

## JOURNAL OF THE SENATE

## Fifty-first Legislative Assembly

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Bismarck, April 12, 1989

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

The prayer was offered by Rev. Terry Kern, First Evangelical Free Church, Bismarck.

Our Heavenly Father, we pause now at the outset of this very busy day to acknowledge You again as the great and sovereign God of this universe and to praise You for all You have done and given to us. We do especially thank You for the gift of eternal life You have offered to us through faith in Your Son, Jesus Christ. We worship You and praise You, our Lord.

We come to You as well this morning, asking Your help for these men and women of the Senate. In these very stressful, hectic days, we ask You to give them grace and patience in their relationships, we pray for wisdom and understanding in their decisions, and we pray for a sensitivity to You and to Your word for all of their responsibilities and efforts today.

In our Saviour's name, we pray. Amen.

The roll was called and all Senators were present, except Senators Dotzenrod, Keller, Lashkowitz, W. Meyer, Richard, Wogsland.

A quorum was declared by the President.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1401 and subsequently passed the same.

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 2062: Reprs. Lindgren, Trautman, Marks

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

MR. PRESIDENT: The House has passed unchanged: SB 2025, SB 2030, SB 2422, SB 2537, SCR 4026, SCR 4065, SCR 4070, SCR 4071, SCR 4073.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2003, SB 2270, SB 2501.

## HOUSE AMENDMENTS TO REENGROSSED SB 2003

Page 1, line 3, after the semicolon insert "to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the remodeling and/or expansion of the student union at Minot state university; to amend and reenact section 4-19-03 of the North Dakota

Century Code, relating to the state forester's authority to charge for seeds and planting stock;"

Page 1, line 5, remove "to provide for appropriation reductions;"

Page 1, line 6, remove "higher"

Page 1, line 7, replace "education planning, board of higher education staff support," with "telecommunications, unified academic calendar,"

Page 1, line 21, replace "1,348,591" with "1,016,859"

Page 2, line 1, replace "573,872" with "308,872"

Page 2, line 2, replace "16,600" with "6,000"

Page 2, line 3, replace "1,250,000" with "700,000"

Page 2, line 5, replace "1,972,100" with "2,364,600"

Page 2, line 12, replace "3,900,000" with "1,500,000"

Page 2, line 13, replace "13,099,788" with "9,934,956"

Page 2, line 15, replace "11,030,807" with "7,865,975"

Page 2, line 18, replace "11,192,914" with "11,213,789"

Page 2, line 23, replace "14,952,579" with "14,973,454"

Page 2, line 25, replace "7,503,969" with "7,524,844"

Page 2, line 28, replace "3,222,454" with "3,143,918"

Page 2, line 29, replace "1,138,058" with "1,108,058"

Page 3, line 3, replace "274,204" with "407,204"

Page 3, line 4, replace "4,777,620" with "4,802,084"

Page 3, line 6, replace "2,560,682" with "2,585,146"

Page 3, line 9, replace "3,538,446" with "3,406,564"

Page 3, line 14, replace "4,875,699" with "4,743,817"

Page 3, line 16, replace "2,666,937" with "2,535,055"

Page 3, line 19, replace "78,624,293" with "78,928,698"

Page 3, line 20, replace "23,376,664" with "23,326,664"

Page 3, line 24, replace "106,073,266" with "106,327,671"

Page 3, line 26, replace "71,031,658" with "71,286,063"

Page 3, line 29, replace "65,258,807" with "65,507,117"

68th DAY

WEDNESDAY, APRIL 12, 1989

1761

Page 4, line 1, replace "20,414,103" with "20,364,103"  
Page 4, line 5, replace "89,542,568" with "89,740,878"  
Page 4, line 7, replace "60,850,930" with "61,049,240"  
Page 4, line 10, replace "18,872,243" with "18,907,278"  
Page 4, line 12, replace "865,491" with "1,365,491"  
Page 4, line 15, replace "25,336,119" with "25,871,154"  
Page 4, line 17, replace "19,284,314" with "19,819,349"  
Page 4, line 20, replace "9,807,102" with "9,586,119"  
Page 4, line 24, replace "197,935" with "647,935"  
Page 4, line 25, replace "13,359,468" with "13,588,485"  
Page 4, line 27, replace "10,300,586" with "10,529,603"  
Page 5, line 1, replace "6,302,736" with "6,223,058"  
Page 5, line 2, replace "2,009,075" with "1,827,763"  
Page 5, line 6, replace "8,612,750" with "8,351,760"  
Page 5, line 8, replace "6,615,916" with "6,354,926"  
Page 5, line 11, replace "22,113,021" with "22,137,902"  
Page 5, line 16, replace "26,980,404" with "27,005,285"  
Page 5, line 18, replace "19,063,662" with "19,088,543"  
Page 5, line 21, replace "8,525,423" with "8,534,079"  
Page 5, line 22, replace "2,301,958" with "2,099,687"  
Page 5, line 26, replace "11,312,328" with "11,118,713"  
Page 5, line 28, replace "8,475,964" with "8,282,349"  
Page 6, line 2, replace "3,072,174" with "3,076,959"  
Page 6, line 7, replace "4,160,832" with "4,165,617"  
Page 6, line 9, replace "3,066,863" with "3,071,648"  
Page 6, line 21, replace "429,449" with "329,449"  
Page 6, line 24, replace "1,766,293" with "1,666,293"  
Page 6, line 26, replace "1,082,152" with "982,152"  
Page 6, line 29, replace "38,150,518" with "38,285,577"

Page 7, line 1, replace "15,428,598" with "14,399,998"

Page 7, line 3, replace "54,601,238" with "53,707,697"

Page 7, line 4, replace "28,315,992" with "26,876,142"

Page 7, line 5, replace "26,285,246" with "26,831,555"

Page 7, line 12, replace "250,355,647" with "248,342,409"

Page 7, line 13, replace "153,304,485" with "152,714,635"

Page 7, line 14, replace "403,660,132" with "401,057,044"

Page 9, line 4, after "grants" insert "and reciprocal agreements"

Page 9, line 5, replace "appropriation" with "appropriations"

Page 9, line 7, replace "this appropriation" with "these appropriations"

Page 9, line 8, remove "student assistance"

Page 9, remove lines 17 through 29

Page 10, remove lines 1 through 29

Page 11, remove lines 1 through 15 and insert:

"SECTION 11. AMENDMENT. Section 4-19-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-19-03. Distribution of seeds and planting stock - ~~Regulations governing~~. Seeds and planting stock from the state nursery may be distributed by the state forester to citizens and landowners of this state upon payment by them of a price not greater than one hundred ten percent of the cost to the state of production in the case of planting stock or collection in the case of seeds, and the cost of transportation from the nursery, except that planting stock distributed for the specific purpose of ~~five snow fence or~~ highway beautification plantings may be distributed free of charge.

SECTION 12. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding eight hundred fifty thousand dollars for the purpose of remodeling/expanding the student union at Minot state university. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 13. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 12, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and the equipment of the facility authorized in section 12. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the authorized bonds.

SECTION 14. LEGISLATIVE INTENT - UNIFIED ACADEMIC CALENDAR. It is the intent of the legislative assembly that by June 30, 1991, the board of higher education will have a plan developed for the institutions under its control to be on a unified academic calendar.

SECTION 15. TELECOMMUNICATION/TECHNOLOGY PROGRAMS. The amount included in the telecommunications line item in subdivision 1 of section 1 of this Act or such greater amounts as may become available for telecommunications or technology-related programs shall only be spent and/or distributed after consultation with the North Dakota educational telecommunications council to best coordinate telecommunication programs."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

SUMMARY OF GENERAL FUND CHANGES TO ENGROSSED SENATE BILL NO. 2003

|                               | General Fund<br>Appropriation in<br>Engrossed Senate<br>Bill No. 2003 <sup>1</sup> | Increase<br>to Adjust<br>Faculty Salary<br>Increases <sup>2</sup> | Reduce Some<br>of Faculty<br>and Support<br>Positions<br>Added<br>by Senate <sup>3</sup> | Other<br>Increases <sup>4</sup> | Other<br>Decreases <sup>5</sup> | Total<br>General Fund<br>Appropriation<br>With<br>Proposed Changes | Proposed<br>Increase<br>(Decrease) to<br>Engrossed Bill |
|-------------------------------|--|---|--|---------------------------------|---------------------------------|--|---|
| Board of Higher Education     | \$ 11,030,807  |   |  | \$ 392,500                      | \$(3,557,332)                   | \$ 7,865,975   | \$(3,164,832)   |
| Dakota State College          | 7,503,969  | \$ 20,875   |  |                                 |                                 | 7,524,844  | 20,875  |
| ND-Lake Region                | 2,560,682  | 5,716   | \$ (114,252)   | 133,000                         |                                 | 2,585,146  | 24,464  |
| ND-Williston                  | 2,666,937  | 7,841   | (139,723)  |                                 |                                 | 2,535,055  | (131,882)   |
| University of North Dakota    | 71,031,658   | 304,405   |  |                                 | (50,000)                        | 71,286,063   | 254,405   |
| ND Medical Center             | 26,285,246   | 74,909*   |  | 1,500,000                       | (1,028,600)                     | 26,831,555   | 546,309   |
| College of Science            | 19,284,314   | 15,035  |  | 500,000                         |                                 | 19,819,349   | 535,035   |
| Dakota State University       | 10,300,586   | 10,288  | (231,271)  | 450,000                         |                                 | 10,529,603   | 229,017   |
| Mayville State University     | 6,615,916  | 6,502   | (267,492)  |                                 |                                 | 6,354,926  | (260,990)   |
| North State University        | 19,063,662   | 24,881  |  |                                 |                                 | 19,088,543   | 24,881  |
| Valley City State University  | 8,475,964  | 8,656   | (202,271)  |                                 |                                 | 8,282,349  | (193,615)   |
| Great Service                 | 1,082,152  |   |  |                                 | (100,000)                       | 982,152  | (100,000)   |
| USU-Buttlineau                | 3,066,863  | 4,785   |  |                                 |                                 | 3,071,648  | 4,785   |
| State Toxicologist            | 535,961  |   |  |                                 |                                 | 535,961  |   |
| North Dakota State University | <u>60,850,930</u>  | <u>248,310</u>  |  |                                 | <u>(50,000)</u>                 | <u>61,049,240</u>  | <u>198,310</u>  |
| Total Senate Bill No. 2003    | <u>\$250,355,647</u>   | <u>\$752,203</u>  | <u>\$ (958,009)</u>  | <u>\$2,975,500</u>              | <u>\$(4,785,932)</u>            | <u>\$248,342,409</u>   | <u>\$(2,013,238)</u>                                    |

An additional \$60,150 is added from other funds.

Provides annual faculty salary increases of eight percent and seven percent at the four-year universities and six percent and five percent at the two-year colleges, and annual support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1005 at all institutions.

Provides a faculty salary increase on July 1, 1989, of 12.6 percent at UND and NDSU, of 12 percent at the other four-year universities, of nine percent at the two-year colleges, and support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1005 at all institutions.

with. The following is a comparison of faculty salary increases:

|                              | Executive Budget | Equivalent Increase 7/1/89 | Senate Version | Equivalent Increase 7/1/89 | Proposed House Version 7/1/89 | Increase (Decrease) Over Equivalent Executive Budget |
|------------------------------|------------------|----------------------------|----------------|----------------------------|-------------------------------|--|
| ND/NDSU                      | 9.31%/9.31%      | 14.4%                      | 8%/7%          | 11.8%                      | 12.6%                         | (1.8)%   |
| other four-year universities | 8.93%/8.93%      | 13.8%                      | 8%/7%          | 11.8%                      | 12%                           | (1.8)%   |
| two-year colleges            | 6.84%/6.84%      | 10.5%                      | 6%/5%          | 8.7%                       | 9%                            | (1.5)%   |

Changes detailed as follows:

|   | Salaries and Wages        | Operating Expenses        | Total                     |
|---|---------------------------|---------------------------|---------------------------|
| UND-Lake Region - (1.85) FTE            | \$ (84,252)               | \$ (30,000)               | \$ (114,252)              |
| UND-Williston - (2.02) FTE              | (139,723)                 |                           | (139,723)                 |
| Dickinson State University - (2.63) FTE | (231,271)                 |                           | (231,271)                 |
| Mayville State University - (1.5) FTE   | (86,180)                  | (181,312)                 | (267,492)                 |
| Valley City State University            |                           | (202,271)                 | (202,271)                 |
| <b>Total</b>                            | <b><u>\$(541,426)</u></b> | <b><u>\$(413,583)</u></b> | <b><u>\$(955,009)</u></b> |

|   | General Fund              |
|---|---------------------------|
| Other increases:  |                           |
| Board of Higher Education - Reciprocal agreements                                     | \$ 392,500                |
| UND-Lake Region - Roof  | 133,000                   |
| UND-Medical Center - Restores general fund portion of Family Practice Center expenses | 1,500,000                 |
| College of Science - Equipment  | 500,000                   |
| Dickinson State University - Electrical switch  | 450,000                   |
| <b>Total</b>  | <b><u>\$2,975,500</u></b> |

## Consists of:

|   |                      |
|---|----------------------|
| <u>Board of Higher Education</u>                    |                      |
| 4 FTE in enhancement                                | \$ (432,332)         |
| Funds for study of merging medical schools          | (175,000)            |
| Reduce telecommunications to \$700,000              | (550,000)            |
| Eliminate increase in student financial assistance  | <u>(2,400,000)</u>   |
|   | <u>\$(3,557,332)</u> |
| UND - Data processing reduction                     | \$ (50,000)          |
| NDSU - Data processing reduction                    | <u>\$ (50,000)</u>   |
| <u>Forest Service</u>                               |                      |
| Delete Senate addition for lands management program | <u>\$ (100,000)</u>  |
| <u>UND Medical Center</u>                           |                      |
| Reduce postgraduate residency program               | \$ (232,100)         |
| Reduce postgraduate stipend funding                 | (224,000)            |
| Reduce funds for community faculty teaching fees    | (180,000)            |
| Reduce operating expenses                           | <u>(392,500)</u>     |
|   | <u>\$(1,028,600)</u> |
| Grand total   | <u>\$(4,785,932)</u> |

In addition, these amendments delete the general fund appropriation reduction allocation of \$20 million, authorizes the issuance of \$850,000 of revenue bonds for remodeling or constructing an addition to the Student Union at Minot State University, and amends current law to allow the State treasurer to charge 110 percent of the cost of production for seeds and planting stock.

## HOUSE AMENDMENTS TO REENGROSSED SB 2270

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to formation, composition, and duties of the special road advisory committee; and to amend and reenact section 24-02-37 of the North Dakota Century Code, relating to investment of the state highway fund and the use of income generated for roads benefiting recreational, tourist, and historical areas.

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

SECTION 1. AMENDMENT. Section 24-02-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-37. State highway fund - ~~How expended~~ Priorities for expenditure - Use of investment income for roads benefiting recreational, tourist, and historical areas. The state highway fund, created by law and not otherwise appropriated and allocated, ~~shall~~ must be applied and used for the purposes herein named and in this section, as follows:

1. Except for investment income as provided in subsection 3, the fund must be applied in the following order of priority:
  - ~~1-~~ a. The cost of maintaining the state highway system.
  - ~~2-~~ b. The cost of construction and reconstruction of highways in the amount necessary to match in whatever proportion may be required, federal aid granted to this state by the United States government for road purposes in North Dakota.
  - ~~3-~~ c. Any portion of the highway fund not allocated as provided in ~~subsections~~ subdivisions a and b may be expended for the construction of state highways without federal aid or may be expended in the construction, improvement, or maintenance of such state highways.
2. All funds heretofore appropriated or hereafter appropriated or transferred to the department, whether earmarked or designated for special projects or special purposes or not, shall be placed or transferred into a single state highway fund in the office of the state treasurer and any claims for money expended by the department upon warrants prepared and issued by the department of accounts and purchases office of management and budget and signed by the state auditor under the provisions of this title shall be paid out of the state highway fund by the state treasurer; provided, however, that the commissioner shall keep and maintain complete and accurate records showing that all expenditures have been made in accordance with legislative appropriations and authorizations.
3. The state treasurer shall invest the moneys in the state highway fund and shall deposit any income derived from the investment of that fund in a special fund to be known as the special road fund. Moneys in the special road fund may be used, within the limits of legislative appropriation,

exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the commissioner with the advice of the special road advisory committee. Requests by political subdivisions or state agencies for funding from the special road fund must be made to the commissioner on forms designated by the commissioner. The commissioner may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund.

SECTION 2. A new section to chapter 24-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Special road advisory committee. The special road advisory committee consists of one member of the senate transportation committee appointed by the president of the senate and one member of the house of representatives transportation committee appointed by the speaker of the house and also the game and fish commissioner, the director of state parks and recreation, the director of the economic development commission, and the highway commissioner. The committee shall meet at the call of the highway commissioner, who will serve as chairman, to review requests for funding from the special road fund and to advise the highway commissioner regarding funding requested projects. All final decisions regarding funding requested projects are in the sole discretion of the highway commissioner. The members of the commission who are members of the legislative assembly shall be compensated by the department, from moneys appropriated from the special road fund, for attendance at committee meetings at the rate provided in section 54-35-10 and paid for expenses incurred in attending the meetings in the amounts provided by law for other state officers."

Renumber accordingly

#### HOUSE AMENDMENTS TO REENGROSSED SB 2270

In lieu of the amendments to reengrossed Senate Bill No. 2270 adopted by the House as printed on pages 1566-1568 of the House Journal, reengrossed Senate Bill No. 2270 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to formation, composition, and duties of the special road advisory committee; to amend and reenact section 24-02-37 of the North Dakota Century Code, relating to investment of the state highway fund and the use of income generated; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-02-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-37. State highway fund - ~~How expended~~ Priorities for expenditure - Use of investment income. The state highway fund, created by law and not otherwise appropriated and allocated, ~~shall~~ must be applied and used for the purposes ~~herein~~ named and in this section, as follows:

1. Except for investment income as provided in subsection 3, the fund must be applied in the following order of priority:
  - ~~1-~~ a. The cost of maintaining the state highway system.
  - ~~2-~~ b. The cost of construction and reconstruction of highways in the amount necessary to match in whatever proportion may be required, federal aid granted to this state by the United States government for road purposes in North Dakota.
  - ~~3-~~ c. Any portion of the highway fund not allocated as provided in ~~subsections 4~~ subdivisions a and b may be expended for the construction of state highways without federal aid or may be expended in the construction, improvement, or maintenance of such state highways.
2. All funds heretofore appropriated or hereafter appropriated or transferred to the department, whether earmarked or designated for special projects or special purposes or not, shall must be placed or transferred into a single state highway fund in the office of the state treasurer and any claims for money expended by the department upon warrants prepared and issued by the ~~department of accounts and purchases~~ office of management and budget and signed by the state auditor under the ~~provisions~~ of this title shall must be paid out of the state highway fund by the state treasurer; provided, however, that the commissioner shall keep and maintain complete and accurate records showing that all expenditures have been made in accordance with legislative appropriations and authorizations.
3. The state treasurer shall deposit the moneys in the state highway fund in an interest-bearing account at the Bank of North Dakota. The state treasurer shall deposit any income derived from the deposit of the moneys in a special fund in the state treasury known as the special road fund. Moneys, and any earnings on the moneys, in the special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the commissioner with the advice of the special road advisory committee. Requests by political subdivisions or state agencies for funding from the special road fund must be made to the commissioner on forms designated by the commissioner. The commissioner may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund.

SECTION 2. A new section to chapter 24-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Special road advisory committee. The special road advisory committee consists of one member of the senate transportation committee and one member of the senate appropriations committee appointed by the chairman of the legislative council and one member of the house of representatives transportation committee and one member of the house of

representatives appropriations committee appointed by the chairman of the legislative council and also the game and fish commissioner, the director of state parks and recreation, the director of the economic development commission, and the highway commissioner. The committee shall meet at the call of the highway commissioner, who is chairman of the committee, to review requests for funding from the special road fund and to advise the highway commissioner regarding funding requested projects. All final decisions regarding funding requested projects are in the sole discretion of the highway commissioner. The members of the commission who are members of the legislative assembly must be compensated by the department, from moneys appropriated from the special road fund, for attendance at committee meetings at the rate provided in section 54-35-10 and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 1991."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2501

Page 1, line 8, replace "fifteen percent" with "one and one-half million dollars"

Page 1, line 11, after "thereafter" insert "through July 1, 1992"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2274, SB 2413, SB 2530.

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

MR. PRESIDENT: The House has failed to pass: SB 2333, SB 2375, SB 2438.

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

MR. PRESIDENT: The House has adopted the conference committee report on SB 2192, SB 2193, SB 2226, SB 2376, SB 2389, and SB 2459 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 HB 1449, HB 1564, and HB 1581 and subsequently passed the same.

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1449 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1435-1436 of the Senate Journal and that Engrossed HB 1449 be amended as follows:

Page 1, line 1, replace "pheasant and duck upland" with "small and big game"

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

Page 1, line 3, after "fund" insert "and from the habitat restoration stamp fund", after "appropriation" insert "of the interest generated by the

fund", and replace "an" with "legislative intent regarding the small and big game habitat restoration trust fund"

Page 1, line 4, remove "expiration date"

Page 1, line 6, replace "Pheasant and duck upland" with "Small and big game"

Page 1, line 7, replace "pheasant and duck upland" with "small and big game"

Page 1, line 9, replace "pheasant and duck" with "small and big game"

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

Page 1, line 14, replace "pheasants and waterfowl," with "small and big game"

Page 1, line 16, replace "pheasant and duck upland" with "small and big game"

Page 1, line 19, replace "pheasant and" with "small and big game"

Page 1, line 20, remove "duck upland"

Page 2, after line 2, insert:

"SECTION 2. SMALL AND BIG GAME HABITAT RESTORATION TRUST FUND - LEGISLATIVE INTENT. The funds transferred as required in section 3 of this Act must be invested in interest-bearing accounts known as the small and big game habitat restoration trust fund. The fund is established to provide funds from the interest generated by the fund for private land small and big game habitat leasing, food plot development, and small and big game habitat cost-sharing agreements as described in section 1 of this Act. It is the intent of the legislative assembly that expenditures from the principal of the small and big game habitat restoration trust fund commence no later than December 31, 1995."

Page 2, line 10, replace "pheasant and" with "small and big game"

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

Page 2, replace lines 13 through 20 with:

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

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

SECTION 6. LEGISLATIVE INTENT. It is the intent of the 1989 legislative assembly that the small and big game habitat restoration trust fund interest income earned during a biennium must be spent prior to the end of the succeeding biennium."

Renumber accordingly

For the Senate: Sens. Maixner, O'Connell, David  
For the House: Reps. A. Olson, Schindler, Halmrast

Engrossed HB 1449 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 1564 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1269 of the Senate Journal and that Engrossed HB 1564 be amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 31-01 of the"

Page 1, remove line 2

Page 1, line 3, remove "perjury; and"

Page 1, line 13, replace "The" with "At the time the", after "hearing" insert "administers the oath to a witness, the officer", and remove ", before"

Page 1, remove line 14

Page 1, line 15, remove "testifies,"

Page 1, remove lines 17 through 22

Renumber accordingly

For the Senate: Sens. Hanson, Nalewaja, Holmberg  
For the House: Reps. Murphy, Urlacher, Nelson

Engrossed HB 1564 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 1581 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1318 of the Senate Journal and that Engrossed HB 1581 be amended as follows:

Page 3, line 1, replace "inclusive of" with "as approved by the board and considering the"

Page 3, line 2, remove "recognition of"

Page 6, line 8, remove "level required by the" and replace the comma with "as approved by the board and considering the"

Page 6, line 9, remove "inclusive of recognition of"

Renumber accordingly

For the Senate: Sens. Satrom, Maixner, Moore  
For the House: Reps. Dorso, Soukup, Frey

Engrossed HB 1581 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER 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.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

April 12, 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 11, 1989, I signed the following: 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.

Sincerely,

GEORGE A. SINNER  
Governor

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-seventh Day and finds it to be correct.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a resolution recognizing Walter R. Hjelle for his many accomplishments and leadership in the transportation field and his long years of service to this state.

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

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

FIRST READING OF SENATE RESOLUTION

Sen. Heigaard introduced:  
(Approved by the Committee on Delayed Bills)

SR 1: A resolution recognizing Walter R. Hjelle for his many accomplishments and leadership in the transportation field and his long years of service to this state.

Was read the first time.

## MOTION

SEN. HEIGAARD MOVED that the rules be suspended, that SR 1 not be printed, not be referred to committee, but be read in its entirety, and be printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

Sen. Heigaard introduced:

(Approved by the Committee on Delayed Bills)

## SENATE RESOLUTION NO. 1

A resolution recognizing Walter R. Hjelle for his many accomplishments and leadership in the transportation field and his long years of service to this state.

WHEREAS, the Legislative Assembly customarily recognizes and honors North Dakota citizens for achievements that have brought national recognition; and

WHEREAS, Walter R. Hjelle was first appointed Highway Commissioner of the North Dakota State Highway Department in 1961 and had the longest continuous service as Highway Commissioner of any individual currently serving in that capacity in the United States; and

WHEREAS, Walter R. Hjelle's dedication to professionalism and public service led to involvement in diverse state and national associations including serving as vice president of Region III of the American Association of State Highway and Transportation Officials (AASHTO), chairman of the AASHTO Subcommittee on Public Information, chairman of the AASHTO Highway Traffic Safety Committee, a participant of the AASHTO Policy Committee and Standing Committee on Administration, past president of the Mississippi Valley Conference, and as a member of the Kiwanis, the American Legion, and the Masonic and Elk Lodges; and

WHEREAS, among Walter R. Hjelle's many noteworthy accomplishments are his leadership in aiding North Dakota in completing its interstate highway system before any other state completed its system, the expansion to four lane highways of United States Highway 83 North between Bismarck and Minot and United States Highway 2 between Grand Forks and Minot, his amicable and professional relationship with four different governors from two political parties, and the long-standing positive and fruitful relationship between the State Highway Department and the Federal Highway Administration, other state agencies, and other transportation entities; and

WHEREAS, recognition for Walter R. Hjelle's many accomplishments includes the Distinguished Service Citation awarded by the Associated General Contractors, induction into the Highway Hall of Honor, the Distinguished Alumni Award from Valley City State College, the Award of Gratitude from Communities for enabling the construction of a modern United States Highway 2, the 1979 Boss of the Year Award given by the Sakakawea Chapter of Professional Secretaries International, the 1979 Meritorious Service Award given by the Red River Valley Potato Growers, honorary lifetime membership in the International 281-10 Highway Association, the merit Award for Employment of the Handicapped, the Governor's Commodore Award, a Certificate for Outstanding Achievement in the Field of Recreation and Parks, an award from Take Pride in America, and a lifetime associate membership in the Jaycees; and

WHEREAS, Walter R. Hjelle's many noteworthy accomplishments deserve recognition in an appropriate manner to ensure that the citizens of this state are aware of his dedication to public service and the many benefits to the state that have resulted from that dedication and his commitment to providing and maintaining a viable highway system for the citizens of this state;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA:

That the Senate expresses its thanks and appreciation to Walter R. Hjelle and commends him for his many accomplishments and leadership in the transportation field and for his long years of service to this state and its citizens; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate send an enrolled copy of this resolution to Walter R. Hjelle.

#### SECOND READING OF SENATE RESOLUTION

SR 1: A resolution recognizing Walter R. Hjelle for his many accomplishments and leadership in the transportation field and his long years of service to this state.

#### REQUEST

SEN. NAADEN REQUESTED a recorded roll call vote, which request was granted.

#### ROLL CALL

The question being on the final adoption of the resolution, 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

SR 1 was declared adopted on a recorded roll call vote.

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#### MOTION

SEN. HEIGAARD MOVED that the Senate resolve itself into a "Hearts and Flowers Session", which motion prevailed.

SEN. WOGSLAND: Thank you, Mr. President and members of the Senate. As we come to the final days of this, the Centennial Legislative Assembly, it is time to pause and reflect a little bit on the goings-on, the activities, and the accomplishments of this, the 1989 Legislative Session. It has truly been a memorable time. It has been an honor and a privilege for me to serve with each and every member of this Senate and with all the people who make this assembly the wonderful place which it is. All of you are a class act in every way. You know, the Senators have this false belief that we are really

in charge of the goings-on in this assembly. But the employees know better. Without their spirit, their dedication, there would be no Legislative Assembly and today it is my pleasure to present to some of our employees, to our desk force, some small tokens of appreciation.

First of all to Doug Nordby, our Sergeant-at-Arms and our protector. You know, it has been your unenviable task to keep order throughout the Senate, despite the clapping, the rapping, and the yapping that goes on. No matter what the task, you accomplished it with a huge, warm heart and a steel that was as tough as nails when it had to be. Thanks, protector, you "done good".

To Kathy Horsager, our Miss Bill Clerk, who with a calm manner and a warm smile has kept order among the avalanche of bills that we have faced this session. You have not skipped a beat, Kathy, and while your worst nightmare may have been that you might lose a bill, something by the way which you have never done, you have really been a dream to the Senate and to its desk force, and we really appreciate you.

To Sally Paul, our Miss Efficiency as our Desk Reporter. How do you do it? With grace you have transformed the volume of motions, amendments, and votes from this so-called windy house into order, volumes that are going to make just excellent campaign fodder in 1990. Your style and organization has been an example to all of us, and we really, really appreciate the job that you have done for us.

And to Perry Grotberg, our Mr. Cool, Assistant Secretary of the Senate. Another one of the Valley City Connection on our desk force. You know, while Pat gets to do all the fun stuff like open the key, it has been your experience and guiding hand that has helped to make our desk force really a shining star. You may be Perry to the rest of the Senate, you will always be Pops to me, and we in the Senate truly appreciate the hard work and dedication that you have shown this session. Thanks, Perry.

And last but not least, to Pat Conrad, our Senate's first woman of the Senate and a magician who keeps the machine going on the straight and narrow. You press the buttons, you ring the bell, you open the key, and you keep the flow going with efficiency and a tremendous amount of class. You have been a delight to the Senate and we really, really appreciate all your efforts.

Mr. President, we would now ask if Pat would have a response.

**PAT CONRAD:** On behalf of the desk force, we want to thank you all for those nice comments. We feel that instead of your thanking us, we should be thanking you for giving us the opportunity to learn about the legislative process in this exciting manner. Working for you and with you has been a delight. We on the desk force have the responsibility for correcting the things that go wrong and today we have the pleasure of receiving your words of appreciation for the things that have gone well. We know that we could not have been successful, or as successful as we have been, had it not been for the cheerful and accurate work of Mary and the clerks, or Lucy and the pages, and all the other staff members with whom it has been such a pleasure to work. Most importantly, we need to acknowledge the fantastic working relationship we have had with the staff of the Legislative Council. From the training we have received beginning with the pre-session through the support they have provided over the past three months, we have developed a deep respect for your staff who work on the second and third floors of this building. You in the legislature and indeed all the people in our state are well served by those dedicated state employees. Thank you again.

SEN. SATROM: Thank you Mr. President, members of the Senate. It is my pleasure today to recognize the Senate employees and specifically some of the supervisory positions within the structure of our employees. It has always been my feeling that Senate employees reflect the very best of our North Dakota constituents and it has been a pleasure to have them again serve us so well and make sure that our work and our efforts reflect itself in a methodical movement through the process of lawmaking.

Today I want to recognize our chief stenographer and payroll clerk, Roberta Nelson. Roberta is not someone that we see a great deal on the Senate floor but she is here and we have a presentation for her. We also want to recognize our chief committee clerk, Mary Schmitz, who has been with us for a second session and has been a wonderful addition to our productivity. In addition, I want to recognize Delano Huston who is the chief bill room clerk, who is also here for a second session, has been a valuable, stable addition in the bill room where there is a considerable amount of pressure to get those bills in order so that they are available to not only the legislators but also to all of the interest groups who look for organization in those services. In addition, I want to recognize Lucy Miller who is the chief page and has been a very responsible force here on the floor in making sure that things go well and that people are well served as they use the bill books and look for services from our pages in our processes.

Our employees really serve a valuable function and as you think back on the session and think about going home, I hope you will express your appreciation to all of them personally. Without them it would really very quickly break down into chaos, so I want to say from the employment committee, Senator Walter Meyer, Senator Jerome Kelsh, Senator Naaden, and Senator Mutch, that it has been our pleasure to have good employees and I hope you will join me in recognizing them with our applause.

DOUG NORDBY: Mr. President, Senator Heigaard, Senator Olson, members of the Senate, I would like to thank you today for myself and the employees for all the kind words you have had for us, and we really appreciate it. I would like to have a special thanks for Senator Satrom and his employment committee who had the confidence to hire us to work in this Fifty-first Legislative Session. Your employee group has been a good group to work with. We have had a lot of fun. We have enjoyed working for you, and from them and me, we thank you again.

SEN. JERRY MEYER: Thank you, Mr. President. I first met you, Mr. President, when I was a housewife working for the newly conceived Democrat-NPL party and you were one of our new brilliant young Turks that were helping promote this. And then we sort of lost touch with you after a few years and we found out you were in some obscure little school being a professor. But those of us in western North Dakota only heard once in a while from you at a dinner or convention. And, lo and behold, two years ago, when all of our names, every Democrat in North Dakota in politics was mentioned as a possible candidate for Lieutenant Governor, somebody came up with the idea, "Say, what about that professor that writes that funny column", and the rest of us were history. The Governor was so right. Your credentials were so impressive. Your experience was just what was needed, and North Dakota was the winner, and we were all very pleased. We appreciate your talent, your fairness, and your humor. When this Professor Potter from Rutgers said something derogatory about returning North Dakota to the buffalo, we applauded when you suggested we renew civilization in New Jersey.

Now, Mr. President, there is one little area where I have more expertise than you, and I would have liked to practice it all year. I have had a lot of practice in saying "Will you boys sit down, don't fidget, be quiet, and stay off the telephone." I thought last week when I was going to do this that I would do something clever with your horoscope, so I started out last Tuesday and it was wonderful. You could have announced for Governor that day, but they postponed it a week. Yesterday it said "Set a good example" and I was going to suggest that you go over to the House, set a good example and tell them we would like to get through here. Now your horoscope for today says you need to communicate with your family and you need more rest. So I will be the first to volunteer to work through the weekend in order that you can communicate with your family and get more rest.

And Mr. President, you have done a tremendous job. We have really appreciated your fairness, we have appreciated working with you, and we want to give you a little memento of this session.

SEN. HOLMBERG: Is it my turn, or do I wait till they give everything away? Okay, Mr. President, now it is going to be no surprise.

Well, Mr. President, members of the Senate, it has been said that the Lieutenant Governorship is sort of like the last cookie on the plate. Everybody insists he will not take it, but somebody always does. And Mr. President, we too in the minority party in our caucus the other day on a roll call vote voted 21-0 that you have conducted yourself with dignity, with humor, and with wit during this session. We also determined that the wit that you have gives you as presiding officer the ability to step on our toes without spoiling our shoeshine. And I believe, Mr. President, that throughout this session you have done a very excellent job of that. We also, on a voice vote, decided that you were very fair this session. And Mr. President, I cannot pass up this opportunity to attempt my poetry talent or lack thereof in a little ditty I put together to describe this particular legislative session. Unfortunately, as I told Senator Maxson, the only type of poetry I am familiar with is the limerick, and I did a very good job of cleaning up before I put together this particular item for you. So Mr. President, this is dedicated to you:

There was a Lt. Gov. on the dais  
Who behind him put all his bias  
To preside over us  
Throughout all of the fuss  
And remain a man who is pious.

Mr. President, we appreciate your gavel etiquette. We appreciate you as our presiding officer and doing an excellent job and, personally, I hope the tradition continues.

PRES. OMDAHL: Thank you, Senator J. Meyer and Senator Holmberg. The horoscope incident was no accident. Last week you were correct. It would have been good for announcing for Governor, but Senator Heigaard moved the date. I understand that there was a lottery to see who would make the presentations to the presiding officer and that the losers were Senator Meyer and Senator Holmberg, so it has been a real, very distinct and unusual honor for me and a privilege to serve with you. I have found the floor leaders to be especially helpful to an amateur because it has been some time since the Senate has had a presiding officer who has not had legislative experience,

and this was of some concern to me, and the President was pleased to find that the Senators were here to do business rather than wrangle over parliamentary procedure, which saved the President many embarrassing moments, and for that he is very appreciative. The President has also learned to appreciate the very difficult work that you do in your day-to-day decisions. As you would debate issues and I worried about whether or not this issue would be determined by a tie vote of some kind, I had to travail with each of you on how the decision should be made and most times, I was relieved that I did not have to participate in the decision. When you think of just a couple of decisions that do come close and you wonder how you would explain your vote, and the President realizes that you have to do this on every one of about a thousand votes during the session, the President really learned to appreciate the very difficult work that you do, and I would hope that this state of North Dakota would really appreciate what you do. You have an outstanding group of people in that you are really worthy of the offices that you hold. Your commitment to serving North Dakota is reflected in your faithful attendance, except for bull sales sometimes we will lose one or two, and it is really a privilege and an honor to be associated with an institution that runs as well as this, that is staffed by such committed people who represent the true profile of North Dakota.

Contrary to what Senator Holmberg says, I have a personal regret that I probably will not be back for the next session. He and I have a little difference of opinion over the constitutional amendment that is on the ballot, but from a personal point of view I have regarded this as a very good experience, and it would not disappoint me personally if I were privileged to return. However, I still feel, in the best interest of government, that it would be better for you to be able to select your own leader. But in any respect, I want to thank you for the opportunity of having served with such a distinguished and outstanding group of citizens, and North Dakota ought to be thankful.

SEN. YOCKIM: Thank you, Mr. President. Now if we may be on a more serious order of business, I rise to express the appreciation and best wishes of the majority party to the Assistant Minority Leader, the Senator from District 29. I originally intended to use some quotes from Shakespeare. It has been difficult to find some that have not already been used on the floor of the Senate this session. The closest I could come was something that started out something like "I rise not to praise Ceasar, but to bury him." But I decided I would look further. We are not, as you probably know, Mr. President, the first people who recognized who the Senator from District 29 was and is. His parents long before us knew that this person would grow up to be a very distinguished and well-known person in the state of North Dakota and in the country, and they recognized that by giving him two first names and not even bothering to give him a last name. But he has learned to overcome that as well as other difficulties, and he has attacked problems with a great deal of creativity. Early this year he started to think about how he was ever going to get along in the spartan conditions in which we work in the Senate, and get along in the tight, close-working conditions that our desks provide us, and so he decided that he would buy a Porsche just to get used to the experience. As part of the minority party, and most minority party people know this, he has suffered many defeats this session. Among the most notable, I think, is he has lost his position as owning the most colorful suit in the Senate to the Senator from District 33. But I want to honor him today for his support and for his leadership of our loyal opposition. He is part of a team that has conducted itself with dignity, perseverance, and courage in spite of overwhelming odds and certain defeat. We only wish that we could promise you, Senator, that the future would be brighter for you and

your party, but it will not. You have been part of the formulation of public policy, part of the most noble pursuit in our country, providing for the public good. Although we differ often on methods, I think we agree quite often on what the end result ought to be. And so I wanted to express to you in the words that Theodore Roosevelt said, and I think you share that belief, that "This country won't be a good place for any of us until it's a good place for all of us". Thank you.

SEN. TODD: Mr. President and members of the Senate, the privilege of serving as Assistant Minority Leader is an experience that I will never forget. It has been an honor and indeed a privilege. It is something that means a great deal to me. In our caucus we have found that minority status has been somewhat difficult for us to adjust to. We have been in that status for two sessions and perhaps the problem that we are experiencing is that we have not had nearly the practice at it that the party currently in the majority has had.

Throughout this and past sessions, I have made many, many very close friends in this body, and I count those friends from both sides of the aisle. The friendships that I have been able to form are not based on philosophy but they are based more, I think, in a personal recognition that each member of this Senate is putting forth an honest effort to solve common problems as best he or she can to make this great state of North Dakota a much better place for each and every one of us. The legislative process as we know it works reasonably well because it is based upon mutual trust, respect, and the recognition of each member of this body to be heard, no matter how diverse opinions might be.

I want to express my sincere appreciation to the majority party for the cooperation and respect they have shown to us as a minority party throughout this entire session. I want to also offer my thanks to all of my Senate colleagues for a truly memorable experience.

SEN. OLSON: Boy, is this going to be fun. First of all, when our caucus met recently, we were asked the question, "Who among us will make this hearts and flowers to the Assistant Majority Leader?" The only ones to step forth were several of Senator Pete Naaden's grandchildren. So first of all, on behalf of the 495 grandchildren of Senator Naaden, we would like to thank you for the opportunity that you have given to Senator Naaden to introduce every last one of them on the Senate floor.

We have had a number of dignitaries come through this body and speak to us, Senators, Congressmen, world champion boxers, choirs, among others. And Senator Maixner is very, very concerned about the proper handling of these dignitaries. Unfortunately, some of them are a little confused. They do not know where their checkpoint is and because of that they have sometimes stopped in at the minority leader's office instead of the majority leader's office, much to the dismay of Senator Maixner. And we would like to help him out. We hope these things will be of value to him next session. I have had our staff work long and hard on these signs. They are portable, so they can be interchanged depending on who the dignitary is and where you want him to stop. One says, "NO DIGNITARIES ALLOWED" and the other says, "DIGNITARY CHECKPOINT". If the page would gather these mementos and present them to Senator Maixner.

Somewhat seriously, there is no one in this assembly that has more knowledge of Senate rules than Senator Maixner. If he would for a moment just hold up his book, you can see that it is kind of shredded. It is indexed and tabbed.

I am talking about the Senate rulebook, Senator Maixner. You have never followed Masons. I do not expect you to start now. And I want to give him some credit. Sometimes he himself even manages to follow some of those rules. We go back a number of years, Senator Maixner and I, and I remember serving in the Senate in the 1983 Session with him on the Judiciary Committee. I, and I know all of you, have been always impressed with his ability to interpret, to read, the written word, something that lawyers strive to do, and a lot of times not successfully. But that is the basic ingredient, I think, in successful lawmaking. And Senator Maixner has done that very well. He has combined those skills with his competitiveness and his ability as a leader and he has become a very, very worthy adversary when the situation calls for it. He is a very able spokesman for the majority party in the Senate. So on behalf of all of us, Senator Maixner, it is a pleasure to present this gift to you, a fine leader and a personal friend.

SEN. MAIXNER: Thank you, Mr. President and thank you, Senator Olson. Thank you especially for not making my gift contingent on Sunday opening passing. You know, John and I do see each other once in a while outside of the session, and this Sunday opening thing has been very important to John. You know, I have seen him at the lake and I said, "You know, John, I'd like to come up again this weekend." He said "Yes, but only if Sunday opening passes." "It'd be nice to have a beer together sometime, John", and "Yes, but only if Sunday opening passes". He has even warned me that the fish will not bite next summer if Sunday opening does not pass. That the hatchery will not be allowed to release their fish, so I really hope that Sunday opening passes, even if I did not vote for it.

My thanks also to my Senate colleagues for the gift. Thank you for the Session. You know, it has been, I guess, four sessions in the Senate now that I have been here after serving two in the House. There are many that have been here longer than I and I guess a few that have been here a shorter time. When I first came to the Senate after two terms in the House, I thought it was kind of stuffy over here and restrained and maybe even artificial. But after four sessions here I think that I have decided that the rules and the demeanor in the Senate really contribute to the efficiency. And frankly, in many ways, contribute to the respect that we have for each other and the closeness that we have. The time is close now when we are going to bid farewell for another session. Some of us will be back, and some of us will not, either because we decide or someone else decides. For those that will not be back, and if I am one of them, let me bid farewell and thank you for being the group that you have and just let me express now my respect for this body and my love and respect for the members, the men and women, that have made it what it is.

SEN. MAXSON: Thank you Mr. President. It is really a pleasure to honor the Senate Minority Leader. He is a very good friend of mine, somebody that I have known for nineteen years. John graduated a year ahead of me in law school. I had to miss a year because I was fighting in the Viet Nam war with Dan Quayle.

Hearts and flowers is really a pleasure to take part in because it is good for us to recognize and honor the minority and make it a matter of public record that all the good guys do not wear white hats and all the bad guys do not wear white sheets. The voice of the minority, in this state and in this country, is important. It is good for us to honor and respect them. This is a state and a country where we settle our differences with debate, not bullets. And, John, your party is well represented by you as the minority leader as somebody earlier stated, "If you need some expertise, we have

plenty of experts on being the minority group over here on the Democratic side". I think there was a time a few years ago when there were only eight Democrats in the Senate. These things go in cycles and we hope that our cycle lasts a long time. But in the meantime, I cannot think of anybody who could be a more eloquent spokesperson for the minority voice. And, John, before we make the presentation of your present, which by the way was purchased in Moorhead, Minnesota, I was inspired by the Senator from District 17-18 to also quote a limerick which never once mentions Nantucket.

There once was a minority leader  
Who dreamed the state would be neater  
By shopping on Sunday  
Not waiting till Monday  
The plan first rose, the plan then fell  
Shopping, you see, is the gateway to Hell.

SEN. OLSON: Thank you, Mr. President and thank you, Senator Maxson. Given your ability to use words, I have always been eager to know what you are going to say but I am a little hesitant, particularly when I am the object of your rhetoric. But it is a rare opportunity that each one of us has to serve in the North Dakota Senate. I am so proud of that. I know that you are, too, and the good will and the relationships that we have established really transcend even the bitterness of political debates. And I appreciate that. First of all, I want to express my support, my thanks, to my caucus for electing me and for having the confidence in me. I want to thank Senator Todd and Senator Nalewaja for sharing the leadership responsibilities with me. I want to thank my staff, my staff who has really helped us out as a caucus and done a lot of work this session. The pages, the desk force, the Sergeant-at-Arms, and all of the other Senate employees who have done such a tremendous job, I think, in helping the Senate to have a very well-flowing operation. We appreciate that. I want to express my appreciation, personally, to all of the members of the majority party and particularly Senator Heigaard and Senator Maixner who have shown me nothing but courtesy, most of the time. I especially appreciate, and I know all of you do, too, the sacrifices that your families make, for without them I think North Dakota could not be served as well as they are served with the complement of Senators especially that we have serving this session. I want to publicly express my appreciation to my wife, Carol, who is sitting here. I do not think I have introduced her to this body before, but she is here physically today, and she has always been there. I have had seventeen years of public service and, of course, that means that, Carol, we were married when you were twelve years old, I know, but that is very important to me and I know the same situation is important to all of you. It has been a long and difficult session. They always are. That is why I am supporting Senator Redlin in his ultimate dream to have one every year. Cut it down a little bit. But whatever happens, next session, whether I am here or not, I want to truly bid all of you farewell as we close this session, as we all go back to our daily routines and daily lives, to the real world. It has been a rewarding experience for me, and I want to personally say to you, "God bless each and every one of you". Thank you.

SEN. LODOEN: Thank you, Mr. President. I was honored several weeks ago to have Senator Nalewaja, our caucus leader, tell me that she would like to have me make the presentation to the majority leader and to get prepared because we would probably be doing that the next week. I have been getting prepared week after week, ever since that, for this time. But I went home and told my wife about the great honor. There are not too many things I have had to do that were distinguished this last session over here, and I thought this would

really be an honor for me and started telling my Senate colleagues that I am going to give the presentation to the majority leader, and they said, "Yeah, they asked me and I wouldn't do it". I went around to all twenty-one Senators and found out I was the only one that was left, and well, it took some of the steam out, and I said after all that, I can't even write my own message. So I went to considerable expense to have something prepared for me by somebody who knows the leader very well and my poetry is not good but I do have a little thing that I would like to have to acknowledge our majority leader.

When Bill became the leader it was a very small troop.  
We thought he'd be harmless leading such a troop.  
But the years have gone by and his stature has grown  
Much like our state budget, it's becoming overblown.  
He became Majority Leader and that's our prime concern  
It is now for the old days the minority yearns.  
Although he's been accused of calling our right to speech  
He's allowed us our free speech when the same things we seek.  
Like a man called Strinden, he has a plan for every reader  
And we pledge him our support should he seek again to be Minority Leader.

Well, I would like to say, Mr. President and Majority Leader, that I too have served with the majority and the minority. It is much more fun being in the majority party, but it is easier being in the minority because you can just kind of sit and listen and walk and go to the restroom when you want to, but there are those days when we would like to have something to say. But I think our leader has been fair with us. It has been a privilege to serve with him, and congratulations for the nice job that you have done, Bill. We do have a gift over here if one of the pages would pick it up for the leader.

SEN. HEIGAARD: Thank you, Mr. President and members of the Senate. Have I ever started a speech out without saying that? I do not think so. Senator Lodoen, what he did not tell you was that Paula's brother used to be the District 13 Republican Chairman, and I think there was probably a little bit of pressure put on from that area so he would speak to me this morning. I, too, Mr. President, want to thank all of the employees for the tremendous job that they have done this session. When we come down here and, particularly, when I come down here, I guess I have high expectations and, particularly, I have high expectations for the work that is to be done and the work that the employees have to do. And I want to say that I think, no, I know that they have met all of those expectations. We have had just a tremendous group of employees that have made the Senate and the Legislature work the way that we all want it to work and, Mr. President, you and your desk force have been superb. We just could not be in the position where we are in the North Dakota Senate today without the hard work of the desk force and you, Mr. President, keeping us rolling, and we thank you for that.

You know, it has been said two or three times this morning about the camaraderie that develops with our colleagues. I do not think I could express it any better than Senator Moore did when he gave the talk during our memorial service. I thought that was a particularly deep-feeling speech by Senator Moore that really does express what all of us feel toward each other after sitting in this body. I do not think there is anyone that really can understand the closeness that develops when we work together for this seventy, seventy-one days in the closeness that we do. And it is something, of course, of all of the things that I look at, the benefits from serving in the North Dakota Senate, has been the Senators that I have been able to meet and to know. We fight hard, we argue, we sometimes agree, but I think every

time we step behind that rail it is all forgotten and we then treat each other as we always should. And I just really have a high respect for that type of a system.

John, I thank you. John and I were raised in Pembina County about seventeen miles from each other. I went back the other day in our home area and I was talking to someone and I said, "What do you think, that Pembina County, you know John Olson's the Minority Leader, I'm the Majority Leader, we're both from Pembina County. What do you think about that?" And the guy said, "It's scary". Truly, John, you are a great voice for the Republican party. We have worked together, I think, as close between the two parties as it could be, and I look forward in the next three and a half days, that we will continue and do the Senate proud again.

PRES. OMDAHL: At this time my assistant, Dan, and I would like to start a new tradition for Centennial years. And so we have the Centennial Presidential Presentations to make, and we hope at the next Centennial the younger members such as Senator Wogsland will remind them of the tradition. One award that we are not able to make today that should be made is an award to Dave Nething for Innovativeness in Parliamentary Proceedings, but it was very difficult for me to find something worth \$3.95 that would appropriately recognize that. But he has us now asking questions that are really not according to the manual, but it is a much better method than the manual, and I trust that the rules of the Senate in the next session will provide for that method because it is much easier to handle on the floor. If my assistant, Dan, will quickly distribute these items:

First of all, Senator Rolland Redlin, would you move up to Senator Rolland Redlin's desk. We have a presentation for Senator Rolland Redlin. Senator Redlin, we make this presentation to you for sharing company with the most guests on the Senate floor. So you get the Host of '89 Award.

And for Senator Wayne Stenehjelm, for being clear, concise, and articulate, the Best Bill Carrier of the Year Award. We could not really think of anything appropriate to give a bill carrier, but we thought that since you were from Grand Forks and considering the crest is this weekend, that bucket might come in handy.

For Senator Ray David, for the most effective use of communications during the 1989 session, the Telephone Award. Senator David logged 67 hours 39 minutes and 12 seconds during this session and he beat Senator Richard out by only 19 seconds.

For Senator Jens Tennesfos who verbally assaulted all bills diverting funds from the highway trust fund to no avail in 1989 so we want to equip him for 1991 with this, a collection of diversion stoppers.

To Senator Jim Maxson for coining a phrase that will long be remembered, we have a gift to celebrate with all his judicial friends, quiche.

And finally, for Senator Dan Wogsland. Dan, this is not for keeping better control of the caucus, but this is so you can walk on Senator Dean Meyer's property any time you want.

That represents the Centennial Presidential Presentation.

SEN. HEIGAARD MOVED that the "Hearts and Flowers Session" be dissolved, which motion prevailed.

## REPORT OF STANDING COMMITTEE

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2541 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

SB 2541 was rereferred to the Committee on Appropriations.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2153, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on SB 2153: Sens. Dotzenrod, Maxson, Ingstad.

## MOTIONS

SEN. HEIGAARD MOVED that the Senate request the return of SB 2222 from the House, which motion prevailed.

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

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

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

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

SB 2153: Sens. Dotzenrod, Maxson, Ingstad

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

MR. SPEAKER: The Senate respectfully requests the return of: SB 2222.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HCR 3087 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 1647 and subsequently failed to pass the same.

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

Page 1688, after line 1, insert:

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2042, stating that the conference committee is unable to agree and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2042: Sens. Maxson, Dotzenrod, Lodoen

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

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

SB 2042: Reps. Haugen, Lindgren, Carlson"

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

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2042, stating that the conference committee is unable to agree, and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2042: Sens. Maxson, Dotzenrod, Lodoen

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

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

SB 2042: Reps. Haugen, Lindgren, Carlson

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2005, SB 2016.

#### HOUSE AMENDMENTS TO ENGROSSED SB 2005

In lieu of the amendments to engrossed Senate Bill No. 2005 adopted by the House as printed on pages 1963-1974 of the House Journal, engrossed Senate Bill No. 2005 is amended as follows:

Page 1, replace line 2 with "North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station"

Page 1, line 3, remove "state university of agriculture and applied science"

Page 1, line 5, remove "to provide for appropriation"

Page 1, line 6, remove "reductions;"

Page 1, line 7, replace "and to amend and reenact sections 4-05-01, 4-05-02, 4-05-03," with "to change the name of the North Dakota state university extension division; to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the agricultural experiment station and the agricultural research station and centers; to amend and reenact section 4-28-03, subsection 2 of section 15-10-01, sections 15-12-05, 15-12-08, 15-12-17, subdivision c of subsection 16 of section 19-18-02, and section 23-20-04 of the North Dakota Century Code, relating to the name of the agricultural experiment station; and to repeal chapter 4-05 of the North Dakota Century Code, relating to the agricultural experiment stations."

Page 1, remove lines 8 through 15

Page 1, replace line 21 with "North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station"

Page 1, line 22, remove "university of agriculture and applied science"

Page 2, line 4, replace "COOPERATIVE EXTENSION DIVISION" with "NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE"

Page 2, line 5, replace "16,772,597" with "16,574,615"

Page 2, line 6, replace "3,494,602" with "3,436,102"

Page 2, line 8, replace "20,827,199" with "20,570,717"

Page 2, line 9, replace "10,590,411" with "10,594,374"

Page 2, line 10, replace "10,236,788" with "9,976,343"

Page 2, line 12, replace "DIVISION" with "SERVICE"

Page 2, line 27, after "UNIVERSITY" insert "MAIN"

Page 2, line 28, replace "28,781,477" with "29,158,690"

Page 2, line 29, replace "6,157,165" with "6,169,665"

Page 3, line 4, replace "37,619,227" with "38,008,940"

Page 3, line 5, replace "15,935,408" with "15,960,684"

Page 3, line 6, replace "21,683,819" with "22,048,256"

Page 3, line 8, replace "STATION" with "CENTER"

Page 3, line 9, replace "755,175" with "757,153"

Page 3, line 11, replace "41,076" with "41,076"

Page 3, after line 11, insert:

"Capital improvements 2,000"

Page 3, line 12, replace "1,220,170" with "1,224,148"

Page 3, line 13, replace "268,990" with "270,990"

Page 3, line 14, replace "951,180" with "953,158"

Page 3, line 16, replace "STATION" with "CENTER"

Page 3, line 17, replace "372,638" with "373,289"

Page 3, line 19, replace "116,705" with "116,705"

Page 3, after line 19, insert:

"Capital improvements 2,000"

Page 3, line 20, replace "819,326" with "821,977"

Page 3, line 21, replace "250,001" with "252,001"

Page 3, line 22, replace "569,325" with "569,976"

Page 3, line 24, remove "EXTENSION"

Page 3, line 25, replace "360,034" with "361,204"

Page 3, line 27, replace "108,463" with "108,463"

Page 3, after line 27, insert:

"Capital improvements 2,000"

Page 3, line 28, replace "648,806" with "651,976"

Page 3, line 29, replace "201,245" with "203,245"

Page 4, line 1, replace "447,561" with "448,731"

Page 4, line 3, replace "STATION" with "CENTER"

Page 4, line 4, replace "381,213" with "382,282"

Page 4, line 6, replace "40,000" with "40,000"

Page 4, after line 6, insert:

"Capital improvements 2,000"

Page 4, line 7, replace "602,948" with "606,017"

Page 4, line 8, replace "91,000" with "93,000"

Page 4, line 9, replace "511,948" with "513,017"

Page 4, line 11, remove "EXTENSION"

Page 4, line 12, replace "396,820" with "398,067"

Page 4, line 14, replace "59,000" with "59,000"

Page 4, after line 14, insert:

"Capital improvements 2,000"

Page 4, line 15, replace "723,836" with "727,083"

Page 4, line 16, replace "327,016" with "329,016"

Page 4, line 17, replace "396,820" with "398,067"

Page 4, line 19, replace "STATION" with "CENTER"

Page 4, line 20, replace "449,347" with "450,808"

Page 4, line 22, replace "10,122" with "10,122"

Page 4, after line 22, insert:

"Capital improvements 2,000"

Page 4, line 23, replace "594,374" with "597,835"

Page 4, line 24, replace "80,002" with "82,002"

Page 4, line 25, replace "514,372" with "515,833"

Page 4, line 27, remove "EXTENSION"

Page 4, line 28, replace "1,009,529" with "1,011,843"

Page 5, line 1, replace "137,500" with "137,500"

Page 5, after line 1, insert:

"Capital improvements 2,000"

Page 5, line 2, replace "1,750,573" with "1,754,887"

Page 5, line 3, replace "910,134" with "912,134"

Page 5, line 4, replace "840,439" with "842,753"

Page 5, line 7, replace "238,835" with "239,452"

Page 5, line 11, replace "802,765" with "803,382"

Page 5, line 14, replace "1,400,267" with "1,403,540"

Page 5, line 17, replace "1,525,128" with "1,528,401"

Page 5, remove lines 18 through 21

Page 5, line 22, replace "39,274,813" with "36,830,627"

Page 5, line 23, replace "31,880,734" with "31,927,863"

Page 5, line 24, replace "71,155,547" with "68,758,490"

Page 5, line 27, replace "state university research" with "agricultural experiment"

Page 5, line 28, remove "branch stations, land reclamation research center,"

Page 5, line 29, replace "cooperative extension division" with "North Dakota state university extension service"

Page 6, line 15, replace "state university research" with "agricultural experiment"

Page 7, line 25, replace "state university research" with "agricultural experiment" and remove "or any"

Page 7, line 26, remove "of its branch stations"

Page 7, line 28, after "station" insert "or center"

Page 8, remove lines 14 through 29

Page 9, remove lines 1 through 4

Page 9, line 5, after "INTENT" insert "-- RESOURCE CENTERS - COUNTY SERVICES"

Page 9, line 6, replace "extension division" with "North Dakota state university extension service"

Page 9, line 11, after the period insert "Without a county's board of county commissioners approval, the extension service shall not change the manner in which it provides extension services to that county."

Page 9, line 13, after "university" insert "main"

Page 9, line 15, after "university" insert "main"

Page 9, line 19, replace "state" with "agricultural experiment"

Page 9, line 20, remove "university research"

Page 9, after line 24, insert:

"SECTION 12. NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE - AUTHORITY TO CODIFY NAME CHANGE. The legislative council is authorized to replace, where appropriate, "extension division of the North Dakota state university of agriculture and applied science", "cooperative extension division of the North Dakota state university of agriculture and applied science", "extension division", "cooperative extension service of North Dakota state university", "North Dakota cooperative extension service", "state extension service", "extension service", "cooperative extension service", "state cooperative extension service", and "North Dakota state university of agriculture and applied science extension service" wherever they appear in the North Dakota Century Code or in the supplements to the North Dakota Century Code with "North Dakota state university extension service". The legislative council shall make the changes when any volume or supplement of the North Dakota Century Code is reprinted."

Page 9, line 25, replace "AMENDMENT. Section 4-05-01 of the North Dakota Century" with "A new chapter to title 4 of the North Dakota Century Code is hereby created and enacted to read as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Agricultural experiment station" means the North Dakota state university main research station, the Dickinson research center, the Williston research center, the Langdon research center, the central grasslands research center, the Carrington research center, the Hettinger research center, the north central research center, and any other department or agency designated by the state board of higher education.
2. "Director" means the director of the North Dakota agricultural experiment station.

3. "Superintendent" means an administrator in charge of a research center.

Agricultural experiment station. The North Dakota agricultural experiment station is under the control of and subject to the supervision of the state board of higher education. The agricultural experiment station shall develop research programs involving the basic and applied biological, physical, and social sciences that will enhance agricultural systems and improve the quality of life.

Director - Superintendents - Research station and research centers. The director is under the direction of the president of the North Dakota state university of agriculture and applied science. The research station and research centers of the North Dakota agricultural experiment station are under the jurisdiction of the director. Each research center must be administered by a superintendent who shall report to the director.

Reports to director and state board of higher education. Each superintendent shall submit a biennial report to the director on or before the first day of August of each odd-numbered year. Each report must set forth in detail the investigations and experiments made during the preceding fiscal biennium, recommendations for the welfare of the center, the financial condition of the center, how all moneys have been expended, and the results of experiments. The director shall submit these reports, with a biennial report of the North Dakota state university main research station, to the board of higher education on or before the first day of September of each odd-numbered year. In addition to any requirements established under section 54-06-04, the board of higher education shall include a composite of the reports from the research station and each research center in its biennial report to the governor and the office of management and budget.

North Dakota state university main research station. The North Dakota state university main research station must be located on the campus of North Dakota state university of agriculture and applied science. The station is the administrative location of the agricultural experiment station. The station shall conduct research and coordinate all research activities of the agricultural experiment station. The research must have as a purpose, the development and dissemination of technology important to the production and utilization of food, feed, fiber, and fuel from crop and livestock enterprises. The research must provide for an enhancement of the quality of life, sustainability of production, and protection of the environment. The research station shall keep detailed records of all research activities and publish the information that will be of value to the residents of this state.

Dickinson research center. The Dickinson research center must be located at or near Dickinson in Stark County. The center shall conduct research on increasing the carrying capacity of native rangeland, with emphasis on conservation and preservation for future generations. The center shall conduct research on grass production to determine how to best compensate for the vagaries of the weather as it influences forage production in the dryland agriculture of western North Dakota. The center shall conduct research at the ranch location in Dunn County with beef cattle and swine breeding, feeding, management, and disease control for the benefit of livestock producers of western North Dakota

and the entire state. The center shall conduct research designed to increase productivity of all agricultural products of the soil by maintaining or improving the soil resource base in the dryland agricultural region of southwestern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstock; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Williston research center. The Williston research center must be located at or near Williston in Williams County. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland agricultural region of northwestern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Langdon research center. The Langdon research center must be located at or near Langdon in Cavalier County. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland agricultural region of northeastern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Central grasslands research center. The central grasslands research center must be located within an area bounded by the Missouri River on the west and the James River on the east. The center shall conduct research designed to fulfill needs within an area bounded by the Missouri River on the west and the James River on the east. Research objectives must be to increase the range-carrying capacity of native range, with emphasis on conservation and preservation for future generations; stabilization of grass production to discover how to best compensate for the vagaries of the weather and precipitation as it influences forage production in a dryland agriculture; identification of the impact of different management systems upon beef production in the central region of the state; and exploration of increased use of crop residues and byproducts for the maintenance of the cowherd.

Carrington research center. The Carrington research center must be located at or near Carrington in Foster County. The center shall conduct research designed to determine the potential of irrigated agriculture in the region proposed for irrigation development in the state which must be related to both crop and livestock production. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland and irrigated agricultural region of east central North Dakota by the identification of adapted crop species

and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping and integrated crop and livestock systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Hettinger research center. The Hettinger research center must be located at or near Hettinger in Adams County. The center shall develop the best available technology in breeding, feeding, management, and disease control pertinent to the production of sheep in the state. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in southwestern North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems that achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

North central research center. The north central research center must be located at or near Minot in Ward County. The center shall conduct research designed to increase productivity of all agricultural products of the soil while maintaining or improving the soil resource base in the dryland agricultural region of north central North Dakota by the identification of adapted crop species and superior crop cultivars; propagation and distribution of selected seedstocks; and development of profitable cropping systems which achieve the necessary balance between profitability and conservation of all natural resources. The center shall disseminate research results and information for the benefit of this state.

Board of visitors - Members - Inspection - Expenses - Duties. The boards of county commissioners of Renville, Bottineau, Rolette, Benson, Ward, McHenry, Pierce, McLean, Mountrail, Sheridan, Burke, and Wells Counties shall name two farmers operating farms in their respective counties to serve as a board of visitors to the north central research center. A member of the board of visitors shall serve for three years and is not eligible for reappointment until after a lapse of three years following each term of office. The board of county commissioners of the county from which a vacancy occurs shall fill the vacancy. The board of visitors shall make an annual inspection of the north central research center upon call of the director. At least one inspection a biennium must be during the growing season. The board of visitors is entitled to a fee for each visit, plus mileage at the same rate as provided by law for other state officials for every mile [1.61 kilometer] actually traveled to and from the farm. The board of visitors shall inspect the work of the north central research center and counsel and advise with the officials in charge. The board of visitors shall name one of its members to serve as chairman and another to serve as secretary. The chairman and the secretary shall make a written report to the director.

Mandan experiment station. The Mandan experiment station is an agricultural, grass, and tree experiment station. The station must be maintained on the grounds of the state industrial school and operated in connection with the North Dakota state university of agriculture and

applied science. The Mandan experiment station is under the direction of the state board of higher education."

Page 9, remove lines 26 through 29

Page 10, remove lines 1 through 29

Page 11, remove lines 1 through 28

Page 12, remove lines 1 through 29

Page 13, remove lines 1 through 29

Page 14, remove lines 1 through 29

Page 15, remove lines 1 through 29

Page 16, remove lines 1 through 28

Page 17, remove lines 1 through 9

Page 17, line 27, remove "North Dakota", overstrike "state" and insert immediately thereafter "North Dakota agricultural", and remove the overstrike over "~~experiment~~"

Page 17, line 28, remove "university research" and after the second "the" insert "North Dakota" and after "state" insert "university"

Page 18, line 28, after "the" insert "North Dakota" and after "state" insert "university"

Page 19, line 6, after the first "the" insert "North Dakota" and after "state" insert "university"

Page 19, remove lines 19 through 29

Page 20, remove lines 1 through 7

Page 20, line 12, after "the" insert "agricultural", remove the overstrike over "~~experiment~~", and remove "research"

Page 20, line 19, after the first comma insert "agricultural", remove the overstrike over "~~experiment~~", and remove "research"

Page 20, line 27, remove the overstrike over "~~an~~", after "~~an~~" insert "agricultural", remove the overstrike over "~~experiment~~", and remove "a research"

Page 21, remove lines 1 through 12

Page 21, line 15, after "Dakota" insert "agricultural", remove the overstrike over "~~experiment~~", and remove "state university"

Page 21, line 16, remove "research"

Page 21, line 17, after "Dakota" insert "agricultural", remove the overstrike over "~~experiment~~", and remove "state university research"

Page 21, line 29, after "state" insert "agricultural"

Page 22, line 1, remove the overstrike over "~~experiment~~" and remove "research"

Page 22, remove lines 5 through 22

Page 22, line 27, after the second comma insert "agricultural", remove the overstrike over "~~experiment~~", and remove "research"

Page 23, after line 8, insert:

"SECTION 21. REPEAL. Chapter 4-05 of the North Dakota Century Code is hereby repealed."

Page 23, remove lines 9 through 28

Page 24, remove lines 1 through 29

Page 25, remove lines 1 through 29

Page 26, remove lines 1 through 27

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The section relating to the development of the NDSU-Extension Service's area resource centers is amended to provide that the NDSU-Extension Service shall not change the manner in which extension services are provided to a county without the approval of that county's board of county commissioners.

Section 9 of the bill, which identified specific general fund appropriation reductions of \$1,472,000 from the NDSU-Main Research Station and \$528,000 from the NDSU-Extension Service which would take effect in the event an initiated or referred measure would reduce general fund revenues during the 1989-91 biennium, is removed.

Section 13 of the bill provides that the Legislative Council is to replace, in the North Dakota Century Code, the varying names of the Extension Division with North Dakota State University Extension Service.

Section 14 of the bill revises Chapter 4-05 which relates to the Agricultural Experiment Station and includes changing the names of the branch experiment stations to research centers. The major change from the Senate version is the reference to the NDSU Main Research Station and the role of the North Dakota Agricultural Experiment Station which was clarified to include the NDSU Main Research Station and all of the research centers including the Agronomy Seed Farm.

Other changes are shown on the attached schedules.

SCHEDULE 'A'

SUMMARY OF GENERAL FUND CHANGES TO ENROGGED SENATE BILL NO. 2005

|  | Enrogged Senate Bill No. 2005 as Passed by the Senate <sup>1</sup> | Faculty Salary Increase Adjustment <sup>2</sup> | General Fund Appropriation After Faculty Salary Adjustment | Other Changes             | General Fund Appropriation as Amended |
|--|--|---|--|---------------------------|---------------------------------------|
| NDSU-Extension Service                     | \$10,236,709   | \$ 32,055                                       | \$10,268,043   | \$ (292,500) <sup>3</sup> | \$ 9,976,343                          |
| Extension Service - Food and Nutrition     |  |   |  |                           |                                       |
| Northern Cross Institute                   | 564,493  |   | 564,493  |                           | 564,493                               |
| NDSU-Main Research Station                 | 21,663,819   | 71,937  | 21,755,756   | 292,500 <sup>4</sup>      | 22,048,256                            |
| Dickinson Research Center                  | 951,180  | 1,970   | 953,150  |                           | 953,150                               |
| Central Grasslands Research Center         | 569,325  | 651   | 569,976  |                           | 569,976                               |
| Kettinger Research Center                  | 447,561  | 1,170   | 448,731  |                           | 448,731                               |
| Langdon Research Center                    | 511,948  | 1,069   | 513,017  |                           | 513,017                               |
| North Central Research Center              | 396,820  | 1,287   | 398,067  |                           | 398,067                               |
| Williamson Research Center                 | 514,372  | 1,441   | 515,833  |                           | 515,833                               |
| Carrington Research Center                 | 840,439  | 2,314   | 842,753  |                           | 842,753                               |
| Agronomy Seed Farm                         |  |   |  |                           |                                       |
| Land Reclamation Research Center           |  |   |  |                           |                                       |
| Dickinson Experiment Station bond payments | 2,558,068  |   | 2,558,068  | (2,558,068) <sup>5</sup>  |                                       |
| <b>Total</b>                               | <u>\$19,274,813</u>  | <u>\$113,886</u>                                | <u>\$19,388,699</u>  | <u>\$12,858,068</u>       | <u>\$36,830,627</u>                   |

- 1 Provides annual salary increases for faculty of eight percent the first year of the biennium and seven percent the second year and support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1005.
- 2 Provides a salary increase for faculty on July 1, 1989, of 12.6 percent and support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1005.
- 3 Funding for the development of the NDSU-Extension Service's area resource centers is reduced by \$292,500 from the general fund from \$558,000 to \$292,500. The extension service anticipated creating 14 to 18 area resource centers. The \$292,500 of general fund support remaining is to be used to develop a plan for the establishment of area resource centers and to establish two area resource center pilot projects. The reductions are as follows:

GENERAL FUND

|                    |                     |
|--------------------|---------------------|
| Salaries and wages | \$ 1234,000         |
| Operating expenses | <u>158,500</u>      |
| <b>Total</b>       | <b>\$ (292,500)</b> |

- 4 Funding for the NDSU-Main Research Station is increased by \$292,500 from the general fund for foliar disease research in cereal grains. The additional funding will permit the NDSU-Main Research Station to hire two scientists (\$90,000 each) and two technicians (\$50,000 each). Because the NDSU-Main Research Station has unfilled positions, no additional authorized FTE positions are necessary. The increases are as follows:

GENERAL FUND

|                    |                   |
|--------------------|-------------------|
| Salaries and wages | \$ 280,000        |
| Operating expenses | <u>12,500</u>     |
| <b>Total</b>       | <b>\$ 292,500</b> |

- 5 The Dickinson Experiment Station bond payments of 2,558,068 from the general fund are related because an appropriation for the bond payments is included in House Bill No. 1017. In addition, the section exempting the bond payments from budget reductions caused by an initiated or reserved measure is required.

## SUMMARY OF TOTAL CHANGES TO ENCLOSED SENATE BILL NO. 2005

|   | Enrolled Senate<br>Bill No. 2005<br>as Passed by<br>the Senate <sup>1</sup> | Faculty<br>Salary<br>Increase<br>Adjustment <sup>2</sup> | Total<br>Appropriation<br>After Faculty<br>Salary<br>Adjustment | Other<br>Changes          | Total<br>Appropriation<br>as Amended |
|---|---|--|---|---------------------------|--------------------------------------|
| NDSU-Extension Service                        | \$20,627,199  | \$ 36,016  | \$20,663,217  | \$ (292,500) <sup>3</sup> | \$20,370,717                         |
| Extension Service - Food<br>and Nutrition     | 737,270   |  | 737,270   |                           | 737,270                              |
| Northern Crops Institute                      | 725,657   |  | 725,657   |                           | 725,657                              |
| NDSU-Main Research Station                    | 37,419,227  | 97,213   | 37,516,440  | 292,500 <sup>4</sup>      | 38,008,940                           |
| Dickinson Research Center                     | 1,270,170   | 1,978  | 1,272,148   | 2,000 <sup>5</sup>        | 1,274,148                            |
| Central Grasslands Research<br>Center         | 619,325   | 651  | 619,977   | 2,000 <sup>5</sup>        | 621,977                              |
| Mettinger Research Center                     | 648,804   | 1,170  | 649,974   | 2,000 <sup>5</sup>        | 651,974                              |
| Langdon Research Center                       | 602,948   | 1,089  | 604,017   | 2,000 <sup>5</sup>        | 606,017                              |
| North Central Research Center                 | 725,836   | 1,247  | 725,083   | 2,000 <sup>5</sup>        | 727,083                              |
| Millerton Research Center                     | 594,374   | 1,441  | 595,815   | 2,000 <sup>5</sup>        | 597,815                              |
| Carrington Research Center                    | 1,750,573   | 2,314  | 1,752,887   | 2,000 <sup>5</sup>        | 1,754,887                            |
| Agronomy Seed Farm                            | 802,745   | 617  | 803,362   |                           | 803,362                              |
| Land Reclamation Research Center              | 1,525,128   | 3,273  | 1,528,401   |                           | 1,528,401                            |
| Dickinson Experiment Station<br>bond payments | 2,558,068   |  | 2,558,068   | (2,558,068) <sup>6</sup>  |                                      |
| <b>Total</b>                                  | <b>\$71,155,547</b>   | <b>\$147,011</b>   | <b>\$71,302,558</b>   | <b>\$12,544,068</b>       | <b>\$68,758,490</b>                  |

<sup>1</sup> Provides annual salary increases for faculty of eight percent the first year of the biennium and seven percent the second year and support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1005.

<sup>2</sup> Provides a salary increase for faculty on July 1, 1989, of 12.4 percent and support staff salary increases in accordance with legislative compensation policy contained in House Bill No. 1005.

<sup>3</sup> Funding for the development of the NDSU-Extension Service's area resource centers is reduced by \$292,500 from the general fund from \$583,000 to \$292,500. The extension service anticipated creating 14 to 18 area resource centers. The \$292,500 of general fund support remaining is to be used to develop a plan for the establishment of area resource centers and to establish two area resource center pilot projects. The reductions are as follows:

## GENERAL FUND

|                    |                 |
|--------------------|-----------------|
| Salaries and wages | \$ (234,000)    |
| Operating expenses | <u>(58,500)</u> |
| Total              | \$ (292,500)    |

<sup>4</sup> Funding for the NDSU-Main Research Station is increased by \$292,500 from the general fund for foliar disease research in cereal grains. The additional funding will permit the NDSU-Main Research Station to hire two scientists (\$90,000 each) and two technicians (\$90,000 each). Because the NDSU-Main Research Station has unfilled positions, no additional authorized FTE positions are necessary. The increases are as follows:

## GENERAL FUND

|                    |                 |
|--------------------|-----------------|
| Salaries and wages | \$ 280,000      |
| Operating expenses | <u>(17,500)</u> |
| Total              | \$ 262,500      |

<sup>5</sup> A capital improvements line item of \$2,000 is added from other funds for facilities maintenance.

<sup>6</sup> The Dickinson Experiment Station bond payments of \$2,558,068 from the general fund are deleted because an appropriation for the bond payments is included in House Bill No. 1057. In addition, the section eliminating the bond payments' FTE budget reductions caused by an initiation of interest payments is removed.

## HOUSE AMENDMENTS TO ENGROSSED SB 2016

Page 1, line 2, after "Dakota" insert "; to provide for a statement of legislative intent; and to declare an emergency"

Page 1, after line 19, insert:

"SECTION 2. LEGISLATIVE INTENT. It is the intent of the legislative assembly that \$820,000 of the capital improvements line item contained in section 1 of this Act be used as a continuation of the special contract program for state institutions. Once completed the highway department shall be under no responsibility to maintain these projects. If project costs exceed awarded amounts, the agencies receiving these funds are authorized to accept and expend gifts and grants to complete the projects.

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

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 801 - HIGHWAY DEPARTMENT

This amendment adds a statement of legislative intent authorizing the Highway Department to accept \$820,000 of special projects at state institutions to be funded from the capital improvements line item, authorizes agencies to accept and expend other funds to complete projects, and declares an emergency.

## HOUSE AMENDMENTS TO ENGROSSED SB 2016

In addition to the amendments to engrossed Senate Bill No. 2016 adopted by the House as printed on pages 1906-1907 of the House Journal, engrossed Senate Bill No. 2016 is further amended as follows:

Page 1, line 11, replace "65,470,373" with "63,866,654"

Page 1, line 15, replace "242,788,420" with "244,392,139"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 801 - HIGHWAY DEPARTMENT

The salaries and wages line item is decreased by \$1,603,719 with corresponding increase to capital improvements to delete the salary increase for the department's engineer technicians and engineers, which was added by the Senate to address the difficulty in recruiting and retaining those employees.

## DIVISION A - HOUSE AMENDMENTS TO ENGROSSED SB 2016 - REJECTED

That part of the title which reads as follows: "to provide for a statement of legislative intent; and to declare an emergency" and that part of the bill which reads as follows:

SECTION 2. LEGISLATIVE INTENT. It is the intent of the legislative assembly that \$820,000 of the capital improvements line item contained in section 1 of this Act be used as a continuation of the special contract

program for state institutions. Once completed the highway department shall be under no responsibility to maintain these projects. If project costs exceed awarded amounts, the agencies receiving these funds are authorized to accept and expend gifts and grants to complete the projects.

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

DIVISION B - HOUSE AMENDMENTS TO ENGROSSED SB 2016 - ADOPTED

The rest of Engrossed SB 2016, as amended by the House, which reads as follows:

A BILL for an Act making an appropriation for defraying the expenses of the highway department of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the highway department of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

|                                  |                    |
|----------------------------------|--------------------|
| Salaries and wages               | \$ 63,866,654      |
| Data processing                  | 2,484,083          |
| Operating expenses               | 40,147,124         |
| Equipment                        | 15,731,528         |
| Capital improvements             | 244,392,139        |
| Grants, benefits, and claims     | <u>9,627,422</u>   |
| Total all funds                  | \$376,248,950      |
| Less estimated special funds     | <u>376,220,236</u> |
| Total general fund appropriation | \$ 28,714          |

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1011 as recommended by the Committee on Appropriations as printed on pages 1711-1712 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act to provide for an appropriation for defraying the expenses of the adjutant general of the state of North Dakota and the civil air patrol; to provide for an appropriation and transfer of funds from the national guard tuition trust fund; and to provide for a statement of legislative intent.

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: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea;

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

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Lashkowitz; Moore; O'Connell

HB 1011 passed and the title was agreed to.

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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 1:08 p.m., April 12, 1989: SB 2020.

MOTION

SEN. MAIXNER MOVED that HB 1049, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to HB 1071 as recommended by the Committee on Transportation as printed on pages 1594-1595 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion lost.

MOTIONS

SEN. SATROM MOVED that HB 1071 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 57-01 of the North Dakota Century Code, relating to the tax commissioner's authority to enter into cooperative compacts or agreements with other states to collect motor vehicle and special fuels taxes, to provide for the collection of these taxes by the motor vehicle registrar; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Tax commissioner's authority to enter into agreements.

1. The tax commissioner may enter into motor fuel tax agreements on behalf of this state with authorized representatives of other states, may become a member of a motor fuel tax agreement for the collection and refund of motor vehicle fuel and special fuels importer for use taxes, and may promulgate rules to implement the agreement for the collection and refund of motor vehicle fuel and special fuels importer for use taxes.
2. The tax commissioner may enter into an agreement for the collection and refund of importer for use taxes which conflicts with sections 57-43.1-34 through 57-43.1-43 and sections 57-43.2-27 through 57-43.2-36 and the agreement shall govern carriers covered by the agreement.

3. Notwithstanding any other provision of law, penalty and interest collected on importer for use tax pursuant to an agreement with authorized representatives of other states must be as provided in the agreement.

SECTION 2. A new section to chapter 57-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Registrar of motor vehicles to act as agent of the tax commissioner in administration of agreements made under section 1. The tax commissioner is charged with the administration of section 1. For the purpose of the administration of section 1, including the collection and refund of taxes, the registrar of motor vehicles shall act as the agent of the tax commissioner and shall be subject to all rules, not inconsistent with the provisions of section 1, that may be promulgated by the tax commissioner. The provisions of this section will not be construed as preventing the tax commissioner from collecting any taxes due under section 1 in the course of any audit performed by the tax commissioner.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 1990."

Re-number accordingly

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

#### SECOND READING OF HOUSE BILL

HB 1071: A BILL for an Act to create and enact a new subsection to section 57-43.1-01, two new sections to chapter 57-43.1, a new subsection to section 57-43.2-01, and two new sections to chapter 57-43.2 of the North Dakota Century Code, relating to cooperative agreements that may be entered into by the registrar of motor vehicles with other states for exchange of information and auditing of users of motor fuels and special fuels used in fleets of motor vehicles that operate interstate and collection and administration of importer for use tax provisions by the registrar of motor vehicles; to amend and reenact sections 57-43.1-36, 57-43.1-37, 57-43.1-38, 57-43.1-39, 57-43.1-40, 57-43.1-41, 57-43.1-43, 57-43.2-29, 57-43.2-30, 57-43.2-31, 57-43.2-32, 57-43.2-33, 57-43.2-34, and 57-43.2-36 of the North Dakota Century Code, relating to collection and administration of importer for use taxes by the registrar of motor vehicles; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 47 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsch; 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; Robinson; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennesfos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Heigaard; Redlin; Richard; Satrom; Schoenwald

ABSENT AND NOT VOTING: Lashkowitz

HB 1071 passed and the title was agreed to.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House accedes to the Senate's request for the return of: SB 2222.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2538 as recommended by the Committee on Appropriations as printed on pages 1743-1744 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTIONS

SEN. MATHERN MOVED that SB 2538 be further amended as follows:

In lieu of the amendments to Senate Bill No. 2538 as recommended by the Committee on Appropriations on April 11, 1989, Senate Bill No. 2538 is amended as follows:

Page 1, line 15, after the semicolon insert "establishing a joint medicaid payment account; making an appropriation for the child evaluation and treatment program; making an appropriation for adult protection services; providing for a legislative council study of the appropriations process;"

Page 4, after line 17, insert:

"SECTION 7. JOINT MEDICAID PAYMENT ACCOUNT - SCHOOL FOR THE BLIND. The state treasurer shall establish a joint medicaid payment account for the department of human services and the school for the blind for purposes of providing services including alternative living arrangements for persons determined eligible for the receipt of residential and/or other services by the school for the blind. This account shall be for the receipt and payment of school for the blind matching funds and department of human services federal medicaid funds for the purpose of making payments to the provider or providers of service as directed by the department of human services. The school for the blind shall provide the department of human services such administrative services in the documentation and payment of these funds as the department of human services may request.

SECTION 8. APPROPRIATION. There is hereby appropriated from special funds, not otherwise appropriated, the sum of \$1,015,000, or so much thereof as may be necessary, to the department of human services for the biennium beginning July 1, 1989, and ending June 30, 1991, for the purpose of providing matching funds for medicaid eligible services provided for visually impaired including multihandicapped individuals as first determined eligible by the school for the blind.

SECTION 9. CHILD EVALUATION AND TREATMENT PROGRAM - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, to the university of North Dakota medical center rehabilitation hospital to provide funds

for the child evaluation and treatment program for the biennium beginning July 1, 1989, and ending June 30, 1991.

**SECTION 10. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much thereof as may be necessary, to the department of human services for the purpose of continuing pursuant to House Bill No. 1058 the existing adult protective service demonstration program, as initially authorized by section 2 of chapter 293 of the 1987 Session Laws of North Dakota, in Cass County and the multicounty region served by the Lake Region human service center for the biennium beginning July 1, 1989, and ending June 30, 1991.

|   |             |
|---|-------------|
| Grand total general fund appropriation S.B. 2538  | \$ 400,000  |
| Grand total special funds appropriation S.B. 2538 | \$7,946,138 |
| Grand total all funds appropriation S.B. 2538     | \$8,346,138 |

**SECTION 11. LEGISLATIVE COUNCIL STUDY - APPROPRIATIONS PROCESS.** The legislative council or an interim committee designated by the legislative council shall conduct a study during the 1989-90 interim of the appropriations process. The study must include consideration of recommendations for appropriate reference in appropriations bills to programs, departments, agencies, institutions, and activities. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-second legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment adds \$250,000 from the general fund for the child evaluation treatment program, establishes a joint Medicaid payment account for making payments for services provided visually impaired individuals, appropriates \$1,015,000 of federal funds to match School for the Blind funds for Medicaid-eligible services for the visually impaired including multihandicapped persons, appropriates \$150,000 from the general fund for House Bill No. 1058 to provide adult protective services in Cass County and the Lake Region, and provides for a Legislative Council study of the appropriations process.

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

**SECOND READING OF SENATE BILL**

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; establishing a joint medicaid payment account; making an appropriation for the child evaluation and treatment program; providing for a legislative council study of the appropriations process; and providing a transfer to the capital construction fund.

#### 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, 5 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.; Mushik; Nalewaja; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Moore; Mutch; Naaden; Nelson; Streibel

ABSENT AND NOT VOTING: Lashkowitz

SB 2538 passed and the title was agreed to.

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#### MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1011, HB 1071, and SB 2538 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1011, HB 1071, and SB 2538 be messaged to the House immediately, which motion prevailed.

SEN. MAIXNER MOVED that the Senate reconsider the action by which SB 2222 was passed by the Senate, which motion prevailed.

SEN. MAIXNER MOVED that the Senate reconsider the action by which the Conference Committee report was adopted on SB 2222, which motion prevailed.

SEN. MAIXNER MOVED that the Conference Committee report not be adopted and that a new conference committee be appointed for SB 2222, to act with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a new Conference Committee on SB 2222: Sens. J. Meyer, Hanson, Holmberg.

#### MOTION

SEN. MAIXNER MOVED that the Senate stand at 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 reconsidered its action whereby it passed SB 2222. The Senate has reconsidered its action whereby it adopted the conference committee report on SB 2222 and now has not adopted the conference committee report on SB 2222. The President has appointed as a new conference committee to act with a like committee from the House on:

SB 2222: Sens. J. Meyer, Hanson, Holmberg

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1297 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1297: Reps. Goetz, Tollefson, Nelson

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1063, HB 1098, HB 1191, HB 1245, HB 1365, HB 1422, HB 1504, HB 1614, HB 1634, HCR 3088.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 3:25 p.m., April 12, 1989: SB 2017, SB 2029, SB 2032, SB 2096, SB 2128, SB 2212, SB 2298, SB 2334, SB 2384, SB 2395, SB 2518, SB 2528.

THE PRESIDENT ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 3:25 p.m., April 12, 1989: SCR 4017, SCR 4021.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1011.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2475 and SB 2093 and subsequently passed the same.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1071.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2042 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 2173, SB 2187, SB 2201, SB 2230, SB 2256, SB 2262, SB 2291, SB 2304, SB 2309, SB 2320, SB 2322, SB 2335, SB 2382, SB 2468, SB 2470, SB 2520.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2173, SB 2187, SB 2201, SB 2230, SB 2256, SB 2262, SB 2291, SB 2304, SB 2309, SB 2320, SB 2322, SB 2335, SB 2382, SB 2468, SB 2470, SB 2520.

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on Engrossed HB 1155 as printed on page 1739 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to create and enact seven new sections to chapter 26.1-40 of the North Dakota Century Code, relating to uninsured and underinsured motorist coverage on motor vehicle liability insurance policies; and to repeal sections 26.1-40-13, 26.1-40-14, and 26.1-40-15 of the North Dakota Century Code, relating to uninsured and underinsured motorist 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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Lodoen; Meyer, W.; Mushik; Satrom; Thane; Wogsland

HB 1155 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

SEN. J. MEYER MOVED that the conference committee report on Engrossed HB 1185 as printed on pages 1739-1740 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1185: A BILL for an Act to create and enact a new section to chapter 53-06.1 and a new subsection to section 53-06.1-06 of the North Dakota Century Code, relating to prohibiting organizations that derive revenue from games of chance from using any money in certain political activities and prohibiting certain people from gaming; to amend and reenact sections 53-06.1-03, 53-06.1-05, 53-06.1-06.1, subsection 4 of section 53-06.1-07.2, subsections 1 and 3 of section 53-06.1-11, sections 53-06.1-16.1, and 53-06.1-17 of the North Dakota Century Code, relating to fees for local authorization, monetary fines, the removal of a tax credit, the clarification of expense restrictions, and prohibited gaming activity; to provide a penalty; 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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Vosper; Waldera; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Lodoen; Meyer, W.; Mushik; Satrom; Thane; Wogsland

HB 1185 passed, the title was agreed to, and the emergency clause carried.

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#### MOTION

SEN. HEIGAARD MOVED that HB 1558 be placed at the top of the calendar, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

SEN. RICHARD MOVED that the conference committee report on Engrossed HB 1558 as printed on page 1693 of the Senate Journal be adopted, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2538.

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

MR. PRESIDENT: The House has adopted the conference committee report on SB 2072 and subsequently passed the same.

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

MR. PRESIDENT: The Speaker has signed: SB 2173, SB 2187, SB 2201, SB 2230, SB 2256, SB 2262, SB 2291, SB 2304, SB 2309, SB 2320, SB 2322, SB 2335, SB 2382, SB 2468, SB 2470, SB 2520.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1021, HB 1205, and HB 1660 and subsequently passed the same.

#### REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred HB 1021 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on page 1612 of the Senate Journal.

For the Senate: Sens. Ewen, Stromme, Nelson

For the House: Reps. O. Hanson, K. Thompson, Nowatzki

HB 1021 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 1205 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1265-1266 of the Senate Journal and that Engrossed HB 1205 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a committee on protection and advocacy for persons with developmental disabilities or mental illnesses; to amend and reenact sections 25-01-01.1, 50-26-01, 50-26-03, 50-26-04, and 50-27-03 of the North Dakota Century Code, relating to the placement of the state council on developmental disabilities and the governor's council on human resources within the office of the governor; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. In sections 1 through 12 of this Act, unless the context otherwise requires:

1. "Abuse" means:
  - a. Willful use of offensive, abusive, or demeaning language by a caretaker that causes mental anguish of any person with developmental disabilities;
  - b. Knowing, reckless, or intentional acts or failures to act which cause injury or death to a developmentally disabled or mentally ill person or which placed that person at risk of injury or death;
  - c. Rape or sexual assault of a developmentally disabled or mentally ill person;
  - d. Corporal punishment or striking of a developmentally disabled or mentally ill person;
  - e. Unauthorized use or the use of excessive force in the placement of bodily restraints on a developmentally disabled or mentally ill person; and
  - f. Use of bodily or chemical restraints on a developmentally disabled or mentally ill person which is not in compliance with federal or state laws and administrative regulations.
2. "Advocacy" means action to assist or represent a person or group of persons with developmental disabilities or mental illnesses in securing their rights, obtaining needed services, investigating complaints, and removing barriers to identified needs.
3. "Advocate" means an employee of the project.
4. "Caretaker" means a person, organization, association, or facility who has assumed legal responsibility or a contractual obligation for the care of a person with developmental disabilities or mental illness, or a parent,

spouse, sibling, other relative, or person who has voluntarily assumed responsibility for the person's care.

5. "Committee" means the committee on protection and advocacy.
6. "Complaint" means an allegation of a violation of human or legal rights, or a lack of needed services, which is not a report of abuse, neglect, or exploitation.
7. "Developmental disability" is a disability as defined in section 25-01.2-01.
8. "Eligibility for services" means persons eligible for services of the project, including:
  - a. An adult with developmental disabilities.
  - b. An adult suffering from a mental illness who is an inpatient or resident in a facility rendering care or treatment, even if the location of the person is unknown.
  - c. An adult suffering from a mental illness who is in the process of being admitted to a facility rendering care or treatment, including persons being transported to such a facility.
  - d. An adult suffering from a mental illness who within the last ninety days was an inpatient or resident of a facility rendering care or treatment.
  - e. A child with developmental disabilities or a child with mental illness who meets the criteria of subdivision b, c, or d of this subsection is eligible for advocacy services.
  - f. A child with developmental disabilities or mental illness who is not an abused or neglected child as defined in chapter 50-25.1 is eligible for protective services.
9. "Exploitation", when committed by a caretaker or relative of, or any person in a fiduciary relationship with, a person with developmental disabilities or mental illness, means:
  - a. The taking or misuse of property or resources of a person with developmental disabilities or mental illness by means of undue influence, breach of fiduciary relationship, deception, harassment, criminal coercion, theft, or other unlawful or improper means;
  - b. The use of the services of a person with developmental disabilities or mental illness without just compensation; or
  - c. The use of a person with developmental disabilities or mental illness for the entertainment or sexual gratification of others under circumstances that cause degradation, humiliation, or mental anguish to the person with developmental disabilities or mental illness.

10. "Facility" means a school, residence center, group home, nursing home, foster home, boarding home, or other facility operated by any public or private agency, organization, or institution, which provides services to a person with developmental disabilities or mental illness.
11. "Mental health professional" means a mental health professional as defined in section 25-03.1-02.
12. "Mental illness" means significant mental illness or emotional impairment as determined by a mental health professional.
13. "Neglect" means:
  - a. Inability of a person with developmental disabilities or mental illness to provide food, shelter, clothing, health care, or services necessary to maintain the mental and physical health of that person;
  - b. Failure by any caretaker of a person with developmental disabilities or mental illness to meet, either by commission or omission, any statutory obligation, court order, administrative rule or regulation, policy, procedure, or minimally accepted standard for care of persons with developmental disabilities or mental illnesses;
  - c. Negligent act or omission by any caretaker which causes injury or death to a person with developmental disabilities or mental illness or which places that person at risk of injury or death;
  - d. Failure by any caretaker, who is required by law or administrative rule, to establish or carry out an appropriate individual program or treatment plan for a person with developmental disabilities or mental illness;
  - e. Failure by any caretaker to provide adequate nutrition, clothing, or health care to a person with developmental disabilities or mental illness;
  - f. Failure by any caretaker to provide a safe environment for a person with developmental disabilities or mental illness; and
  - g. Failure by any caretaker to maintain adequate numbers of appropriately trained staff at a facility providing care and services for persons with developmental disabilities or mental illnesses.
14. "Project" means the protection and advocacy project.
15. "Protective services" means actions to assist persons with developmental disabilities or mental illnesses who are unable to manage their own resources or to protect themselves from abuse, neglect, exploitation, or other hazards.

16. "Report" means a verbal or written communication, including an anonymous communication, alleging the abuse, neglect, or exploitation of a person with developmental disabilities or mental illness.

SECTION 2. Committee on protection and advocacy. The governor shall appoint a committee on protection and advocacy. The committee must consist of seven members who broadly represent or are knowledgeable about the needs of the persons served by the protection and advocacy project. The committee is responsible for the administrative supervision and direction and for the planning, design, implementation, and functioning of the project. The committee in its capacity of supervising and directing the project shall operate independently of the governor or any state agency that provides treatment, services, or habilitation to persons with developmental disabilities or mental illness.

SECTION 3. Director - Administrative authority. The committee shall appoint a director, who serves at the will of the committee. The committee shall set the salary of the director within the limits of the amount appropriated for salaries by the legislative assembly. The director shall employ necessary staff, including advocates, who must be classified under the state personnel merit system. The director and other employees of the project are entitled to reimbursement for expenses incurred in carrying out their duties at the same rate and in the same manner as other state officials and employees. The director, with the advice and consent of the committee, may adopt rules for administration of the project, the conduct of its employees, the performance of its business, and the custody, use, and preservation of the records, documents, and property pertaining to the committee. The director shall submit to the committee bimonthly reports concerning the status of revenue, expenditures, and protection or advocacy efforts engaged in by project personnel.

SECTION 4. Reporting of abuse, neglect, or exploitation - Immunity for good faith reports.

1. Every medical, mental health, or developmental disabilities professional, educational professional, police or law enforcement officer, or caretaker having knowledge of or reasonable cause to suspect that an adult with developmental disabilities or mental illness coming before the individual providing services in that individual's official or professional capacity is abused, neglected, or exploited shall report the circumstances of that abuse, neglect, or exploitation to the project. For the purposes of this section:
  - a. "Educational professional" means a professional providing educational services either at a school, academy, or other educational facility, or at a private facility or residence, as a teacher, professor, tutor, aid, administrator, or other education professional.
  - b. "Medical, mental health, or developmental disabilities professional" means a professional providing health care or services to persons with developmental disabilities or mental illnesses, on a full-time or part-time basis, on

an individual basis or at the request of a caretaker, and includes a physician, medical examiner, coroner, dentist, optometrist, chiropractor, nurse, physical therapist, mental health professional, hospital personnel, nursing home personnel, congregate care personnel, social worker, or any other person providing medical, mental health, or developmental disabilities services.

2. An individual not listed in subsection 1 having knowledge of or reasonable cause to suspect that an adult with developmental disabilities or mental illness is abused, neglected, or exploited may report those circumstances to the committee or the project.
3. An individual other than the alleged perpetrator participating in good faith in the making of a report, assisting an investigator, furnishing information to an advocate or other employee of the committee, or in providing protective services under this section, is immune from any liability, civil or criminal, that otherwise might result from the reporting of the alleged case of abuse, neglect, or exploitation.

#### SECTION 5. Retaliation - Presumptions - Penalty.

1. An employer that imposes any form of discipline or retaliation against an employee solely because the employee reported having knowledge of or reasonable cause to suspect that a person with developmental disabilities or mental illness was abused, neglected, or exploited is guilty of a class B misdemeanor.
2. A rebuttable presumption that retaliation has occurred arises when an adverse action is taken within ninety days of the report. For the purpose of this subsection, "adverse action" means any action taken against the reporter or the person with developmental disabilities or mental illness about whom the report was made by a facility or person involved in a report because of the report. Adverse action includes:
  - a. Discharge from or termination of the employment of the employee.
  - b. Demotion, negative work performance evaluation, reduction of hours worked or benefits or work privileges, or reduction in remuneration for services of the employee.
  - c. Restriction or prohibition of access by the employee to a facility or to the residents of the facility.
  - d. Discharge or transfer of the person with developmental disabilities or mental illness from or within a facility or from the supervision of a caretaker.
  - e. Failure of a facility to perform customary services for the person with developmental disabilities or mental illness.

3. It is a defense to any charge brought under this section that the good faith of the individual making the report, described in subsection 3 of section 4 of this Act, has been rebutted, but only as to actions taken against the employee.

SECTION 6. Authority of project. Pursuant to rules adopted by the committee, the project, within the limits of legislative appropriations, shall provide advocacy and protective services for persons with developmental disabilities and persons with mental illnesses. The rules adopted by the committee relating to the need for the consent of the client must balance the rights of persons with developmental disabilities or mental illnesses to privacy and to refuse services under section 11 of this Act with the committee's duties to protect the human and legal rights of persons eligible for services and to monitor facilities for compliance with federal and state laws and rules. The project may:

1. Represent persons with developmental disabilities or mental illnesses so that they may realize the rights and services to which they are entitled.
2. Investigate complaints and reports if the alleged incidents are reported to the committee or the project or if there is probable cause to believe that the incidents occurred.
3. Monitor individual habilitation or treatment plans, program plans, educational plans, facilities and programs, and all other services and care provided to persons with developmental disabilities or mental illnesses.
4. Employ counsel to represent clients to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of persons with developmental disabilities or mental illnesses, and employ counsel to represent the project or the committee when, in the opinion of the attorney general, a conflict of interest under the North Dakota Rules of Professional Conduct exists between the office of attorney general and the committee or the project, and the conflict cannot be avoided by the appointment of counsel under subsection 3 of section 54-12-01 or section 54-12-08.
5. Pursue legal, administrative, and other appropriate remedies to ensure the protection and the rights of persons with developmental disabilities or mental illnesses. Prior to instituting any legal action in a federal or state court on behalf of a person with developmental disabilities or mental illnesses, the project shall exhaust in a timely manner all administrative remedies if appropriate. If, in pursuing administrative remedies, the project determines that any matter with respect to that person will not be resolved within a reasonable time, the project may pursue alternative remedies, including the initiation of a legal action with the consent of the committee. However, exhaustion of administrative remedies is not a prerequisite to initiation of a legal action when that action is instituted to prevent or eliminate imminent serious harm to a person with developmental disabilities or mental illnesses.

6. Sign any criminal complaint necessary to protect the interests of any person with developmental disabilities or mental illness, or group of persons with developmental disabilities or mental illnesses, who appear to have been victimized by or subjected to criminal conduct.
7. Review each annual survey report and plan of corrections for cited deficiencies made pursuant to titles XVIII and XIX of the Social Security Act with respect to any facility rendering care or treatment to persons with developmental disabilities or mental illnesses.
8. Provide the public, on an annual basis, an opportunity to comment on the priorities established by, and the activities of the committee.
9. Establish a grievance procedure for clients or prospective clients to ensure that persons with developmental disabilities or mental illnesses have full access to the services of the committee.
10. Prepare an annual report to the legislative assembly and the governor describing the priorities, activities, accomplishments, and expenditures of the system.
11. Provide information on and referral to programs and services addressing the needs of persons with developmental disabilities or mental illnesses.
12. Accept and administer gifts, grants, or contracts with persons or organizations, including the federal government, on such terms as may be beneficial to the state.
13. Contract with any person, public or private, to carry out any responsibilities of the project under this Act.

SECTION 7. Access to records, facilities, and persons - Rules.  
A caretaker shall provide the project access to the person with developmental disabilities or mental illness and to the facility where the person resides. The committee shall adopt rules regarding access to the records of a client for the purpose of investigating complaints or reports and monitoring service delivery systems. Any rules adopted under this section must comply with subsection 4 of section 25-01.2-03, section 25-16-07, 42 U.S.C. 6042, and 42 U.S.C. 10805.

SECTION 8. Investigation of reports.

1. Upon receipt of any report of suspected abuse, neglect, exploitation, or a complaint made pursuant to sections 1 through 12 of this Act, the project shall assess the need for an investigation of the report or complaint. If the project determines that the report or complaint is warranted, the project shall investigate or cause the report or complaint to be investigated. For the purpose of investigating a report or a complaint, the project may:

- a. Interview the alleged victim who has developmental disabilities or mental illness at any time of the day or night, with or without notice.
  - b. Interview any other individual who may have knowledge of the situation.
  - c. Access all locations under the control of the caretaker where records or other information exist, including the residence of the alleged victim.
  - d. Coordinate investigations with other agencies, departments, or other entities providing services necessary or advisable for the person with developmental disabilities or mental illness.
  - e. Delegate investigatory powers to the extent necessary and appropriate to any person or entity.
2. This section does not limit the responsibilities of law enforcement agencies to enforce the laws of this state or preclude law enforcement agencies from investigating, as appropriate, any alleged criminal conduct.

SECTION 9. Conflict of interest. In any situation in which the project is representing, or has been requested to represent, two or more persons with developmental disabilities or mental illnesses, if those persons have conflicting interests in the matter for which the project is requested to act, the project may provide services to the first person making application for services for that purpose. Any additional person, with conflicting interests, may be referred to another agency or individuals for assistance.

SECTION 10. Confidentiality and privileged information.

1. All documents, records, information, memoranda, reports, complaints, or written or nonwritten communication in the possession of the committee, project, or any advocate relating to an identified or identifiable person with developmental disabilities or mental illness are confidential and are not subject to disclosure, except:
  - a. When release is consented to in writing by all persons with developmental disabilities or mental illnesses identified or identifiable in the documents, records, information, memoranda, reports, complaints, or written or nonwritten communications;
  - b. In a judicial proceeding when ordered by the presiding judge; or
  - c. To officers of the law or, in the discretion of the committee, any other legally constituted board or agency serving the interests of persons with mental illness or developmental disabilities; or
  - d. To the parents of a minor who is an eligible person under sections 1 through 12 of this Act or legal guardians of

the person with mental illness or developmental disability except that no information may be released to the person with mental illness who is the subject of the information when such release is prohibited by state or federal law.

2. Unless ordered by a court of competent jurisdiction, the name of a person who in good faith makes a report or complaint may not be released or disclosed by the committee or the project.

SECTION 11. Refusal of services - Alternatives. If a person with developmental disabilities or mental illness refuses an offer of services from the project and, in the judgment of the project, the person's life, safety, or health is seriously jeopardized, the project may petition a court of competent jurisdiction for the appointment of a guardian or conservator. The project may also refer the matter to an appropriate agency, department, or authority for possible civil action on behalf of the person with mental illness or developmental disabilities, or for criminal prosecution of any individual abusing, neglecting, or exploiting a person with mental illness or developmental disabilities.

SECTION 12. Penalties.

1. A person who permits or allows the unauthorized disclosure of reports or complaints obtained under sections 1 through 12 of this Act is guilty of an infraction.
2. A person who willfully fails to report the abuse, neglect, or exploitation of any person with developmental disabilities or mental illness, if required to report pursuant to sections 1 through 12 of this Act, is guilty of an infraction.

SECTION 13. AMENDMENT. Section 25-01-01.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01-01.1. State council on developmental disabilities. There is hereby created and shall must be maintained in the state department of human services office of the governor a state council on developmental disabilities consisting of one representative of each of the following departments, divisions, institutions, and organizations designated by the head of such agency or organization:

1. Office of superintendent of public instruction.
2. North Dakota department of human services.
3. State department of health and consolidated laboratories.
4. Developmental center at Grafton state school.
5. Job service North Dakota.
6. Director of institutions.

The council shall have consumer representation in conformity with federal regulations regarding developmental disabilities. All members

of the council ~~shall~~ must be appointed by the governor from the list of designees provided by agency heads pursuant to this section. The council shall select its own officers who shall serve for a term of two years commencing on October first of each year. Meetings ~~shall~~ must be held at least twice a year or at the call of the chairman or upon notice in writing signed by not less than three members of the council. A simple majority of the council ~~shall constitute~~ constitutes a quorum and ~~shall have authority to~~ may act upon any matter coming before the council. Members of the council ~~shall be reimbursed~~ are entitled to reimbursement in the same manner and at the same rate provided by law for other state officials.

The council shall assist in the development of the state plan for developmental disabilities, monitor and evaluate the implementation of such state plan, review and comment on all state plans in the state which relate to programs affecting persons with developmental disabilities, provide protection and advocacy to developmentally disabled individuals when requested by a state department, division, institution, or organization, and establish a committee on professional standards and certification ~~that which~~ will develop rules and regulations for the certification of developmental disability professionals. The council, with the approval of the governor, shall appoint a full-time director who shall assist the council. The director must be classified under the state personnel merit system. The council shall also perform studies and surveys of the needs of developmentally disabled persons in North Dakota, and shall facilitate coordination of the activities of all state departments, divisions, agencies, and institutions having responsibilities in the field of developmental disabilities.

SECTION 14. AMENDMENT. Section 50-26-01 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-26-01. Establishment of governor's council on human resources - Certain committees to constitute - Appointment. There is hereby established a governor's council on human resources, to be maintained within the department of human services, which shall office of the governor. The council must consist of a committee on aging, a committee on children and youth, a committee on employment of the handicapped persons with disabilities, a commission on the status of women, and other committees having a related interest in human resources as may be appointed. Each of these committees shall consist of an executive committee of no more than nine members, each of whom, except as provided by this section, shall committee member must be appointed by the governor for a term of three years, staggered so that the terms of one-third of the members of each committee expire July first of each year, except that initial appointments to the committees shall must be made on the basis of a one-year term for one-third of the members of each committee; a two-year term for one-third of the members of each committee; and a full three-year term for the remaining members of each committee. At least one-third of the members appointed to the executive committee on children and youth must have expertise in the prevention of child abuse and neglect. Each of the executive committees of the governor's council on human resources may appoint to their committee the chairman of the mayor's committee or his the chairman's designated representative. A vacancy occurring other than by reason of the expiration of a term shall must be filled in the same

manner as original appointments, except that such the appointment shall may be made for the remainder of the unexpired term only.

SECTION 15. AMENDMENT. Section 50-26-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-26-03. Human resources committees - Organization - Expenses. The governor's committees on aging, children and youth, ~~the~~ employment of ~~the~~ handicapped persons with disabilities, the commission on the status of women, and such other committees who have a related interest in human resources, at their first meetings after July first of each year, shall elect from their ~~executive~~ committee membership a chairman and vice chairman. Every meeting of each committee shall must be called by the chairman of such the committee and shall must be presided over by such the chairman unless ~~he~~ the chairman is unable to act, in which case the vice chairman shall succeed to the powers and duties of the chairman. Each of the committee members shall is entitled to be paid for all necessary mileage and other actual expenses incurred in the performance of their official duties as members of such committees in the same amount and in the same manner as other state officials are paid.

SECTION 16. AMENDMENT. Section 50-26-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-26-04. Executive committee - Powers - Employment of executive director. The executive committee of the governor's council on human resources ~~shall consist~~ consists of the respective chairman and vice chairman of the committees ~~which~~ that constitute the council. They shall select a chairman from their membership and shall meet at such times and at such places as the chairman may direct. Members of the executive committee shall are entitled to receive the same mileage and expenses for performance of their official duties as is provided in section 50-26-03. ~~It is the duty of the~~ The executive committee to shall determine the number of meetings each committee shall hold, the areas in which they shall devote their time, and generally, to supervise all functions of any committee. The executive committee shall coordinate all functions of the council with other state departments, agencies, and other organizations and shall assure that the council cooperate with such departments, agencies, and other organizations wherever possible. The executive committee of the governor's council shall, with the approval of the ~~executive director of the department of human services;~~ governor, shall appoint a full-time director of the council on human resources whose duty it is to assist the committees in any manner authorized by the executive committee of the council. The executive committee of the council may authorize the council director to employ such clerical help as they deem necessary. The compensation of the director and clerical help must be set by the ~~executive director of the department of human services~~ governor within appropriations by the legislative assembly. ~~A special operating fund for the governor's council on human resources must be maintained within the state treasury. All expenditures from such fund must be within the limits of legislative appropriations and must be made upon vouchers, signed and approved by the executive director of the department of human services or the executive director's designee. Upon approval of such vouchers by the office of the budget, warrant checks must be prepared by the office of management~~

~~and budget. All moneys received as gifts, donations, or bequests and all federal moneys received must be deposited in the special operating fund. The state treasurer shall make periodic transfers upon order of the director of the office of management and budget from the governor's council on human resources general fund appropriation to such special operating fund whenever its balance falls so low as to require supplementation. The executive committee is authorized on behalf of the council to accept any federal funds and any other gifts and money from any source that may be offered to them.~~

SECTION 17. AMENDMENT. Section 50-27-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-27-03. Authority of the ~~executive~~ committee on children and youth. In addition to the powers and duties enumerated in section 50-26-02, the ~~executive~~ committee on children and youth of the governor's council on human resources ~~is authorized to~~ may:

1. Apply for and receive public funds from any source, devises, legacies, bequests, gifts, and donations from private individuals, organizations, or funds from any other source not contrary to law.
2. Meet at least twice each year for the purpose of administering the children's trust fund.
3. Create such advisory committees as may be deemed necessary to assure public involvement in the planning, development, and administration of the children's trust fund.
4. Hire or arrange for appropriate staff, as deemed necessary, to administer and maintain properly the children's trust fund.
5. Develop, implement, and periodically review a written plan to be used in administering the funds expended from and retained in the children's trust fund. The written plan must include the types of activities to be funded, the nature of organizations preferred for funding, the criteria for eligible fund applicants, and the mechanisms for the monitoring and evaluating of funded activities.
6. Award grants from the children's trust fund in accordance with this chapter and any rules that have been adopted.
7. Adopt, after public notice and an opportunity for comment has been given, any rules it determines to be necessary to carry out this chapter.
8. Contract with persons or organizations, including political subdivisions and school districts.
9. Prepare and submit to the executive director of the department of human services a report at the end of each biennium.

The ~~executive director of the department of human services~~ governor shall designate a person with a demonstrated expertise in the prevention of child abuse and neglect as executive secretary to the ~~executive committee of the children and youth committee~~ to assist in the administration of the children's trust fund.

SECTION 18. STATEMENT OF LEGISLATIVE INTENT. The legislative assembly recognizes that the capacity of the department of human services for accommodating the administrative needs and requirements of the developmental disabilities council exceeds that capacity within the governor's office. Therefore, it is the intent of the legislative assembly that the department of human services continue to provide administrative support for the developmental disabilities council. The administrative support by the department must continue to include fiscal management and financial reporting, contract preparation, management, and supplemental clerical and office assistance. It is also the intent of the legislative assembly that the developmental disabilities council remain an autonomous entity completely independent of the governor's council on human resources and that in no way is the developmental disabilities council accountable to the governor's council on human resources or its committees."

Renumber accordingly

For the Senate: Sens. Mathern, J. Meyer, Stenehjem  
For the House: Reps. Rydell, R. Larson, Ulmer

Engrossed HB 1205 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 1660 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1170 of the Senate Journal and that Engrossed HB 1660 be amended as follows:

Page 2, line 18, after "~~vehicle~~" insert "with the additional limitation that reimbursement for travel by common carrier may not exceed thirty-five cents per mile based upon air mileage"

Renumber accordingly

For the Senate: Sens. D. Meyer, Axtman, Lodoen  
For the House: Reps. Martinson, Clayburgh, Carlson

Engrossed HB 1660 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1002 as recommended by the Committee on Appropriations as printed on pages 1744-1750 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

#### MOTION

SEN. PETERSON MOVED that HB 1002 be further amended as follows:

Page 1, line 7, replace "section" with "sections"

Page 1, line 8, after "15-40.1-08" insert ", 15-60-03, 15-60-06, and 15-60-07"

Page 1, line 9, after "programs" insert "and the transformation of the state school construction fund into an interest buydown fund"

Page 1, line 11, after the semicolon insert "to repeal sections 15-60-04, 15-60-05, and 15-60-09 of the North Dakota Century Code, relating to construction contracts with the board of public school education and the power of the board to acquire land;"

Page 8, after line 27, insert:

"SECTION 9. AMENDMENT. Section 15-60-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-03. Purposes and general powers.

1. ~~The state school construction fund is created for the purpose of constructing and improving public school buildings; and furnishing and equipping the same for use as public schools; as a part of the public school system of the state of North Dakota under the jurisdiction of the department of public instruction. The board is hereby granted and shall have and may exercise all the powers necessary or convenient for the carrying out of the aforesaid purposes including; but without limiting the generality of the foregoing; the following rights and powers:~~
  - a. ~~To sue and be sued in all courts-~~
  - b. ~~To acquire; purchase; hold; lease; sell; transfer; dispose of; or use any property; real; personal or mixed; tangible or intangible; or any interest therein; necessary or desirable for carrying out the purposes of the state school construction fund-~~
  - c. ~~To acquire by purchase; lease; or otherwise and to construct; improve; and repair projects-~~
  - d. ~~To make bylaws for the management and regulation of its affairs-~~
  - e. ~~To appoint officers; agents; employees; and servants; to prescribe their duties; and to fix their compensation-~~
  - f. ~~To fix; alter; charge; and collect rentals and other charges for the use of the facilities or; for the services rendered by; the board or projects thereof; at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the board; the construction; improvement; and repair of its facilities and properties; and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations-~~

- g. To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.
- h. To have the power of eminent domain.
- i. To pledge, hypothecate, and otherwise encumber, all or any of the revenues or receipts of the fund as security for all, or any of, the obligations of the board.
- j. To do all acts and things necessary or convenient to carry out the powers granted to it by this chapter or any other acts.

There is established a state school construction fund to be maintained by the board at the Bank of North Dakota. The board may use the fund to buydown or reduce the interest paid by a school district on the Bank's portion of the construction loan. The interest buydown program under this section must be implemented under rules adopted by the board.

2. The board shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any other school districts. No obligations or debts of the board shall be deemed to be obligations of the state or any other school districts, and the state or any other school districts shall not be liable for the payment of principal or interest on such obligations. The board Bank of North Dakota shall at no time enter into any contract with a school district under the provisions of this chapter, unless such school district is at that time annually levying a sufficient mill levy which the board has determined will provide for repayment of the contracted loan within twenty years after the initial payment from the state school construction fund Bank of North Dakota to the school district, but a school district shall not borrow more than thirty percent of the taxable valuation of the district or three million dollars from the fund Bank and shall not be permitted to levy less than ten mills for the maintenance of a building fund. The loan contracted for by the school district from the Bank must be repaid by the school district together with two and one-half percent interest per annum. The interest buydown fund must be used by the board to cover the difference between the Bank's current loan rate and the rate of two and one-half percent interest per annum. The levy required by this section for repayment must be maintained over the life of the contract with the board Bank, and the school district must have at the time of the loan an existing indebtedness to the maximum limit permitted by law. In determining whether a school district has an existing indebtedness to the maximum limit permitted by law for purposes of this section, the value of taxable property means twice the taxable value of all taxable property in the school district.
3. All contracts between the board Bank and school districts shall be conditioned upon the preparation of general plans for the orderly development of improved attendance areas and administrative units and for the improved housing of the

public schools of the state. These plans shall be prepared cooperatively by local, county, and state school authorities, in accordance with standards and regulations prescribed by the department. The department shall have authority and its duty shall be to review all construction projects to determine:

- a. The extent to which they conform to state plans.
  - b. The amount of improvement to be brought about in attendance areas and administrative units.
  - c. The usefulness and adequacy of the proposed building for classroom purposes with respect to design, location, safety, comfort, and convenience.
  - d. The ability of the local school district or districts to amortize the cost of construction and to defray the cost of operation and maintenance.
4. No contract shall be executed between the board Bank and school district without the specific written approval of the department.

SECTION 10. AMENDMENT. Section 15-60-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-06. Governing body. The board shall meet for the purpose of ~~making plans for the administration of the school construction fund and the~~ receiving and reviewing of applications for construction or improvements. Five members of the board shall constitute a quorum for the purpose of conducting the business thereof and for all other purposes, and all other actions shall be taken by a unanimous vote of the quorum. The board shall have full authority to manage the properties and business of the board. The board, acting through the office of the superintendent of public instruction, shall fix and determine the number of officers, agents, and employees it shall employ and their respective compensation and duties, and may delegate to one or more of their number, or to one or more of said officers, agents, or employees, such powers and duties as it may deem proper.

SECTION 11. AMENDMENT. Section 15-60-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-07. Moneys of the fund. The custodian of the building fund of any school district for which a building or an addition to an existing building has been constructed shall pay annually to the state treasurer Bank of North Dakota all moneys due as rental or rentals loan payments together with two and one-half percent interest as herein provided, which money shall be credited to the state school construction fund. For those contracts in force before July 1, 1989, the school district will continue to pay the rental payments, plus two and one-half percent interest to the state treasurer to be deposited into the state school construction fund. The moneys in said account the fund shall be paid out on the warrant or other order by the chairman and secretary of the board. The state auditor or his legally authorized representatives are hereby authorized and directed to audit the accounts and books of the board, including its receipts,

disbursements, contracts, leases, sinking funds, investments, and any other matters relating to its finances, operation, and affairs annually."

Page 9, after line 27, insert:

"SECTION 17. REPEAL. Sections 15-60-04, 15-60-05, and 15-60-09 of the North Dakota Century Code are hereby repealed."

Renumber accordingly

#### MOTIONS

SEN. PETERSON MOVED that the proposed amendments to Engrossed HB 1002, which amend subsection 2 of section 15-60-03, be amended to replace "three million dollars" with "five million dollars", which motion prevailed.

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

#### SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the superintendent of public instruction and the state board of vocational education of the state of North Dakota; to provide for a transfer of funds from the displaced homemaker fund and state school construction fund; to create and enact two new sections to chapter 15-21 and two new sections to chapter 15-65 of the North Dakota Century Code, relating to a revolving school district equipment and software fund, adult basic and secondary education, and school district telecommunications grants; to amend and reenact the new section to chapter 15-34.1 of the North Dakota Century Code as created by section 6 of House Bill No. 1421, as approved by the fifty-first legislative assembly, and sections 15-21-02, 15-40.1-08, 15-60-03, 15-60-06, and 15-60-07, subdivision j of subsection 1 of section 57-15-14.2, and subsection 1 of section 57-15-17.1 of the North Dakota Century Code, relating to foundation aid payments to school districts for supervising home-based instruction, the salary of the superintendent of public instruction, proportionate state aid payments for elementary summer school programs and the transformation of the state school construction fund into an interest buydown fund, and asbestos abatement; to provide for appropriation reductions; to provide two sections of legislative intent regarding special education and vocational education postsecondary grants; to repeal sections 15-60-04, 15-60-05, and 15-60-09 of the North Dakota Century Code, relating to construction contracts with the board of public school education and the power of the board to acquire land; 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.; 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, W.

HB 1002 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1025 as recommended by the Committee on Appropriations as printed on pages 1750-1757 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act to make an appropriation for defraying the expenses of the economic development commission of the state of North Dakota; to provide for a transfer from the state highway fund; to provide legislative intent regarding economic development; and to amend and reenact sections 54-34-01, 54-34-03, and subsection 2 of section 54-34-06 of the North Dakota Century Code, relating to the purpose and membership of the economic development commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Lodoen; Mutch; Naaden; Nelson; Nething; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Meyer, W.

HB 1025 passed and the title was agreed to.

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MOTION

SEN. HEIGAARD MOVED that HB 1077, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SIGNING OF BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolution: HB 1063, HB 1098, HB 1191, HB 1245, HB 1365, HB 1422, HB 1504, HB 1614, HB 1634, HCR 3088.

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

MR. SPEAKER: The President has signed: HB 1063, HB 1098, HB 1191, HB 1245, HB 1365, HB 1422, HB 1504, HB 1614, HB 1634, HCR 3088.

## SECOND READING OF HOUSE BILLS

HB 1012: A BILL for an Act making an appropriation for defraying the expenses of the department of human services, making an appropriation and transfer from the lands and minerals trust fund to the common schools trust fund, and making an appropriation of excess revenues generated by human service centers; to establish a joint medicaid payment account; and to provide legislative intent statements relating to human service center operating expenses, chemical dependency treatment services, the Family Support Act of 1988, the guardianship project, and the use of child support incentive payments; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the, which has been read and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 3 NAYS, 4 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.; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennesfos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Moore; Nelson; Streibel

ABSENT AND NOT VOTING: Langley; Lashkowitz; Meyer, D.; Meyer, W.

HB 1012 passed, the title was agreed to, and the emergency clause carried.

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

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 39 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: David; Lodoen; Naaden; Nalewaja; Nelson; Nething; Peterson; Streibel; Todd

NAYS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krebsbach; Lips; Maixner; Mathern; Maxson; Meyer, J.; Moore; Mushik; Mutch; O'Connell; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennesfos; Thane; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Krauter; Langley; Lashkowitz; Meyer, D.; Meyer, W.

HB 1659 lost.

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## REPORT OF CONFERENCE COMMITTEE

SEN. SATROM MOVED that the conference committee report on Engrossed HB 1499 as printed on page 1720 of the Senate Journal be adopted.

## REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on HB 1499, which request was granted.

## ROLL CALL

The question being on the motion to adopt the conference committee report on HB 1499, the roll was called and there were 19 YEAS, 30 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Ewen; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Richard; Satrom; Schoenwald; Shea; Tallackson; Wogsland

NAYS: David; Dotzenrod; Freborg; Hanson; Holmberg; Ingstad; Kinnoin; Krebsbach; Lips; Lodoen; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Yockim

ABSENT AND NOT VOTING: Langley; Lashkowitz; Meyer, W.; Waldera

The motion to adopt the conference committee report on HB 1499 failed.

## MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1002, HB 1025, HB 1012, HB 1155, HB 1185, and HB 1558 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the vote by which HB 1659 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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 Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of SB 2542 and SB 2541, the Senate stand adjourned until 8:00 a.m., Thursday, April 13, 1989, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred SB 2541 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2541 was placed on the Eleventh 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 SB 2542 has had the same under consideration

and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2542 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 1001 has had the same under consideration and recommends by a vote of 11 YEAS, 3 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 3, replace "and" with "to amend and reenact sections 4-01-21, 26.1-01-09, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, commissioner of insurance, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner;" and after "transfers" insert "; and to declare an emergency"

Page 1, line 16, replace "2,772,826" with "1,278,374"

Page 1, delete line 17

Page 1, line 18, replace "858,754" with "440,828"

Page 1, line 19, replace "27,171" with "4,250"

Page 1, after line 22, insert:

|                                  |            |
|----------------------------------|------------|
| "Protection and advocacy project | 1,945,270" |
|----------------------------------|------------|

Page 2, line 3, replace "4,484,996" with "4,494,467"

Page 2, line 4, replace "1,744,310" with "1,704,310"

Page 2, line 5, replace "2,740,686" with "2,790,157"

Page 2, line 8, replace "223,769" with "231,428"

Page 2, line 11, replace "238,662" with "246,321"

Page 2, line 14, replace "980,673" with "1,109,366"

Page 2, line 16, replace "162,237" with "200,243"

Page 2, line 19, replace "1,440,866" with "1,607,565"

Page 2, line 26, replace "8,203,485" with "8,853,770"

Page 2, line 27, replace "264,130" with "446,141"

Page 2, line 28, replace "1,585,396" with "1,882,683"

Page 3, line 1, replace "162,611" with "221,759"

Page 3, line 4, replace "8,000" with "253,000"

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Page 3, line 8, replace "12,182,563" with "13,616,294"

Page 3, line 9, replace "5,060,579" with "5,199,754"

Page 3, line 10, replace "7,121,984" with "8,416,540"

Page 3, line 13, replace "3,363,365" with "3,426,705"

Page 3, line 14, replace "27,650" with "30,250"

Page 3, line 15, replace "451,961" with "456,261"

Page 3, line 17, replace "3,864,616" with "3,934,856"

Page 3, line 19, replace "3,403,505" with "3,473,745"

Page 3, line 22, replace "442,628" with "549,508"

Page 3, line 23, replace "18,681" with "95,929"

Page 3, line 24, replace "65,214" with "70,061"

Page 3, line 26, replace "528,386" with "717,361"

Page 3, line 28, replace "523,386" with "712,361"

Page 4, line 2, replace "8,936,142" with "9,322,200"

Page 4, line 3, replace "1,218,446" with "1,295,714"

Page 4, line 4, replace "1,697,462" with "2,003,962"

Page 4, line 7, replace "12,273,800" with "13,043,626"

Page 4, line 8, replace "400,000" with "421,500"

Page 4, line 9, replace "11,873,800" with "12,622,126"

Page 4, line 12, replace "514,075" with "521,631"

Page 4, line 14, replace "863" with "3,863"

Page 4, line 15, replace "598,802" with "609,358"

Page 4, line 17, replace "492,815" with "503,371"

Page 4, line 20, replace "4,231,055" with "4,218,465"

Page 4, line 21, replace "248,779" with "214,421"

Page 4, line 22, replace "4,011,866" with "4,037,866"

Page 4, line 23, replace "55,125" with "63,125"

Page 4, line 24, replace "8,546,825" with "8,533,877"

Page 4, line 25, replace "4,873,801" with "4,858,179"

Page 4, line 26, replace "3,673,024" with "3,675,698"

Page 4, line 29, replace "1,987,403" with "2,052,767"

Page 5, line 2, replace "1,351,299" with "1,438,299"

Page 5, after line 7, insert:

"Agriculture mediation services 800,000"

Page 5, line 9, replace "4,706,018" with "5,658,382"

Page 5, line 10, replace "1,132,479" with "1,932,479"

Page 5, line 11, replace "3,573,539" with "3,725,903"

Page 5, line 14, replace "1,988,048" with "2,264,965"

Page 5, line 16, replace "528,102" with "542,570"

Page 5, line 17, replace "10,009" with "13,609"

Page 5, line 18, replace "2,527,127" with "2,822,112"

Page 5, line 22, replace "291,347" with "353,235"

Page 5, line 23, replace "183,901" with "167,858"

Page 5, line 25, replace "476,148" with "521,993"

Page 5, line 26, replace "35,842,927" with "38,645,530"

Page 5, line 27, replace "16,310,394" with "17,766,782"

Page 5, line 28, replace "52,153,321" with "56,412,312"

Page 6, line 24, replace "835,000" with "959,268"

Page 9, line 1, delete "performing"

Page 9, delete line 2

Page 9, line 3, replace "are not currently provided to," with "oil and gas meter monitoring responsibilities"

Page 9, after line 11, insert:

"SECTION 16. AMENDMENT. Section 4-01-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-01-21. Salary of commissioner of agriculture. The annual salary of the commissioner of agriculture is ~~forty six~~ forty-nine thousand three hundred dollars.

SECTION 17. AMENDMENT. Section 26.1-01-09 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-01-09. Salary of commissioner. The annual salary of the commissioner is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 18. AMENDMENT. Section 34-05-01.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-05-01.2. Department of labor to be administered by commissioner of labor. The department of labor must be administered by a commissioner of labor who must be elected for a four-year term on a no-party ballot in the year 1966 and every four years thereafter in the same manner as provided for no-party candidates pursuant to title 16.1. Following his election, the term of the commissioner of labor commences on the same day as the terms for other elected state officials. The commissioner of labor shall possess the same qualifications for office as the commissioner of agriculture. The annual salary of the commissioner of labor is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 19. AMENDMENT. Section 49-01-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-01-05. Salary of commissioners. The annual salary of a commissioner is ~~forty-six~~ forty-nine thousand three hundred dollars. All fees received or charged by any such commissioner for any act or service rendered in any official capacity, shall be accounted for and paid over by him monthly to the state treasurer and shall be credited to the general fund of the state.

SECTION 20. AMENDMENT. Section 54-07-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-07-04. Salary of governor. The annual salary of the governor is ~~sixty~~ sixty-five thousand ~~eight two~~ hundred sixty-two dollars.

SECTION 21. AMENDMENT. Section 54-08-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-08-03. Salary of lieutenant governor. The annual salary of the lieutenant governor is ~~fifty~~ up to fifty-three thousand five hundred dollars.

SECTION 22. AMENDMENT. Section 54-09-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-09-05. Salary of secretary of state. The annual salary of the secretary of state is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 23. AMENDMENT. Section 54-10-10 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-10. Salary of state auditor. The annual salary of the state auditor is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 24. AMENDMENT. Section 54-11-13 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-11-13. Salary of state treasurer. The annual salary of the state treasurer is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 25. AMENDMENT. Section 54-12-11 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-12-11. Salary of attorney general. The annual salary of the attorney general is ~~fifty-two~~ fifty-five thousand seven hundred dollars.

SECTION 26. AMENDMENT. Section 57-01-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-01-04. Salary. The annual salary of the state tax commissioner is ~~forty-six~~ forty-nine thousand three hundred dollars.

SECTION 27. APPROPRIATION - TRANSFER - TAX DEPARTMENT. There is hereby authorized, as included in the appropriation for the state tax commissioner in subdivision 8 of section 1 of this Act, a transfer of \$21,500, or so much as may be necessary, from the centennial tree program trust fund to defray the expense of administering the centennial tree program trust fund income tax deduction.

SECTION 28. CONTINGENT APPROPRIATION - AGRICULTURE COMMISSIONER. There is hereby appropriated the sum of \$45,238, or so much thereof as may be necessary, from the general fund in the state treasury, and \$256,350 in federal funds, or so much thereof as may be necessary, to the agriculture commissioner for the biennium beginning July 1, 1989, and ending June 30, 1991. The \$45,238 general fund appropriation is contingent upon the ability to match additional federal environmental protection agency funds.

SECTION 29. APPROPRIATION - BLUE BOOK. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary, to the secretary of state for the preparation, printing, and distribution of a centennial supplement of the North Dakota centennial edition of the blue book, for the period beginning January 1, 1989, and ending June 30, 1991.

SECTION 30. INCOME AUTHORIZATION - STATE TREASURER. The state treasurer is authorized, as included in the appropriation for the state treasurer in subdivision 7 of section 1 of this Act, to administer the sale of alcohol beverage decals for liquor and beer destined for delivery to a federal enclave in North Dakota for domestic consumption and not transported through a licensed North Dakota wholesaler.

SECTION 31. EMERGENCY. Fifty-three thousand dollars of the \$253,000 provided for the court monitor line item in subdivision 5 of section 1 of this Act and section 29 of this Act are declared to be emergency measures."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 101 - GOVERNOR'S OFFICE

The salaries and wages line item is increased by \$9,471 from the general fund to provide for a \$65,200 annual salary for the Governor. In addition, Section 54-07-04 is amended to provide for the \$65,200 salary.

The following changes are made to provide for a Protection and Advocacy Project special line item of \$1,945,270:

|                                 |                     |
|---------------------------------|---------------------|
| Salaries and wages              | \$(1,503,923)       |
| Data processing                 | (500)               |
| Operating expenses              | (417,926)           |
| Equipment                       | (22,921)            |
| Protection and Advocacy Project | <u>\$ 1,945,270</u> |
| Total                           | <u>\$ 0</u>         |

The funding source for employment incentives (\$40,000) is changed from other funds to the general fund because the \$1 fee for a handicapped parking insignia is deposited in the general fund.

DEPARTMENT 106 - LIEUTENANT GOVERNOR

The salaries and wages line item is increased by \$7,659 from the general fund to provide for a \$53,500 annual salary for the Lieutenant Governor. In addition, Section 54-08-03 is amended to provide for the \$53,500 salary.

DEPARTMENT 108 - SECRETARY OF STATE

The salaries and wages line item is increased by \$7,556 from the general fund to provide for a \$49,300 annual salary for the Secretary of State. In addition, Section 54-09-05 is amended to provide for the \$49,300 salary.

The salaries and wages line item is also increased by \$94,147 from the general fund to restore three data input positions, deleted by the Governor, to allow computer automation of corporation, contractors, notary public, and other office divisions, and by \$26,990 from the general fund to maintain the current salary levels of the Deputy Secretary of State (\$14,249), the executive secretary (\$11,663), and a clerk position (\$1,078).

The operating expenses line item is also increased by \$38,006 from the general fund.

Section 29 is added, with an emergency clause, providing a \$20,000 general fund appropriation for additional Blue Book costs as follows:

|   |                  |
|---|------------------|
| Complete payment on 1989 edition                              | \$ 3,500         |
| Errata correction to 1989 edition                             | 3,500            |
| Supplement to identify 1989 legislators and Centennial events | 13,000           |
| Total   | <u>\$ 20,000</u> |

DEPARTMENT 125 - ATTORNEY GENERAL

The salaries and wages line item is increased by \$8,078 from the general fund to provide for a \$55,700 annual salary for the Attorney General. In addition, Section 54-12-11 is amended to provide for the \$55,700 salary.

The salaries and wages line item is increased by \$125,175 from other funds to provide for an attorney (\$79,068) and a legal assistant (\$46,107) to handle foreclosure activities for the Bank of North Dakota currently paid on a contractual basis.

This amendment also adds the following changes for gaming activities:

| DESCRIPTION  | SALARIES<br>AND<br>WAGES | OPERATING<br>EXPENSES | DATA<br>PROCESSING | EQUIPMENT | TOTAL<br>GENERAL<br>FUND |
|--|--------------------------|-----------------------|--------------------|-----------|--------------------------|
| Adds funds for 2 auditor IIs (\$117,578) and related expenses for the effect of HB 1184 (off track parimutuel wagering)  | \$ 117,578               | \$ 62,350             | \$ 43,800          | \$ 17,750 | \$ 241,478               |
| Adds funds for 3 audit technicians (\$150,087), 2 auditor IIs (\$117,578), 1 data processing coordinator II (\$58,789), and related expenses for the effect of enforcement of HB 1249 (\$5 twenty-one), HB 1292 (calcuttas), and HB 1641 (electronic video gaming) | \$ 326,454               | \$ 24,437             | \$ 138,211         | \$ 10,898 | \$ 500,000               |
| Adds funds for 2 clerk IIIs (\$73,000) and additional costs related to renting office space to accommodate   | \$ 73,000                | \$ 150,500            |                    | \$ 26,500 | \$ 250,000               |

additional  
staff

| Total | \$ 517,032 | \$ 237,287 | \$ 182,011 | \$ 55,148 | \$ 991,478 |
|-------|------------|------------|------------|-----------|------------|
|-------|------------|------------|------------|-----------|------------|

The operating expenses line item is increased by \$50,000 from the general fund for the transfer of prosecution witness fees from the Supreme Court. In addition, operating expenses are increased by \$10,000 from other funds related to the two additional employees.

The equipment line item is increased by \$4,000 from other funds related to the two additional employees.

The court monitor line item is increased by \$245,000 from the general fund, of which \$53,000 is for deficiency amounts for the 1985-87 (\$21,270) and 1987-89 (\$31,730) bienniums, and \$192,000 is for the 1989-91 biennium. An emergency clause is added for this line item for the deficiency amounts.

#### DEPARTMENT 117 - STATE AUDITOR

The salaries and wages line item is increased by \$7,556 from the general fund to provide for a \$49,300 annual salary for the State Auditor. In addition, Section 54-10-10 is amended to provide for the \$49,300 salary.

The salaries and wages line item is increased by \$55,784 from the general fund to fund an existing political subdivision auditor position. This position is anticipated to increase general fund revenues by approximately \$42,000.

The data processing line item is increased by \$2,600 from the general fund.

The operating expenses line item is increased by \$4,300 to provide adequate funding for the Fargo office rental expense.

#### DEPARTMENT 120 - STATE TREASURER

The salaries and wages line item is increased by \$7,556 from the general fund to provide for a \$49,300 annual salary for the State Treasurer. In addition, Section 54-11-13 is amended to provide for the \$49,300 salary.

The salaries and wages line item is also increased by \$95,181 from the general fund to restore 2.5 FTE clerical positions deleted in the Governor's budget and by \$4,143 from the general fund for temporary salaries.

The data processing line item is increased by \$77,248 from the general fund to provide for updating computer programs.

The operating expenses line item is increased by \$4,847 from the general fund related to the 2.5 FTE positions.

Section 30 is added authorizing the State Treasurer to administer the sale of alcohol beverage decals for alcohol delivered to a federal enclave in North Dakota.

## DEPARTMENT 127 - TAX DEPARTMENT

The salaries and wages line item is increased by \$7,565 from the general fund to provide for a \$49,300 annual salary for the Tax Commissioner. In addition, Section 57-01-04 is amended to provide for the \$49,300 salary.

The transfer amount to the general fund from motor vehicle fuel taxes revenue in Section 5 is amended from \$835,000 to \$959,268 to reflect the anticipated Tax Department administrative costs for the collection of motor vehicle and special fuel tax revenues.

A transfer from the Centennial tree program trust fund of \$21,500 is provided in Section 27 for the costs of administering the income tax deduction for the Centennial tree program trust fund (House Bill No. 1456).

The salaries and wages line item is increased by \$76,020 to restore the audit technician and account technician city sales tax positions deleted by the House. The employee turnover/vacancy salary adjustment is reduced to zero, a \$215,000 general fund increase. Salaries and wages are also increased by \$30,492 from the general fund to provide adequate funding for minimum wages increases. In addition, salaries and wages are increased by \$56,981 from the general fund to provide adequate funding for taxpayer assistance and withholding clerk positions.

The operating expenses line item is increased by \$285,000 from the general fund to partially restore reductions made in the executive recommendation.

The data processing line item is increased by \$77,268 from the general fund to upgrade the "Importer-Automation" and "Motor Fuels-Accounts Receivable" programs. Although appropriated from the general fund, this expenditure also increases the motor vehicle fuel taxes revenue transfer in Section 5 as stated above.

## DEPARTMENT 406 - LABOR COMMISSIONER

The salaries and wages line item is increased \$7,556 from the general fund to provide for a \$49,300 annual salary for the Labor Commissioner. In addition, Section 34-05-01.2 is amended to provide for the \$49,300 salary.

The equipment line item is increased by \$3,000 from the general fund.

## DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

The salaries and wages line item is increased by \$22,667 from the general fund to provide for \$49,300 annual salaries for the Public Service Commissioners. In addition, Section 49-01-05 is amended to provide for the \$49,300 salaries.

The salaries and wages line item is reduced by \$35,257, of which \$11,635 is from the general fund and \$23,622 is from federal funds to delete an administrative secretary position relating to the "bingo" stamp transfer from the Public Service Commission to the Motor Vehicle Department (House Bill No. 1259). This change provides the Public Service Commission with 55 FTE, two FTE less than the 1987-89 biennium. In addition, operating expenses are reduced by \$5,000, and data processing is reduced by \$34,358, all from the general fund relative to this transfer.

The operating expenses line item is increased by \$31,000 from the general fund for motor pool expenses.

Section 14 is amended because oil and gas metering responsibilities were not transferred to the Industrial Commission as anticipated in the executive budget.

#### DEPARTMENT 602 - DEPARTMENT OF AGRICULTURE

The salaries and wages line item is increased by \$7,564 from the general fund to provide for a \$49,300 annual salary for the Agriculture Commissioner. In addition, Section 4-01-21 is amended to provide for the \$49,300 salary.

The salaries and wages line item is also increased by \$57,800 from the general fund to restore one marketing specialist I position deleted in the Governor's budget.

The operating expenses line item is increased by \$12,000 from the general fund for dairy laboratory fees, by \$45,000 from the general fund for the state motor pool, and by \$30,000 from the general fund related to the expenses of the marketing specialist.

An agriculture mediation services special line item of \$800,000 from other funds is added. It is anticipated the \$300,000 will be collected from mediation fees and be used to match federal funds.

Section 28 is added to provide \$45,238 from the general fund to match \$256,350 in federal Environmental Protection Agency funds. The general fund appropriation is contingent upon receiving the federal funds.

#### DEPARTMENT 401 - INSURANCE COMMISSIONER

The salaries and wages line item is increased by \$7,555 from the insurance regulatory trust fund to provide for a \$49,300 annual salary for the Insurance Commissioner. In addition, Section 26.1-01-09 is amended to provide for the \$49,300 salary.

The salaries and wages line item is increased by \$44,362 from other funds to restore the accountant position deleted in the House. Salaries and wages are also increased by \$225,000 from other funds for an actuary position.

The operating expenses line item is increased by \$14,468 from other funds; \$968 for the accountant position, \$1,800 for the actuary position, and \$12,500 for membership and travel for the National Conference of Insurance Legislators (COIL).

The equipment line item is increased by \$3,600 from other funds, \$1,800 for the accountant position and \$1,800 for the actuary position.

#### DEPARTMENT 617 - LIVESTOCK SANITARY BOARD

The salaries and wages line item is increased by \$61,888 from the general fund to restore two .6 FTE livestock inspectors.

The operating expenses line item is reduced by \$16,043 from the general fund as follows:

|                       |                   |
|-----------------------|-------------------|
| Professional services | \$(25,252)        |
| Postage and telephone | 3,981             |
| Printing              | 2,596             |
| Travel                | 2,632             |
| Total                 | <u>\$(16,043)</u> |

TOTAL BILL

A comparison of House Bill No. 1001 is as follows:

|               | Executive<br>Recommendation | House<br>Version    | Current<br>Senate<br>Version | Comparison of<br>Senate Version<br>to Executive<br>Recommendation | Comparison<br>of Senate<br>Version to<br>House Version |
|---------------|-----------------------------|---------------------|------------------------------|---|--|
| General fund  | \$35,691,256                | \$35,842,727        | \$36,645,530                 | \$2,294,274   | \$2,802,403  |
| Special funds | <u>16,915,157</u>           | <u>16,310,394</u>   | <u>17,766,782</u>            | <u>851,625</u>  | <u>1,456,388</u>                                       |
| Total         | <u>\$52,606,413</u>         | <u>\$52,153,121</u> | <u>\$54,412,312</u>          | <u>\$1,609,899</u>  | <u>\$4,258,791</u>                                     |

1001.2

HB 1001 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

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

PATRICIA CONRAD, Secretary