount in the settlement of the account of such the wholesale distributor upon the payment to him the tax commissioner of any moneys which may be or become due to the state by reason of the sale, delivery, or consignment to such the distributor of such the stamps. The discount is computed as a percentage of the face value of the stamp at the following rates:

1. For the first five thousand dollars of discount per quarter, the rate is five percent.
2. For the discount in each quarter exceeding five thousand dollars but less than ten thousand dollars, the rate is four percent.
3. For the discount in each quarter exceeding ten thousand dollars but less than fifteen thousand dollars, the rate is three percent.
4. For the discount in each quarter exceeding fifteen thousand dollars but less than twenty-five thousand dollars, the rate is two percent.
5. The total discount under this section for any distributor may not exceed twenty-five thousand dollars in any quarterly period."

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

Page 2, after line 20, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 57-36-26 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. There is hereby levied and assessed upon all cigars, snuff, and other tobacco products, purchased in another state and brought into this state by a dealer for the purpose of sale at retail, an excise tax at the rate of twenty twenty-five percent of the wholesale purchase price at the time such the products were brought into this state. For the purposes of this section the term "wholesale purchase price" shall mean the established price for which a manufacturer sells cigars, snuff, or other tobacco products to a distributor exclusive of any discount or other reduction; ~~provided, that~~. However, the dealer may elect to report and remit the tax on his cost price of such the products rather than on the wholesale purchase price. The proceeds of such the tax, together with such the forms of return and in accordance with such the rules and regulations as the tax commissioner may prescribe, shall be remitted to the tax commissioner by the dealer on a

calendar quarterly basis on or before the tenth day of the month following the quarterly period for which it is paid. The tax commissioner shall have the authority to place any dealer on an annual remittance basis when in the judgment of the tax commissioner the operations of the dealer merit ~~such~~ a an annual remittance period. In addition, the tax commissioner shall have the authority to permit the consolidation of the filing of a dealer's return when the dealer has more than one location and thereby would be required to file more than one return.

SECTION 4. AMENDMENT. Subsection 1 of section 57-36-28 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A tax is hereby imposed upon the use or storage by consumers of cigars, snuff, and other tobacco products in this state, and upon ~~such those~~ consumers, at the rate of ~~twenty~~ twenty-five percent of the cost to the consumer of ~~such those~~ products.

SECTION 5. AMENDMENT. Section 57-36-32 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 6. EXPIRATION DATE. Sections 2 through 5 of this Act are effective through June 30, 1991, and after that date are ineffective."

Renumber accordingly

For the Senate: Sens. Richard, Robinson, Moore  
For the House: Reps. Goetz, A. Hausauer, Tomac

SB 2475 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

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

PATRICIA CONRAD, Secretary