

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, April 13, 1989
The Senate convened at 8:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Mark Duncan, Capitol Heights Baptist Church, Bismarck.

Our God, in these closing days of legislative session, when days turn into nights and nights into days, I pray that You may grant these good men and women rest in those few spare moments.

Each of us in this room offer our prayers to those who are working so hard on the conference committees.. Renew their strength for this day of hard work. I pray for a spirit of cooperation that sets aside game playing and party division for the sake of the people of North Dakota.

As this assembly gathers again to continue the task of discussion and voting, may a spirit of unity evolve from the diversity. For Lt. Governor Omdahl, we pray for strength in his presiding.

In Christ, I pray. Amen.

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

A quorum was declared by the President.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2005 as printed on pages 1786-1797 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2005: Sens. Wogsland, Ewen, Thane.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. MEYER MOVED that the Senate do concur in the House amendments to SB 2501 as printed on page 1770 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2501: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to transfers from the Bank of North Dakota profits to the beginning farmer revolving loan 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Maixner; Stenehjem

SB 2501 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. EWEN MOVED that the conference committee report on HB 1021 as printed on page 1807 of the Senate Journal be adopted, which motion prevailed.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2243, SB 2332, SB 2412, SB 2455.

HOUSE AMENDMENTS TO ENGROSSED SB 2243

Page 1, line 1, after "24-02" insert ", 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"

Page 1, line 3, remove the second "and"

Page 1, line 4, after "references" insert ", cooperative agreements that may be entered into by the director of the department of transportation 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 director of the department of transportation"

Page 1, line 9, remove "and" and after "57-40.3-01" insert ", 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"

Page 1, line 17, replace "and" with a comma and after "tax" insert ", and collection and administration of importer for use taxes by the director of the department of transportation"

Page 4, line 21, after "all" insert "surface"

Page 4, line 23, after the period insert "Coordination must be established between the aeronautics commission planning section and the department of transportation office of planning for airport development as it pertains to surface access."

Page 12, after line 8, insert:

"SECTION 21. A new subsection to section 57-43.1-01 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Director" means the director of the department of transportation.

SECTION 22. A new section to chapter 57-43.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Administration and collection of importer for use taxes by director. The director shall administer the importer for use taxes under the provisions of sections 57-43.1-33 through 57-43.1-43 and, for the purposes of the importer for use tax provisions, shall have all of the authority provided to the tax commissioner under sections 57-43.1-01 through 57-43.1-32.

SECTION 23. AMENDMENT. Section 57-43.1-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-36. Importer for use license required. Before any person imports fuel into this state in the fuel supply tank of any motor vehicle, that person shall file application for and obtain an importer for use license. Persons exempted from the tax levied under section 57-43.1-33 are not required to obtain such license. All applications for an importer for use license must be on forms furnished by the commissioner director and must contain such information as the commissioner director requires.

SECTION 24. AMENDMENT. Section 57-43.1-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-37. Issuance and display. If the commissioner director finds the statements in the application to be true, and if the commissioner director is satisfied that the application is made in good faith, the commissioner director shall issue to the applicant an importer for use license bearing a distinctive number and specifying the terms of the license. The license or a photocopy of the license must be carried in the passenger compartment of each motor vehicle operated by each importer for use at all times when the motor vehicle is in this state.

SECTION 25. AMENDMENT. Section 57-43.1-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-38. Assignment forbidden. A license issued by the commissioner director pursuant to this chapter is not subject to assignment or transfer, nor is such a license either a franchise or irrevocable.

SECTION 26. AMENDMENT. Section 57-43.1-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-39. Revocation, cancellation, and surrender of importer for use license. An importer for use license issued by the commissioner director is in force until the license is suspended, surrendered, or revoked for cause by the commissioner director. The commissioner director, upon showing of failure to comply with the

provisions of this chapter or rules adopted by the commissioner or the director under this chapter, may suspend or revoke any license issued under this chapter upon five days' notice to the grantee and on opportunity to be heard. If an importer for use license has been revoked for cause, the commissioner director may reinstate such license upon payment of a fifty dollar fee.

SECTION 27. AMENDMENT. Section 57-43.1-40 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-40. Occasional trip permits. Any person who occasionally makes trips into or through North Dakota and elects to secure occasional trip permits as provided in this section is exempt from the licensing requirements imposed upon importers for use. The word "occasionally" means no more than one trip in any seventy-two-hour period into or through the state. The commissioner director or the commissioner's director's agent shall issue occasional trip permits for a fee of fifteen dollars per trip pursuant to regulations and procedures prescribed by the commissioner director.

SECTION 28. AMENDMENT. Section 57-43.1-41 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-41. Authorization of the commissioner director. The commissioner director may issue authorization relieving fuel dealers of the duty of collecting the tax imposed under this chapter and chapter 57-43.2 from persons who are licensed as importers for use, and who consistently purchase from North Dakota fuel dealers more fuel than is consumed in the propulsion of their motor vehicles in this state.

SECTION 29. AMENDMENT. Section 57-43.1-43 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-43. Importer for use tax, reports, payments, records, penalties, disposition of funds, audits, and assessments.

1. Importers for use shall file a quarterly tax return with the commissioner director on forms prescribed by the commissioner director to determine the amount of tax liability or credit under this chapter. The importer for use shall file the return no later than the last day of the month next succeeding the last calendar month in the quarter. Importers for use shall be assessed penalty and interest and are subject to recordkeeping as provided in this chapter. The importer for use tax collected must be distributed as provided in this chapter.
2. The commissioner director shall audit the returns and make necessary assessments pursuant to the procedures and limitations provided for in section 57-43.1-17.

SECTION 30. A new section to chapter 57-43.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Cooperative agreements between states.

1. The director may enter into cooperative agreements with other states for exchange of information and auditing of users of motor fuels used in fleets of motor vehicles operated or intended to operate interstate. An agreement or amendment to an agreement is not effective until filed in writing with the director.
2. An agreement under this section may provide for determining the base state for users, users' records requirements, audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor vehicles, determining if bonding is required, specifying reporting requirements and periods including defining the uniform penalty and interest rates for late reporting, determining methods for collecting and forwarding of motor fuel taxes and penalties to another jurisdiction, and other provisions as will facilitate the administration of the agreement.
3. The director may, as required by the terms of the agreement, forward to officers of another state any information in the director's possession relative to the manufacture, receipt, sale, use, transportation, or shipment of motor fuels by any person. The director may disclose to officers of another state the location of officers, motor vehicles, and other real and personal property of users of motor fuels.
4. An agreement may provide for each state to audit the records of persons based in the state, to determine if the motor fuel taxes due each state are properly reported and paid. Each state shall forward the findings of the audits performed on persons based in the state, to each state in which the person has taxable use of motor fuels. For persons not based in this state and who have taxable use of motor fuel in this state, the director may serve the audit findings received from another state, in the form of an assessment, on the person as though an audit was conducted by the director.
5. Any agreement entered under this section does not preclude the director from auditing the records of any person covered by the provisions of this chapter.
6. The provisions of any agreement entered into under this section prevail over any conflicting rules adopted by the director.

SECTION 31. A new subsection to section 57-43.2-01 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Director" means the director of the department of transportation.

SECTION 32. A new section to chapter 57-43.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Administration and collection of importer for use taxes by director. The director shall administer the importer for use taxes under the provisions of sections 57-43.2-26 through 57-43.2-36 and, for

the purposes of the importer for use tax provisions, shall have all of the authority of the tax commissioner under sections 57-43.2-01 through 57-43.2-25.

SECTION 33. AMENDMENT. Section 57-43.2-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-29. Importer for use license required. Before any person imports fuel into this state in the fuel supply tank of any motor vehicle, that person shall file application for and obtain an importer for use license. Persons exempted from the tax levied under section 57-43.2-26 are not required to obtain such license. All applications for an importer for use license must be on forms furnished by the commissioner director and must contain such information as the commissioner director requires. If the license required by section 57-43.1-38 has been obtained, no license is required pursuant to this section.

SECTION 34. AMENDMENT. Section 57-43.2-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-30. Issuance and display. If the commissioner director finds the statements in the application to be true, and if the commissioner director is satisfied that the application is made in good faith, the commissioner director shall issue to the applicant an importer for use license bearing a distinctive number and specifying the terms of the license. The license or a photocopy of the license must be carried in the passenger compartment of each motor vehicle operated by each importer for use at all times when the motor vehicle is in this state.

SECTION 35. AMENDMENT. Section 57-43.2-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-31. Assignment forbidden. A license issued by the commissioner director pursuant to this chapter is not subject to assignment or transfer, nor is such a license either a franchise or irrevocable.

SECTION 36. AMENDMENT. Section 57-43.2-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-32. Revocation, cancellation, and surrender of importer for use license. An importer for use license issued by the commissioner director is in force until the license is suspended, surrendered, or revoked for cause by the commissioner director. The commissioner director, upon showing of failure to comply with the provisions of this chapter or rules adopted by the commissioner or director under this chapter, may suspend or revoke any license issued under this chapter upon five days' notice to the grantee and on opportunity to be heard. If an importer for use license has been revoked for cause, the commissioner director may reinstate such license upon payment of a fifty dollar fee.

SECTION 37. AMENDMENT. Section 57-43.2-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-33. Occasional trip permits. Any person who occasionally makes trips into or through North Dakota and elects to secure occasional trip permits as provided in this section is exempt from the licensing requirements imposed upon importers for use. The word "occasionally" means no more than one trip in any seventy-two-hour period into or through the state. The ~~commissioner~~ director or the ~~commissioner's~~ director's agent shall issue occasional trip permits for a fee of fifteen dollars per trip pursuant to regulations and procedures prescribed by the ~~commissioner~~ director.

SECTION 38. AMENDMENT. Section 57-43.2-34 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-34. Authorization of the ~~commissioner~~ director. The ~~commissioner~~ director may issue authorization relieving fuel dealers of the duty of collecting the tax imposed under this chapter and chapter 57-43.1 from persons who are licensed as importers for use, and who consistently purchase from North Dakota fuel dealers more fuel than is consumed in the propulsion of their motor vehicles in this state.

SECTION 39. AMENDMENT. Section 57-43.2-36 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-36. Importer for use tax reports, payments, records, penalties, disposition of funds, audits, and assessments.

1. Importers for use shall file a quarterly tax return with the ~~commissioner~~ director on forms prescribed by the ~~commissioner~~ director to determine the amount of tax liability or credit under this chapter. The importer for use shall file the return no later than the last day of the month next succeeding the last calendar month in the quarter. Importers for use shall be assessed penalty and interest and are subject to recordkeeping as provided in this chapter. The importer for use tax collected must be distributed as provided in this chapter.
2. The ~~commissioner~~ director shall audit the returns and make necessary assessments pursuant to the procedures and limitations provided for in section 57-43.2-14.

SECTION 40. A new section to chapter 57-43.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Cooperative agreements between states.

1. The director may enter into cooperative agreements with other states for exchange of information and auditing of users of special fuels used in fleets of motor vehicles operated or intended to operate interstate. An agreement or amendment to an agreement is not effective until filed in writing with the director.
2. An agreement under this section may provide for determining the base state for users, users' records requirements, audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor vehicles, determining if

bonding is required, specifying reporting requirements and periods including defining the uniform penalty and interest rates for late reporting, determining methods for collecting and forwarding of special fuel taxes and penalties to another jurisdiction, and other provisions as will facilitate the administration of the agreement.

3. The director may, as required by the terms of the agreement, forward to officers of another state any information in the director's possession relative to the manufacture, receipt, sale, use, transportation, or shipment of special fuels by any person. The director may disclose to officers of another state the location of officers, motor vehicles, and other real and personal property of users of special fuels.
4. An agreement may provide for each state to audit the records of persons based in the state, to determine if the special fuel taxes due each state are properly reported and paid. Each state shall forward the findings of the audits performed on persons based in the state, to each state in which the person has taxable use of special fuels. For persons not based in this state and who have taxable use of special fuel in this state, the director may serve the audit findings received from another state, in the form of an assessment, on the person as though an audit was conducted by the director.
5. Any agreement entered under this section does not preclude the director from auditing the records of any person covered by the provisions of this chapter.
6. The provisions of any agreement entered into under this section prevail over any conflicting rules adopted by the director."

Page 12, line 21, replace "This Act becomes" with "Sections 1 through 20 and sections 41 and 42 of this Act become"

Page 12, line 22, after the period insert "Sections 21 through 40 of this Act become effective on July 1, 1990."

Re-number accordingly

HOUSE AMENDMENTS TO SB 2332

In lieu of the amendments to Senate Bill No. 2332 adopted by the House as printed on pages 1667-1668 of the House Journal, Senate Bill No. 2332 is amended as follows:

Page 1, line 1, replace the second "and" with a comma and after "19-03.1-23" insert ", and 54-21-25"

Page 1, line 3, replace "and" with a comma

Page 1, line 4, after substances insert "and authority to contract with other governmental agencies for prisoners and juvenile delinquents", remove "and", and after "penalty" insert "; and to provide an effective date"

Page 2, line 15, after the first "to" insert "willfully"

Page 2, line 19, remove "The court may not suspend execution or defer"

Page 2, remove line 20

Page 2, line 21, remove "this subsection." and overstrike "Any" and insert immediately thereafter "The court may not suspend execution or defer imposition of any sentence imposed under subdivision a, b, or c of this subsection. Subject to this requirement, any"

Page 4, line 17, after "by" insert "willfully"

Page 5, after line 7, insert:

"c. The court may not defer imposition of any sentence imposed under this subsection, but the court may suspend execution of no more than one-half of any sentence imposed under this subsection."

Page 7, after line 3, insert:

"SECTION 3. AMENDMENT. Section 54-21-25 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21-25. Authority to contract with other governmental agencies for prisoners and juvenile delinquents. If the director of ~~institutions~~ the department of corrections and rehabilitation determines that adequate or suitable state facilities or services are not available for adult inmates or juvenile delinquents under his the director's control ~~he~~ the director may contract for same with the proper authorities of the United States, Canada, and any of its governmental subdivisions, another state, another agency in this state or a political subdivision of this state, or with any private or public correctional or treatment facility or agency. The state shall reimburse such entities at an amount to be determined by the state based upon the services the state determines are required for the housing and treatment of the inmates. The director may also contract, without cost to the state, to provide services or facilities for persons held by any of the jurisdictions mentioned in this section. ~~An adult inmate or juvenile delinquent who is considered for transfer to another jurisdiction as herein provided, and who as an adult or as parent or guardian of a juvenile does not consent to the transfer, will be given notice of the pending transfer and a review by an institutional staff board including at least one member from the treatment staff, the security or housing staff, the administrative staff, and chaired by an individual designated by the director of institutions to determine the need and justification for a transfer. The findings of the review board will, if appropriate, be given to the adult inmate or juvenile delinquent or a representative or guardian, and in the case of adults, to the pardon board, and in the case of juveniles, to the designated juvenile court staff for their approval of the requested transfer. If a treaty is in effect between the United States and a foreign country for the transfer and exchange of offenders, the director of institutions, upon recommendation of the warden and the approval of the governor, may on behalf of the state under the terms of the treaty transfer or exchange offenders and take any action necessary for the state to participate in the treaty.~~

SECTION 4. EFFECTIVE DATE. This Act becomes effective on July 1, 1990."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2412

Page 1, line 20, after "employees" insert "not eligible for Medicare. In determining premiums for coverage under this subsection for active eligible employees, the total projected premium requirements of the entire subgroup must be reduced by the projected aggregate monthly credit toward hospital and medical benefits coverage allowed retired employees not eligible for Medicare under section 5 of Senate Bill No. 2068 as approved by the fifty-first legislative assembly. The reduced premium requirements must then be divided by the number of subgroup members to determine the premiums for active eligible employees. Premiums for coverage under this subsection for retired employees not eligible for Medicare must be calculated based on the projected premium requirements of the entire subgroup less the total projected premium income as determined under this subsection for active eligible employees"

Page 1, line 21, remove the overstrike over "~~Retired~~", after "eligible" insert "Medicare-eligible", and remove the overstrike over "~~employee group medical and hospital benefits~~"

Page 1, line 22, remove the overstrike over "~~coverage.~~"

Page 2, line 1, remove the overstrike over "~~3.~~"

Page 2, line 2, remove the overstrike over "~~4.~~" and remove "3."

Page 2, line 3, remove the overstrike over "~~5.~~" and remove "4."

Page 2, line 5, remove the overstrike over "~~6.~~" and remove "5."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2412

In addition to the amendments to engrossed Senate Bill No. 2412, adopted by the House as printed on page 1628 of the House Journal, engrossed Senate Bill No. 2412 is amended as follows:

Page 1, line 3, after "program" insert "; and to provide a contingent appropriation"

Page 2, after line 23, insert:

"SECTION 3. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated, subject to section 4 of this Act, out of any moneys in the general fund and from special funds in the state treasury, not otherwise appropriated, to the agencies and institutions of state government listed below for the purpose of implementing the provisions of this bill for the period beginning July 1, 1989, and ending June 30, 1991:

DEPARTMENT	GENERAL FUND	SPECIAL FUND	TOTAL
Governor	\$ 1,776	\$ 314	\$ 2,090
Lieutenant governor	129	0	129
Secretary of state	886	0	886
Office of management and budget	2,976	567	3,543
Information services division	0	5,136	5,136
State auditor	2,023	164	2,187
Central duplicating	0	805	805
State treasurer	383	0	383
Attorney general	4,780	284	5,064
Tax commissioner	6,589	0	6,589
Director of institutions	3,047	0	3,047
Motor vehicle department	0	2,129	2,129
Legislative assembly	5,677	0	5,677
Legislative council	1,320	0	1,320
Supreme court	8,950	0	8,950
Commission on judicial conduct	164	0	164
State retirement and investment office	0	715	715
Public employees retirement system	0	625	625
Superintendent of public instruction	1,807	3,143	4,950
Board of higher education	657	0	657
Board of university and school lands	82	762	844
Bismarck state college	5,828	0	5,828
University of North Dakota- Lake Region	2,200	0	2,200
University of North Dakota- Williston	2,152	0	2,152
University of North Dakota	40,918	0	40,918
Medical center rehabilitation hospital	0	12,533	12,533
University of North Dakota medical center	7,735	4,543	12,278
State toxicologist	222	0	222
North Dakota state university	34,677	0	34,677
North Dakota state college of science	12,912	0	12,912
Dickinson state university	6,360	0	6,360
Mayville state university	3,695	0	3,695
Minot state university	12,054	0	12,054
Valley City state university	5,563	0	5,563
North Dakota state university- Bottineau	2,235	0	2,235
North Dakota forest service	734	0	734
State library	960	0	960
School for the deaf	2,477	0	2,477
School for the blind	2,016	0	2,016
Board of vocational education	388	675	1,063
Department of health and consolidated laboratories	7,474	4,983	12,457
Veterans' home	1,176	0	1,176
Indian affairs commission	74	0	74

Department of veterans' affairs	293	0	293
Children's services coordinating committee	55	55	110
Department of human services	54,227	57,301	111,528
Insurance commissioner	0	1,336	1,336
Industrial commission	0	1,984	1,984
Labor commissioner	312	0	312
Public service commission	1,565	880	2,445
Atmospheric resource board	103	26	129
Aeronautics commission	0	274	274
Department of banking and financial institutions	0	1,082	1,082
Securities commissioner	274	0	274
Bank of North Dakota	0	7,918	7,918
Municipal bond bank	0	109	109
Housing finance agency	0	1,774	1,774
Mill and elevator association	0	6,104	6,104
Job service North Dakota	0	19,225	19,225
Workers compensation bureau	0	4,106	4,106
Highway patrol	0	9,901	9,901
Radio communications	0	1,285	1,285
Division of emergency management	256	658	914
Department of corrections and rehabilitation	14,183	1,405	15,588
Adjutant general	782	172	954
Economic development commission	1,336	0	1,336
Agriculture commissioner	1,012	237	1,249
Milk stabilization board	0	113	113
Sunflower council	0	55	55
Seed department	0	1,594	1,594
Livestock sanitary board	148	0	148
Wheat commission	0	383	383
Upper great plains transportation institute	242	0	242
Cooperative extension service	6,081	752	6,833
Cooperative extension division food-nutrition program	0	985	985
Northern crops institute	219	0	219
Main experiment station	8,183	2,875	11,058
Dickinson experiment station	612	0	612
Central grasslands experiment station	238	0	238
Hettinger experiment station	238	0	238
Langdon experiment station	293	0	293
North central experiment station	274	0	274
Williston experiment station	219	0	219
Carrington experiment station	422	0	422
Agronomy seed farm	0	129	129
Land reclamation research center	0	477	477
Historical society	2,438	0	2,438
Council on the arts	203	0	203
Soil conservation committee	184	0	184
Game and fish department	0	5,255	5,255

69th DAY

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Parks and recreation department	1,640	0	1,640
Water commission	3,266	0	3,266
Southwest water pipeline	0	492	492
Highway department	<u>0</u>	<u>46,381</u>	<u>46,381</u>
	\$292,394	\$212,701	\$505,095

SECTION 4. CONTINGENT APPROPRIATION. The amounts identified in section 3 of this Act shall be made available only upon determination of the director of the office of management and budget that sufficient funds are not projected to be available in the health insurance fund for the biennium beginning on July 1, 1989, and ending June 30, 1991, to implement the provisions of this Act."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

This amendment adds funds to each department's budget to provide for increased health insurance rates for the 1989-91 biennium due to retired state employees participating in the state employee group health insurance program. The funds will be made available only if sufficient funds are not projected to be available in the health insurance fund for the 1989-91 biennium.

HOUSE AMENDMENTS TO SB 2455

In lieu of the amendments to Senate Bill No. 2455 as printed on pages 1717-1718 of the House Journal, Senate Bill No. 2455 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 subdivision to subsection 5 of section 12.1-28-02, two new subsections to section 53-06.1-07, a new section to chapter 53-06.1, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to seizure of illegal gaming devices, the maximum prize per play in electronic video gaming device play of games of chance, commingling of games of charitable gaming tickets, imposition of a tax in lieu of sales taxes on charitable gaming tickets, and sales and use tax exemption for proceeds from games of chance conducted through use of electronic gaming devices; and to amend and reenact subsection 3 of section 53-06.1-11, sections 53-06.1-12, and 53-06.1-12.1 of the North Dakota Century Code and subsections 4 and 5 of section 53-06.1-14 of the North Dakota Century Code as contained in House Bill No. 1641 as approved by the fifty-first legislative assembly, relating to expense limitations for organizations, distributors, and manufacturers of gaming devices, and games of chance taxes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

A law enforcement officer may seize any device described in subdivision a upon probable cause to believe that the

device was used or is intended to be used in violation of this chapter or chapter 53-06.1. The court shall order the device forfeited in the same manner and according to the same procedure as provided under chapter 19-03.1.

SECTION 2. Two new subsections to section 53-06.1-07 of the 1987 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

In electronic video gaming device play of any game of chance permitted by this section, the maximum prize per play is five hundred dollars.

Any game using charitable gaming tickets may be conducted only through use of commingled games after June 30, 1991.

SECTION 3. AMENDMENT. Subsection 3 of section 53-06.1-11 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Subject to the limitations of this subsection, expenses incurred in connection with holding, operating, or conducting any game of chance pursuant to this chapter may be deducted from adjusted gross proceeds, to the extent that total expenses for games of chance do not exceed ~~forty five~~ fifty percent of the total adjusted gross proceeds, computed on an annual basis. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for taxes. This subsection does not authorize violations of the rent limitations contained in this chapter.

SECTION 4. AMENDMENT. Section 53-06.1-12 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12. Tax based on adjusted gross proceeds. A tax as provided in this section upon the total adjusted gross proceeds received by a licensed eligible organization ~~shall~~ must be paid to the licensing authority on a quarterly basis in ~~such~~ the manner and upon ~~such~~ the forms as ~~shall be~~ prescribed by the licensing authority by rule. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for expenses. The amount of this tax ~~shall~~ must be paid from adjusted gross proceeds and ~~may~~ not ~~be~~ charged against the percentage limitation of expenses. The tax is hereby imposed upon every eligible organization, to be levied, collected, and paid quarterly with respect to the adjusted gross proceeds of the eligible organization as provided in this section, computed at the following rates:

1. On adjusted gross proceeds not in excess of ~~six~~ two hundred thousand dollars per quarter, a tax of five percent.
2. On adjusted gross proceeds in excess of two hundred thousand dollars per quarter but not in excess of five hundred thousand dollars per quarter, a tax of ten percent.

3. On adjusted gross proceeds in excess of five hundred thousand dollars per quarter but not in excess of seven hundred fifty thousand dollars per quarter, a tax of fifteen percent.
4. On adjusted gross proceeds in excess of ~~six~~ seven hundred fifty thousand dollars per quarter, a tax of twenty percent.

SECTION 5. AMENDMENT. Section 53-06.1-12.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12.1. Allocation of games of chance tax - Appropriation. The state treasurer, at the direction of the licensing authority, shall pay quarterly to cities and counties in proportion to the tax collected under section 53-06.1-12 from eligible organizations conducting games of chance within each city, for sites within city limits, or within each county, for sites outside city limits, the following amounts which are hereby appropriated:

- 1- Two-fifths of the tax collected under subsection 1 of section 53-06.1-12 within the city or county.
- 2- One-tenth of the tax collected under subsection 2 of section 53-06.1-12 within the city or county.

The remaining tax collected under section 53-06.1-12, up to the amount paid during the 1985-87 biennium, shall be paid by the licensing authority to the state treasurer for deposit in the state general fund one hundred seventy thousand dollars per quarter to cities and counties in proportion to the adjusted gross proceeds within each city, for sites within city limits, or within each county, for sites outside city limits, to the total adjusted gross proceeds. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with enforcement of this chapter within the city or county. Any amount remaining because of the limitation with respect to the 1985-87 biennium, up to In addition, two hundred thousand dollars per biennium, must be deposited in the attorney general's operating budget fund and must be used only for the enforcement of gaming as appropriated. Any amount remaining in excess of two hundred thousand dollars taxes collected under this chapter must be deposited by the state treasurer in the general fund.

SECTION 6. A new section to chapter 53-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Charitable gaming tickets excise tax in lieu of sales and use taxes. In addition to any other tax provided by law and in lieu of sales or use taxes, there is imposed a tax of two percent on the gross receipts from the sale at retail of charitable gaming tickets to a final user. A sale at retail for purposes of this section includes charitable gaming tickets sold and charitable gaming tickets given in return for another charitable gaming ticket as authorized under this chapter. Gross receipts for purposes of this section includes the face value of all charitable gaming tickets sold or given in return for another charitable gaming ticket. The tax imposed by this section must be paid to the licensing authority at the time returns are made and taxes are paid by the eligible organization under section 53-06.1-12.

SECTION 7. AMENDMENT. Subsections 4 and 5 of section 53-06.1-14 of the 1987 Supplement to the North Dakota Century Code, as amended by House Bill No. 1641 as approved by the fifty-first legislative assembly, are hereby amended and reenacted to read as follows:

4. Every manufacturer or distributor of electronic video gaming devices through which games of chance are conducted under this chapter shall apply before the first day of April of each year for an annual license upon a form prescribed by the attorney general and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general requires. The license fee for a manufacturer or distributor is one thousand dollars. Every eligible organization shall ~~purchase or lease~~ all electronic video gaming devices from a ~~manufacturer or distributor~~ licensed under this chapter.
5. No licensed or authorized eligible organization may be a distributor. No wholesaler of liquor or alcoholic beverages may be a distributor. No North Dakota licensed manufacturer may be a distributor.

SECTION 8. A new subsection to section 57-39.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Gross receipts from electronic gaming devices licensed by the attorney general under chapter 53-06.1.

SECTION 9. A new subsection to section 57-40.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Gross receipts from electronic games of chance licensed by the attorney general under chapter 53-06.1."

Renumber accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has adopted the conference committee report on SB 2042, SB 2093, and SB 2475 and subsequently passed the same.

REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed HB 1205 as printed on pages 1808-1820 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to create and enact a new section to chapter 50-26 of the North Dakota Century Code, relating to a committee on protection and advocacy; 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 12 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.; Meyer, W.; Mushik; Nalewaja; O'Connell; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

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

ABSENT AND NOT VOTING: Lashkowitz; Stenehjem

HB 1205 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1021 and HB 1205 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1021 and HB 1205 be messaged to the House immediately, which motion prevailed.

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

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

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 12, 1989, I signed the following: SB 2020, SB 2026, SB 2046, SB 2055, SB 2078, SB 2089, SB 2097, SB 2105, SB 2110, SB 2131, SB 2135, SB 2145, SB 2206, SB 2216, SB 2245, SB 2271, SB 2281, SB 2286, SB 2292, SB 2294, SB 2295, SB 2301, SB 2310, SB 2319, SB 2328, SB 2344, SB 2347, SB 2360, SB 2418, SB 2463, SB 2508, SB 2523.

Sincerely,

GEORGE A. SINNER
Governor

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1205 and subsequently passed the same.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1021.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1025.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1012.

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

MR. SPEAKER: The Senate has failed to pass: HB 1659.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2501 and subsequently passed the same.

The Senate does not concur in the House amendments to SB 2005 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2005: Sens. Wogslund, Ewen, Thane

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1155 and HB 1185 and subsequently passed the same.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1558.

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

MR. PRESIDENT: The House has not adopted the conference committee report and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2417: Reprs. Martin, Gorman, Scherber

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1369 and subsequently passed the same.

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred HB 1369 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 1240-1241 of the Senate Journal.

For the Senate: Sens. J. Meyer, Stenehjem, Nalewaja
For the House: Reprs. D. Olsen, Stenehjem, A. Williams

HB 1369 was placed on the Seventh order of business on the calendar.

SEN. MAIXNER MOVED that the conference committee report on Engrossed HB 1449 as printed on pages 1770-1772 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to establish the wildlife habitat restoration trust fund; to provide for transfers from the game and fish operating fund and from the habitat restoration stamp fund; and to provide a continuing appropriation of the interest generated by the 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1449 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. HANSON MOVED that the conference committee report on Engrossed HB 1564 as printed on page 1772 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1564: A BILL for an Act to create and enact a new section to chapter 31-01 of the North Dakota Century Code, relating to duty of courts to warn parties of perjury; and to amend and reenact section 28-32-11 of the North Dakota Century Code, relating to duty of administrative hearing officers to warn parties of perjury.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Heinrich; Ingstad; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Robinson; Stenehjem; Streibel; Thane; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1564 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. SATROM MOVED that the conference committee report on Engrossed HB 1581 as printed on page 1772 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1581 passed and the title was agreed to.

CONFLICT OF INTEREST

SEN. MAIXNER STATED that he had a conflict of interest on HB 1660.

SEN. TODD STATED that he had a conflict of interest on HB 1660.

SEN. WOGSLAND MOVED that Sens. Maixner and Todd not be required to vote, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. D. MEYER MOVED that the conference committee report on Engrossed HB 1660 as printed on page 1820 of the Senate Journal be adopted, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1660: A BILL for an Act to amend and reenact sections 54-03-10 and 54-03-20 of the North Dakota Century Code, relating to compensation of assistant leaders and travel expense reimbursement for members of the legislative assembly.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 21 YEAS, 29 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Heigaard; Kelsh; Krauter; Langley; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Vosper; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kinnoin; Krebsbach; Lips; Lodoen; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Robinson; Stenehjem; Streibel; Tennefos; Thane

ABSENT AND NOT VOTING: Lachkowitz; Maixner; Todd

HB 1660 lost.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1001 as recommended by the Committee on Appropriations as printed on pages 1828-1838 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS.

REQUEST

SEN. MOORE REQUESTED that the Senate divide the amendments to HB 1001, which request was granted.

Division A, which includes section 16-26
Division B, which includes the rest of the bill

SEN. MOORE REQUESTED a recorded roll call on Division A, which request was granted.

ROLL CALL

The question being on the adoption of Division A of the proposed amendments of HB 1001, the roll was called and there were 33 YEAS, 19 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Hilken; Kinnoin; Krebsbach; Lodoen; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Streibel; Tennefos; Thane; Vosper

ABSENT AND NOT VOTING: Lashkowitz

Division A of the amendments to HB 1001, were adopted.

The question being on the adoption of Division B of the amendments of HB 1001.

Division B was adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act making an appropriation for defraying the expenses of various elected officials of the state of North Dakota and the livestock sanitary board; 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; to provide for transfers; and to declare an emergency.

ROLL CALL

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

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

NAYS: David; Moore; Nelson; Streibel; Tennefos

ABSENT AND NOT VOTING: Lashkowitz

HB 1001 passed, the title was agreed to, and the emergency clause carried.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1674.

MOTION

SEN. HEIGAARD MOVED that HB 1077 be placed at the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1077 as recommended by the Committee on Appropriations as printed on page 1757 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion lost.

MOTIONS

SEN. MAIXNER MOVED that all Senate amendments to HB 1077 be removed, which motion prevailed on a verification vote.

SEN. NAADEN MOVED that HB 1077 be amended as follows:

Page 1, line 2, remove "and" and after "appropriation" insert "; and to provide an expiration date"

Page 3, after line 10, insert:

"SECTION 7. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date is ineffective."

Renumber accordingly

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

SECOND READING OF HOUSE BILL

HB 1077: A BILL for an Act to establish the children's services coordinating committee; to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 40 YEAS, 12 NAYS, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Lashkowitz

HB 1077 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1001, HB 1449, HB 1564, HB 1581, and HB 1077 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 1001, HB 1449, HB 1564, HB 1581, and HB 1077 be messaged to the House immediately, which motion prevailed.

SEN. SATROM MOVED that HB 1049, which is on the Sixth order, be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Sen. Satrom's motion, HB 1049 was rereferred.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1011 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1011: Reps. Gerntholz, Smette, Graba

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1235 and HB 1446 and subsequently failed to pass the same.

MOTION

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 Senate has amended and subsequently passed: HB 1001.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has adopted the conference committee report on HB 1449, HB 1564 and HB 1581 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1002.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HB 1077.

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-eighth Day and finds it to be correct.

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

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 2222: Reps. D. Larson, Stenehjem, Kolbo

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has adopted the conference committee report on HB 1006 and HB 1007. The committee was unable to agree and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1006: Reps. Sorensen, Dalrymple, Watne

HB 1007: Reps. Gunsch, Kingsbury, Graba

MOTIONS

SEN. HOLMBERG MOVED that the Senate request the return of HCR 3005 from the House which motion prevailed.

SEN. HOLMBERG MOVED that the Senate request SCR 4017 from the Secretary of State, which motion prevailed.

FIRST READING OF HOUSE BILL

HB 1674: A BILL for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to allocation of sales, use, and motor vehicle excise tax revenues to the state aid distribution fund; to suspend sections 4, 6, 7, and 8 of chapter 687 of the 1987 Session Laws, relating to separate and additional sales, use, motor vehicle excise, and aircraft excise taxes; to provide an effective date; and to declare an emergency.

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

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Engrossed HB 1294 as printed on page 1692 of the Senate Journal be adopted.

MOTION

SEN. KELLER MOVED that the conference committee report on HB 1294, be laid on the table, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. SATROM MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1267, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on SB 1267: Sens. Richard, Maixner, Ingstad.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2003 as printed on pages 1759-1766 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2003: Sens. Waldera, Shea, Lips.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2006 as printed on pages 1705-1706 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2006: Sens. Wogsland, Mushik, Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2114 as printed on pages 1706-1707 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2114: Sens. Tallackson, Wogsland, Naaden.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HILKEN MOVED that the Senate do not concur in the House amendments to SB 2270 as printed on pages 1767-1770 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2270: Sens. Richard, Satrom, Nething.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2006 and SB 2114 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2006: Sens. Wogsland, Mushik, Nelson
SB 2114: Sens. Tallackson, Wogsland, Naaden

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:

HB 1267: Sens. Richard, Maixner, Ingstad

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2003 and SB 2270 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2003: Sens. Waldera, Shea, Lips
SB 2270: Sens. Richard, Satrom, Nething

SECOND READING OF SENATE BILL

SB 2542: A BILL for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to issuance of bonds by political subdivisions when emergency conditions exist; and to declare an emergency.

ROLL CALL

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

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

NAYS: David; Moore; Tennefos

ABSENT AND NOT VOTING: Heinrich; Lashkowitz

SB 2542 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

SEN. MAIXNER MOVED that the vote by which SB 2542 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that SB 2542 be messaged to the House immediately, which motion prevailed.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed with the emergency clause failing to pass: SB 2539.

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

Page 1, line 8, after "license" insert "if accompanied by an adult possessing a valid fishing license"

Page 1, after line 10, insert:

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

ReNUMBER accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1071, HB 1401, HCR 3087.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Representative Gronneberg

MOTION

SEN. MAIXNER MOVED that the Senate stand at recess until 3:00 p.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 13, 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 13, 1989, I signed the following: SB 2009, SB 2096, SB 2152, SB 2213, SB 2238, SB 2242, SB 2278, SB 2354, SB 2371, SB 2378, SB 2388, SB 2394, SB 2461, SB 2465, SB 2482, SB 2483, SB 2491, SB 2502, SB 2510, SB 2514, SB 2526, SB 2527.

Sincerely,

GEORGE A. SINNER
Governor

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2542.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Senate Chamber
 NORTH DAKOTA LEGISLATIVE ASSEMBLY
 Bismarck

April 13, 1989

Jim Kusler
 Secretary of State
 State Capitol
 Bismarck, ND 58505

Dear Mr. Kusler:

The Senate respectfully requests the return of SCR 4017.

Sincerely,

PATRICIA CONRAD
 Secretary of the Senate

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate respectfully requests the return of: HCR 3005.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has amended and subsequently passed: SB 2022.

Page 1, line 4, remove the first "and" and replace "section" with "sections 12.1-32-12 and"

Page 1, line 5, after the first "to" insert "penalties and sentencing and"

Page 1, line 7, after "agencies" insert "; and to repeal section 12.1-32-10 of the North Dakota Century Code, relating to mandatory parole components"

Page 1, line 20, replace "11,228,745" with "11,193,885"

Page 1, line 22, replace "2,795,123" with "701,497"

Page 2, line 1, replace "33,858,406" with "31,729,920"

Page 2, line 2, replace "9,574,897" with "9,674,897"

Page 2, line 3, replace "24,283,509" with "22,055,023"

Page 2, line 8, replace "24,285,128" with "22,056,642"

Page 2, line 9, replace "9,574,897" with "9,674,897"

Page 2, line 10, replace "33,860,025" with "31,731,539"

Page 2, after line 17, insert:

"SECTION 3. AMENDMENT. Section 12.1-32-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12.1-32-12. Penalties, sentences, and parole for offenses unclassified and in other titles. Where an offense is defined by a statute or by the constitution without specification of its classification pursuant to section 12.1-32-01, the offense shall be punishable as provided in the statute or constitutional provision defining it, or:

1. If the offense is declared to be a felony, without further specification of punishment, it shall be punishable as if it were a class C felony.
2. If the offense is declared to be a misdemeanor, without further specification of punishment, it shall be punishable as if it were a class A misdemeanor.

The sentencing alternatives available under section 12.1-32-02 shall be available to a court sentencing an offender for commission of an offense defined by a statute outside this title. ~~The mandatory parole component provided by section 12.1-32-10 shall apply to sentences imposed for offenses defined by statutes outside this title."~~

Page 2, after line 29, insert:

"SECTION 5. REPEAL. Section 12.1-32-10 of the North Dakota Century Code is hereby repealed."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

Operating expenses are decreased by \$34,860 from the general fund to provide funding for mileage expenses for court-ordered medical treatment for children at a rate of 20 cents per mile rather than 30 cents per mile. The Senate had provided \$104,580 from the general fund as a result of passage of Senate Bill No. 2298 which would have required this mileage cost to be paid by the state rather than the county. The House amended Senate Bill No. 2298 to limit the mileage rate to 20 cents per mile rather than the 30 cents allowed in the Senate version of the bill.

The capital improvements line item is reduced by \$2,093,626 from the general fund because an appropriation for the bond payments for State Penitentiary and State Industrial School projects is included in House Bill No. 1037. Of the \$2,093,626, \$349,454 is for the State Industrial School project and \$1,744,172 is for State Penitentiary projects.

The general fund is decreased by \$100,000 and income is increased by \$100,000 for funding of the development of adult community programs. The total funding of the program remains at \$200,000, \$100,000 from the general fund and \$100,000 from other funds that may become available.

The salaries and wages line item provides for increases equivalent to those provided for in House Bill No. 1005.

The amendment also repeals Section 12.1-32-10, which provides for mandatory parole components that if followed by the State Parole and Probation Department would increase the department's workload and require additional appropriation funds. The Parole and Probation Department has never implemented the components contained in Section 12.1-32-10. Because the proposed amendments repeal Section 12.1-32-10, Section 12.1-32-12 is amended to remove the reference to Section 12.1-32-10.

APPOINTMENT OF CONFERENCE COMMITTEES

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

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

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

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

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1011, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1011: Sens. Redlin, Yockim, Naaden.

MOTION

SEN. MAIXNER MOVED that the conference committee on HB 1499 be dissolved and a new conference committee be appointed, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a new Conference Committee on HB 1499: Sens. Satrom, Dotzenrod, Moore.

MOTIONS

SEN. ROBINSON MOVED that the Senate reconsider its action whereby HB 1660 failed to pass, which motion prevailed.

SEN. OLSON MOVED that the Senate reconsider the action by which the conference committee report was adopted on HB 1660, and a new conference committee be appointed, which motion lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1660: A BILL for an Act to amend and reenact sections 54-03-10 and 54-03-20 of the North Dakota Century Code, relating to compensation of assistant leaders and travel expense reimbursement for members of the legislative assembly; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 29 YEAS, 20 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Holmberg; Krebsbach; Lips; Lodoen; Maxson; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Stromme; Tennefos; Thane; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Maixner; Tallackson; Todd

HB 1660 passed, the title was agreed to, and the emergency clause lost.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2016 as printed on pages 1798-1799 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2016: Sens. Tallackson, Redlin, Naaden.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2016 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2016: Sens. Tallackson, Redlin, Naaden

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:

HB 1006: Sens. Stromme, Shea, Thane

HB 1007: Sens. Mushik, Waldera, Lips

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

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

HB 1011: Sens. Redlin, Yockim, Naaden

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1660 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1660 be messaged to the House immediately, which motion prevailed.

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 laid on the table the conference committee report on: HB 1294.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on HB 1499. The President has appointed as a new conference committee to act with a like committee from the House on:

HB 1499: Sens. Satrom, Dotzenrod, Moore

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. SATROM 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 2417, which motion prevailed.

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

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 2417: Sens. Satrom, Richard, Ingstad

MOTION

SEN. MAIXNER MOVED that the Senate stand at recess until 6:00 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 adopted the conference committee report on HB 1660 and subsequently passed the same, but the emergency clause failed to pass.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: SB 2025, SB 2030, SB 2072, SB 2192, SB 2193, SB 2226, SB 2376, SB 2389, SB 2422, SB 2459, SB 2537, SCR 4026, SCR 4065, SCR 4070, SCR 4071, SCR 4073, SR 1.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2025, SB 2030, SB 2072, SB 2192, SB 2193, SB 2226, SB 2376, SB 2389, SB 2422, SB 2459, SB 2537, SCR 4026, SCR 4065, SCR 4070, SCR 4071, SCR 4073.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolution: HB 1071, HB 1401, HCR 3087.

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

MR. SPEAKER: The President has signed: HB 1071, HB 1401, HCR 3087.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KRAUTER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1297, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1297: Sens. D. Meyer, O'Connell, Todd.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1297: Sens. D. Meyer, O'Connell, Todd

MOTION

SEN. HOLMBERG MOVED that the Senate reconsider its action whereby it requested SCR 4017 to be returned from the Secretary of State's office and, in lieu of that, request HCR 3040 from the House, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate respectfully requests the return of: HCR 3040.

MOTIONS

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Seventh order of business, and at the conclusion of the Seventh order, the Senate be on the 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 2540, SB 2531, HB 1040, HB 1017, HB 1674, and HB 1604, the Senate stand adjourned until 8:00 a.m., Friday, April 14, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2531 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same and BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SB 2531 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 SB 2540 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2540 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 1004 has had the same under consideration and recommends by a vote of 10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 6, replace "and" with "; to provide for"

Page 1, line 7, after "54-44.1-11" insert "; to provide for a transfer to the pay equity implementation fund; to provide for a loan from the Bank of North Dakota to match federal disaster funds; and to declare an emergency"

Page 1, line 19, replace "4,977,321" with "5,286,363"

Page 1, line 20, replace "2,145,745" with "2,155,745"

Page 1, line 21, replace "2,985,861" with "3,006,391"

Page 1, line 22, replace "64,785" with "76,785"

Page 2, line 3, replace "193,035" with "193,035"

Page 2, remove line 4

Page 2, line 5, replace "36,650,890" with "36,502,462"

Page 2, line 7, replace "7,319,905" with "7,171,477"

Page 2, line 10, replace "7,332,113" with "7,653,568"

Page 2, line 11, replace "19,646,574" with "20,746,574"

Page 2, line 12, replace "5,522,000" with "5,532,000"

Page 2, line 13, replace "32,500,687" with "33,932,142"

Page 2, line 21, replace "7,319,905" with "9,671,477"

Page 2, line 22, replace "64,164,040" with "67,095,495"

Page 2, line 23, replace "71,483,945" with "76,766,972"

Page 3, after line 28, insert:

"SECTION 7. APPROPRIATION - GENERAL FUND TRANSFER TO PAY EQUITY IMPLEMENTATION FUND. There is hereby appropriated and authorized the transfer to the pay equity implementation fund in the state treasury, the sum of \$2,500,000, or so much thereof as may be necessary, from the general fund in the state treasury for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 8. CONTINGENT APPROPRIATION - LOAN AUTHORIZATION - BANK OF NORTH DAKOTA PROFITS - EMERGENCY COMMISSION. There is hereby appropriated and authorized the transfer of \$1,500,000, or so much thereof as may be necessary, from the undivided profits of the Bank of North Dakota to the emergency commission to provide a loan to match federal funds, which are also hereby appropriated to the emergency commission, under the Robert T. Stafford Disaster Emergency Assistance Act [Pub. L. 93-288, as amended] for the period beginning with the effective date of this Act and ending June 30, 1991. The \$1,500,000 appropriation is contingent upon the ability to match federal funds. The emergency commission shall transfer the appropriation authority to state agencies and institutions to provide disaster relief in

accordance with federal law. Costs recovered by the state agencies and institutions for which a transfer of funds was made must be deposited in the Bank of North Dakota for the purpose of repaying the loan authorized under this section. The emergency commission may use moneys in the state contingency fund to repay the Bank of North Dakota if those funds are not otherwise needed. In addition to principal repayment, the Bank of North Dakota shall receive interest at the same rate earned by the general fund. If it is estimated that at the end of the 1989-91 biennium a balance will exist on the loan, the emergency commission shall request the 1991 legislative assembly for a deficiency appropriation to repay the loan.

SECTION 9. EMERGENCY. Section 8 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

	GENERAL FUND
<u>Salaries and wages*</u>	
Adds 4 personnel analyst positions related to the pay equity implementation and salary administration (2 personnel analyst II positions - \$145,244 and 2 personnel analyst I positions - \$117,043)	\$ 262,287
Adds 1 records analyst related to records management programs for cities and park districts	46,755
Total salaries and wages increase	\$ 309,042
<u>Data processing</u>	
Adds data processing moneys related to the 4 personnel analyst positions	\$ 10,000
<u>Operating expenses</u>	
Adds operating expenses related to the 4 personnel analyst positions	\$ 14,924
Adds operating expenses related to the records analyst position	5,606
Total operating expenses increase	\$ 20,530
<u>Equipment</u>	
Adds equipment related to the 4 personnel analyst positions	\$ 12,000
<u>Pay equity adjustments</u>	
Removes the pay equity adjustments funds from the agency's appropriation - these moneys are to be provided in a separate section of the bill	\$ (500,000)
Total increase (decrease)	\$ (148,428)

*Salaries and wages reflect legislative compensation policy contained in House Bill No. 1005.

DEPARTMENT 112 - CENTRAL DATA PROCESSING

	OTHER FUNDS
<u>Salaries and wages*</u>	
Restores 5 programmer/analyst positions deleted by the House	\$ 321,455
<u>Operating expenses</u>	
Restores funds deleted by the House for the downpayment of the upgrade of the central processor	\$ 1,100,000
<u>Equipment</u>	
Restores funds deleted by the House for equipment related to the 5 positions above	\$ 10,000
	<hr/>
Total increase	\$ 1,431,455

*Salaries and wages reflect legislative compensation policy contained in House Bill No. 1005.

This amendment also adds Section 7 to the bill providing for a \$2.5 million general fund appropriation and transfer to the pay equity implementation fund for pay equity adjustments.

Section 8 is added with an emergency clause, authorizing a \$1.5 million loan to the Emergency Commission from the undivided profits of the Bank of North Dakota to be used to match federal disaster emergency funds for use by state agencies and institutions.

HB 1004 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Engrossed HB 1017 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1017 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred Reengrossed HB 1040 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.

HB 1040 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred Engrossed HB 1604 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

HB 1604 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Reengrossed HB 1662 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 2, line 1, replace the first "eligible employees" with "persons" and after "employed" insert "by the state of North Dakota"

Page 2, line 2, replace "the effective date of this Act" with "September 30, 1989"

Page 2, line 5, after "employee" insert "of the state"

Page 2, line 7, after "employee" insert "of the state"

Page 2, line 9, after "employee" insert "of the state"

Page 2, line 11, after "employee" insert "of the state"

Page 2, line 14, replace "a governmental unit as defined in section" with "the state of North Dakota"

Page 2, line 15, remove "54-52-01" and replace "the effective date of this Act" with "September 30, 1989"

Page 2, line 16, after "employee" insert "of the state"

Page 2, line 20, after "An" insert "employee of the state who is an" and replace "the effective date" with "September 30, 1989,"

Page 2, line 21, remove "of this Act"

Page 2, line 22, replace "the effective date of this Act" with "September 30, 1989,"

Renumber accordingly

HB 1662 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1674 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1674 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2153 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1323-1324 of the Senate Journal.

For the Senate: Sens. Dotzenrod, Maxson, Ingstad
 For the House: Reps. Clayburgh, Martinson (refused to sign), Carlson

Engrossed SB 2153 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2222 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1438 of the Senate Journal and that SB 2222 be amended as follows:

In lieu of the conference committee amendments to Senate Bill No. 2222 adopted by the Senate as printed on page 1685 of the Senate Journal and adopted by the House as printed on pages 2063 and 2064 of the House Journal, Senate Bill No. 2222 is amended as follows:

Page 1, line 5, after "Nondisclosure" insert "- Record of information maintained"

Page 1, line 8, after the period insert "A criminal justice agency shall maintain a list of all files containing active criminal intelligence and investigative information which have been in existence for more than one year. With respect to each file, the list must contain the file's number or other identifying characteristic, and the date the file was established. The list required under this subsection is subject to section 44-04-18."

Renumber accordingly

For the Senate: Sens. J. Meyer, Hanson, Holmberg
 For the House: Reps. D. Larson, Stenehjem, Kolbo

SB 2222 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2237 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1444 of the Senate Journal and that Engrossed SB 2237 be amended as follows:

Page 1, line 4, remove "utilization review," and remove "financial and"

Page 1, line 5, remove "management consultation,"

Page 1, line 17, overstrike "The" and insert immediately thereafter "With prior approval of the emergency commission, the"

Page 1, line 18, remove "utilization review, financial audits, management"

Page 1, line 19, remove "consultation, actuarial audit and fees, and" and remove "without the need for"

Page 1, remove line 20

Page 1, line 21, remove "to the office of management and budget"

Page 7, line 24, remove the overstrike over "of", after "seven" insert "ten", and remove the overstrike over "dollars"

Page 7, line 25, remove the overstrike over "per week" and replace "as follows:" with "for each child. This rate must be paid to each eligible child regardless of the date of death"

Page 7, remove lines 26 through 28

Page 7, line 29, remove "seven dollars per week per child"

Page 15, line 18, after "who" insert "willfully"

Renumber accordingly

For the Senate: Sens. Keller, Schoenwald (absent), Nothing

For the House: Reps. Dorso, Shide, Enget

Engrossed SB 2237 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

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

MR. PRESIDENT: The House has passed unchanged: SB 2010, SB 2015, SB 2018, SB 2019, SB 2023, SB 2090.

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 HCR 3005.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1128. The committee was unable to agree and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1128: Reps. Dorso, Tollefson, Enget

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

MR. PRESIDENT: The Speaker has signed: SB 2025, SB 2030, SB 2072, SB 2192, SB 2193, SB 2226, SB 2376, SB 2389, SB 2422, SB 2459, SB 2537, SCR 4026, SCR 4065, SCR 4070, SCR 4071, SCR 4073.

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

PATRICIA CONRAD, Secretary