

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FIFTIETH DAY

Bismarck, March 20, 1985

The Senate convened at 9:00 a.m., with President Meiers presiding.

The prayer was offered by Reverend George Walker, North Central District Evangelical Free Church, Bismarck.

Shout joyfully to the Lord, all the earth. Serve the Lord with gladness; come before Him with joyful singing. Know that the Lord Himself is God; it is He who has made us, and not we ourselves. We are His people and the sheep of His pasture. Enter into His gates with thanksgiving, and His courts with praise. Give thanks to Him; bless His name. For the Lord is good; His loving kindness is everlasting, and His faithfulness to all generations. Psalm 100.

ROLL CALL

The roll was called and all members were present, except Senators Krauter, Bakewell.

A quorum was declared by the President.

COMMUNICATION

State Board for Vocational Education
State Capitol
Bismarck, North Dakota 58505

March 1, 1985

Lieutenant Governor Ruth Meiers
President of the Senate
North Dakota Senate
State Capitol Building
Bismarck, North Dakota 58505

Dear Madam President:

The new Carl D. Perkins Vocational Education Act requires that the North Dakota State Plan for Vocational Education be submitted to the State Legislature for review and comment. If the matters covered by the comments of the State Legislature are not addressed in the final state plan, the State (State Board for Vocational Education) shall submit the comments with the state plan to the United States Secretary of Education.

Since this requirement is a new experience for us I contacted the Legislative Council for assistance. We were advised to inform the leadership of the House and Senate of the requirement and submit a copy of the proposed plan. Therefore, a copy of the first draft of the proposed plan is also being submitted to Representative Roy Hausauer as Speaker of the House.

Please note it is not necessary for the legislature to approve the plan, but only review and comment. Also, I would like to take this opportunity to explain that the proposed plan was developed under an extremely short time frame and without the benefit of final Federal rules and regulations.

We will be pleased to have an opportunity to provide additional information and a formal presentation, if appropriate.

Thank you in advance for your consideration and assistance.

Sincerely,

Carrol E. Burchinal
State Director and
Executive Officer

MOTION

SEN. NETHING MOVED that the North Dakota State Plan for Vocational Education be referred to a **Joint Committee on Education and Industry, Business and Labor**, which motion prevailed.

REVISION AND CORRECTION OF THE JOURNAL

MADAM PRESIDENT: Your **Committee on Revision and Correction** of the Journal has carefully examined the Journal of the Forty-ninth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 1526, line 3, after the numerals "2213", insert the numerals "2215"

On page 1527, line 16, delete "SB 2041"

On page 1527, line 17, delete "SB 2107"

SEN. DAVID, Chairman

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

MESSAGES TO THE HOUSE SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2073, SB 2085, SB 2087, SB 2088, SB 2099, SB 2102,
SB 2110, SB 2117, SB 2118, SB 2119, SB 2134, SB 2142,

WEDNESDAY, MARCH 20, 1985

1575

SB 2156, SB 2157, SB 2207, SB 2261, SB 2271, SB 2315,
SB 2318, SB 2339, SB 2340

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2094, SB 2112, SB 2132, SB 2185, SB 2192, SB 2195,
SB 2199, SB 2206, SB 2208, SB 2213, SB 2215, SB 2219,
SB 2220, SB 2224, SB 2230, SB 2233, SB 2236, SB 2237,
SB 2239, SB 2241, SB 2252, SB 2254, SB 2258, SB 2264,
SB 2268, SB 2270, SB 2272, SB 2276, SB 2280, SB 2297,
SB 2298, SB 2310

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2082, SB 2090, SB 2126, SB 2128, SB 2129, SB 2152,
SB 2154, SB 2158, SB 2191, SB 2210, SB 2211, SB 2221,
SB 2226, SB 2294, SB 2299, SB 2380

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2077, SB 2141, SB 2145, SB 2147, SB 2162, SB 2189,
SB 2285, SB 2333, SB 2347, SB 2372, SB 2376, SB 2378,
SB 2382, SB 2384, SB 2392, SB 2393, SB 2399, SB 2407,
SB 2416, SB 2447, SB 2483, SB 2496, SB 2506, SCR 4003

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2251: Reps. Riley, Shide, Dotzenrod

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1242 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1242: Reps. Retzer, Whalen, Lloyd

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2007, SB 2043, SB 2044, SB 2045, SB 2046, SB 2050,
SB 2058, SB 2084, SB 2106, SB 2121, SB 2122, SB 2123,
SB 2124, SB 2125, SB 2131, SB 2149, SB 2155, SB 2166,
SB 2190, SCR 4019, SCR 4027

LEO LEIDHOLM, Secretary

MOTION

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

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1014, HB 1040, HB 1047, HB 1050, HB 1062, HB 1063,
HB 1076, HB 1087, HB 1144, HB 1235, HB 1263, HB 1277,
HB 1289, HB 1305, HB 1369, HB 1370, HB 1374, HB 1375,
HB 1381, HB 1387, HB 1392, HB 1413, HB 1424, HB 1428,
HB 1435, HB 1447, HB 1451, HB 1512, HB 1532, HB 1555,
HB 1561, HB 1569, HB 1600, HB 1619, HB 1623, HCR 3011,
HCR 3023, HCR 3026, HCR 3028, HCR 3039, HCR 3049, HCR 3053,
HCR 3059, HCR 3060, HCR 3061, HCR 3063, HCR 3064, HCR 3066,
HCR 3068, HCR 3073

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has amended:

HB 1072, HB 1287, HB 1290, HB 1363

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1146, HB 1347, HB 1552

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HB 1135, HB 1143, HB 1211, HB 1284, HB 1426, HB 1454

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1014, HB 1040, HB 1047, HB 1050, HB 1062, HB 1063,
 HB 1076, HB 1087, HB 1144, HB 1235, HB 1263, HB 1277,
 HB 1289, HB 1305, HB 1369, HB 1370, HB 1374, HB 1375,
 HB 1381, HB 1387, HB 1392, HB 1413, HB 1424, HB 1428,
 HB 1435, HB 1447, HB 1451, HB 1512, HB 1532, HB 1555,
 HB 1561, HB 1569, HB 1600, HB 1619, HB 1623, HCR 3011,
 HCR 3023, HCR 3026, HCR 3028, HCR 3039, HCR 3049, HCR 3053,
 HCR 3059, HCR 3060, HCR 3061, HCR 3063, HCR 3064, HCR 3066,
 HCR 3068, HCR 3073

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to HB 1067 as recommended by the Committee on Judiciary as printed on page 1551 of the Senate Journal be adopted, and when so adopted, recommends that HB 1067 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1069 as recommended by the Committee on Judiciary as printed on pages 1551-1552 of the Senate Journal be adopted, and when so adopted, recommends that HB 1069 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1153 as recommended by the Committee on Industry, Business and Labor as printed on pages 1508-1515 of the Senate Journal be adopted, and when so adopted, recommends that HB 1153 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to HB 1170 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1553 of the Senate Journal be adopted, and when so adopted, recommends that HB 1170 DO PASS, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1243 as recommended by the Committee on Appropriations as printed on pages 1553-1554 of the

Senate Journal be adopted, and when so adopted, recommends that HB 1243 DO PASS, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1250 as recommended by the Committee on Appropriations as printed on page 1554 of the Senate Journal be adopted, and when so adopted, recommends that HB 1250 DO PASS, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that HB 1293, which is on the Sixth order be returned to the Committee on Social Services and Veterans Affairs, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. STENEHJEM MOVED that the amendments to HB 1318 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1555-1556 of the Senate Journal be adopted, and when so adopted, recommends that HB 1318 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to HB 1341 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1556 of the Senate Journal be adopted, and when so adopted, recommends that HB 1341 DO PASS, which motion prevailed.

SEN. MOORE MOVED that the amendments to HB 1399 as recommended by the Committee on Natural Resources as printed on page 1556 of the Senate Journal be adopted, and when so adopted, recommends that HB 1399 DO PASS, which motion prevailed.

SEN. VOSPER MOVED that the amendments to HB 1494 as recommended by the Committee on Agriculture as printed on page 1557 of the Senate Journal be adopted, and when so adopted, recommends that HB 1494 DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1494 was rereferred to the Committee on Appropriations.

SEN. LODOEN MOVED that the amendments to HB 1522 as recommended by the Committee on State and Federal Government as printed on pages 1557-1558 of the Senate Journal be adopted, and when so adopted, recommends that HB 1522 DO PASS, which motion prevailed.

SEN. LODOEN MOVED that the amendments to HB 1523 as recommended by the Committee on State and Federal Government as printed on pages 1558 of the Senate Journal be adopted, and when so adopted, recommends that HB 1523 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1528 as recommended by the Committee on Judiciary as printed on page 1559 of the Senate Journal be adopted, and when so adopted, recommends that HB 1528 DO PASS, which motion prevailed.

SEN. VOSPER MOVED that the amendments to HB 1547 as recommended by the Committee on Agriculture as printed on page 1559 of the Senate Journal be adopted, and when so adopted, recommends that HB 1547 DO PASS, which motion prevailed.

SEN. PETERSON MOVED that the amendments to HB 1577 as recommended by the Committee on Education as printed on pages 1559-1560 of the Senate Journal be adopted, and when so adopted, recommends that HB 1577 DO NOT PASS, which motion prevailed.

SEN. VOSPER MOVED that the amendments to HB 1596 as recommended by the Committee on Agriculture as printed on page 1561 of the Senate Journal be adopted, and when so adopted, recommends that HB 1596 DO PASS, which motion prevailed.

SEN. PETERSON MOVED that the amendments to HB 1625 as recommended by the Committee on Education as printed on page 1561 of the Senate Journal be adopted, and when so adopted, recommends that HB 1625 DO PASS, which motion prevailed.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1070 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1070: Reps. Kretschmar, Koland, L. Hanson
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1295 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1295: Reps. Cleveland, A. Williams, Oban
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1656, HCR 3094, HCR 3096

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act making an appropriation for defraying expenses of various commissions, departments, and divisions thereof of the state of North Dakota; and declaring an emergency.

Which has been read.

MOTIONS

SEN. LIPS MOVED that the Senate reconsider the action whereby the amendments to HB 1013 were adopted, which motion prevailed.

SEN. NAADEN MOVED that HB 1013 be amended as follows:

On page 2 of the engrossed bill, line 11, delete the numerals "140,000" and insert in lieu thereof the numerals "410,000"

On page 2 of the engrossed bill, line 12, delete the numerals "140,000" and insert in lieu thereof the numerals "410,000"

On page 2 of the engrossed bill, delete lines 28 through 31

On page 2 of the engrossed bill, line 32, delete the numerals "11" and insert in lieu thereof the numeral "10"

On page 2 of the engrossed bill, after line 35, insert the following lines:

"Subdivision 11.

EDUCATION COMMISSION OF THE STATES

Operating expenses	\$ <u>40,000</u>
Total general fund appropriation	\$ 40,000

Subdivision 12.

MIDWEST TECHNOLOGY DEVELOPMENT INSTITUTE

Operating expenses	\$ <u>100,000</u>
Total general fund appropriation	\$ 100,000"

On page 3 of the engrossed bill, line 1, delete the numerals "545,600" and insert in lieu thereof the numerals "930,600"

On page 3 of the engrossed bill, line 3, delete the numerals "599,650" and insert in lieu thereof the numerals "984,650"

On page 3 of the engrossed bill, line 22, delete the numerals "11" and insert in lieu thereof the numerals "10"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Miscellaneous Refunds

The grants, benefits, and claims line item is increased from \$140,000 to \$410,000, an increase of \$270,000 from the general fund.

Commission on Uniform State Laws

Funding is deleted for the Commission on Uniform State Laws.

Education Commission of the States

General fund money is added for the Education Commission of the States in the amount of \$40,000.

Midwest Technology Development Institute

General fund money is added for the State of North Dakota to join the Midwest Technology Development Institute in the amount of \$100,000.

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

SEN. NAADEN MOVED that the rules be suspended, that HB 1013 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1013: A BILL for an Act making an appropriation for defraying expenses of various commissions, departments, and divisions thereof of the state of North Dakota; and declaring an emergency.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Ereborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Mutch

ABSENT AND NOT VOTING: Meyer, W.

HB 1013 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1013 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1083: A BILL for an Act to provide for the establishment and operation of home rule in counties; and to amend and reenact sections 12.1-01-05 and 57-01-02.1 of the North Dakota Century Code, to provide that home rule counties' charters or ordinances may not supersede state laws defining crimes and to allow home rule counties to enter sales tax collection agreements with the tax commissioner.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 39 YEAS, 14 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; Dotzenrod; Heigaard; Heinrich; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Mushik; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjsem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Berube; David; Freborg; Hilken; Kelly; Kusler; Langley; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Tweten; Vosper

ABSENT AND NOT VOTING: None

HB 1083 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1083 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1327: A BILL for an Act to amend and reenact sections 57-39.2-04.1 and 57-40.2-04.1 of the North Dakota Century Code, to remove the sales and use tax exemption for candy, chewing gum, carbonated beverages, powdered drink mixes, and certain soft drinks.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nething; Olson; Peterson; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Vosper; Walsh; Wenstrom; Wogsland

NAYS: Adams; Christensen; David; Holmberg; Kelly; Meyer, D.; Mutch; Nelson; Parker; Redlin; Reiten; Streibel; Tennefos; Todd; Tweten; Waldera; Wright

ABSENT AND NOT VOTING: None

HB 1327 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1327 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1354: A BILL for an Act to amend and reenact section 50-11.1-04 of the North Dakota Century Code, relating to prerequisites for the issuance of a child care license; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland

NAYS: David; Meyer, D.; Mutch; Nelson; Tweten; Wright

ABSENT AND NOT VOTING: None

HB 1354 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1354 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to amend and reenact subsections 6, 7, and 9 of section 25-03.1-02 of the North Dakota Century Code, relating to independent expert examiners and mental health professionals for commitment proceedings.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Tallackson; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Mutch; Streibel; Stromme; Tennefos; Vosper

ABSENT AND NOT VOTING: None

HB 1446 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1446 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1464: A BILL for an Act to create and enact chapter 39-30 of the North Dakota Century Code, relating to operation, registration, and use of all-terrain vehicles; to provide for first registration of all-terrain vehicles under this Act; to provide a penalty; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Hilken; Meyer, D.

ABSENT AND NOT VOTING: Meyer, W.

HB 1464 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1464 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1536: A BILL for an Act to create and enact a new section to chapter 43-20 of the North Dakota Century Code, relating to notice for address changes of dental hygienists; and to amend and reenact sections 43-20-06, 43-20-07, 43-20-10, and 43-20-12 of the North Dakota Century Code, relating to fees, reciprocity, board member compensation, and dental auxiliary supervision.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Tennefos

ABSENT AND NOT VOTING: Heigaard; Naaden

HB 1536 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1536 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1282: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to filing of tax returns of charitable gambling organizations; and to amend and reenact section 53-06.1-12 and 53-06.1-12.1 of the North Dakota Century Code, relating to filing of tax returns of charitable gambling organizations and allocation of the games of chance tax.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

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

YEAS: None

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Ereborg; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Heigaard; Redlin

HB 1282 was declared lost.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2073, SB 2085, SB 2087, SB 2088, SB 2099, SB 2102,
SB 2110, SB 2117, SB 2118, SB 2119, SB 2134, SB 2142,

SB 2156, SB 2157, SB 2207, SB 2261, SB 2271, SB 2315,
SB 2318, SB 2339, SB 2340

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2094, SB 2112, SB 2132, SB 2185, SB 2192, SB 2195,
SB 2199, SB 2206, SB 2208, SB 2213, SB 2215, SB 2219,
SB 2220, SB 2224, SB 2230, SB 2233, SB 2236, SB 2237,
SB 2239, SB 2241, SB 2252, SB 2254, SB 2258, SB 2264,
SB 2268, SB 2270, SB 2272, SB 2276, SB 2280, SB 2297,
SB 2298, SB 2310

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2082, SB 2090, SB 2126, SB 2128, SB 2129, SB 2152,
SB 2154, SB 2158, SB 2191, SB 2210, SB 2211, SB 2221,
SB 2226, SB 2294, SB 2299, SB 2380

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2077, SB 2141, SB 2145, SB 2147, SB 2162, SB 2189,
SB 2285, SB 2333, SB 2347, SB 2372, SB 2376, SB 2378,
SB 2382, SB 2384, SB 2392, SB 2393, SB 2399, SB 2407,
SB 2416, SB 2447, SB 2483, SB 2496, SB 2506, SCR 4003

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval:

SB 2077, SB 2141, SB 2145, SB 2147, SB 2162, SB 2189,
SB 2285, SB 2333, SB 2347, SB 2372, SB 2376, SB 2378,
SB 2382, SB 2384, SB 2392, SB 2393, SB 2399, SB 2407,
SB 2416, SB 2447, SB 2483, SB 2496, SB 2506

SEN. BAKEWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval:

SB 2082, SB 2090, SB 2126, SB 2128, SB 2129, SB 2152,
 SB 2154, SB 2158, SB 2191, SB 2210, SB 2211, SB 2221,
 SB 2226, SB 2294, SB 2299, SB 2380

SEN. BAKEWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval:

SB 2094, SB 2112, SB 2132, SB 2185, SB 2192, SB 2195,
 SB 2199, SB 2206, SB 2208, SB 2213, SB 2215, SB 2219,
 SB 2220, SB 2224, SB 2230, SB 2233, SB 2236, SB 2237,
 SB 2239, SB 2241, SB 2252, SB 2254, SB 2258, SB 2264,
 SB 2268, SB 2270, SB 2272, SB 2276, SB 2280, SB 2297,
 SB 2298, SB 2310

SEN. BAKEWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval:

SB 2073, SB 2085, SB 2087, SB 2088, SB 2099, SB 2102,
 SB 2110, SB 2117, SB 2118, SB 2119, SB 2134, SB 2142,
 SB 2156, SB 2157, SB 2207, SB 2261, SB 2271, SB 2315,
 SB 2318, SB 2339, SB 2340

SEN. BAKEWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing:

SCR 4003

SEN. BAKEWELL, Chairman

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

MOTION

SEN. PARKER MOVED that the Senate reconsider the action whereby HB 1314 failed to pass for want of a Constitutional majority.

RULING ON SENATE RULE 341

PRESIDENT MEIERS ANNOUNCED that Senate Rule 341 states that a motion to reconsider shall be decided by a majority vote of the members-elect.

SEN. STREIBEL APPEALED from the decision of the President.

The question being on the appeal of Senator Streibel, the appeal was upheld.

The motion to reconsider HB 1314 lost for lack of a two-thirds majority vote.

SECOND READING OF HOUSE BILL

HB 1316: A BILL for an Act to amend and reenact sections 14-05-17 and 14-06-06 of the North Dakota Century Code, relating to the durational residency requirements for granting divorce actions and separations from bed and board.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 1 YEA, 52 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Krauter

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

HB 1316 was declared lost.

REPORT OF CONFERENCE COMMITTEE

SEN. LODOEN MOVED that the conference committee report on HB 1128 as printed on page 1447 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. LODOEN MOVED that the rules be suspended, that HB 1128 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1128: A BILL for an Act to amend and reenact subsection 6 of section 54-52-17 of the North Dakota Century Code, relating to optional death benefit payment under the public employees retirement system.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Maixner

HB 1128 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. INGSTAD MOVED that the conference committee report on HB 1384 as printed on page 1447 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. INGSTAD MOVED that the rules be suspended, that HB 1384 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1384: A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 54-52-17 of the North Dakota Century Code, relating to eligibility for retirement benefits under the public employees retirement system.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Bakewell

ABSENT AND NOT VOTING: None

HB 1384 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that HB 1013, HB 1083, HB 1327, HB 1354, HB 1446, HB 1464, and HB 1536 be messaged to the House immediately, which motion prevailed.

MESSAGES TO THE HOUSE SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has amended:

HB 1013, HB 1083, HB 1327, HB 1354, HB 1446, HB 1464,
HB 1536

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1014, HB 1040, HB 1047, HB 1050, HB 1062, HB 1063,
HB 1076, HB 1087, HB 1144, HB 1235, HB 1263, HB 1277,
HB 1289, HB 1305, HB 1369, HB 1370, HB 1374, HB 1375,
HB 1381, HB 1387, HB 1392, HB 1413, HB 1424, HB 1428,
HB 1435, HB 1447, HB 1451, HB 1512, HB 1532, HB 1555,
HB 1561, HB 1569, HB 1600, HB 1619, HB 1623, HCR 3011,
HCR 3023, HCR 3026, HCR 3028, HCR 3039, HCR 3049, HCR 3053,
HCR 3059, HCR 3060, HCR 3061, HCR 3063, HCR 3064, HCR 3066,
HCR 3068, HCR 3073

LEO LEIDHOLM, Secretary

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 3:35 p.m., which motion prevailed.

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2068 as printed on page 1503 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 2068:

Sens. Holmberg, Christensen, Redlin

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LODOEN MOVED that the Senate do not concur in the House amendments to SB 2273 as printed on pages 1565-1566 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 2273:

Sens. Vosper, David, D. Meyer

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. REITEN MOVED that the Senate do not concur in the House amendments to SB 2313 as printed on page 1566 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 2313:

Sens. Reiten, Parker, Langley

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MOORE MOVED that the Senate do not concur in the House amendments to SB 2338 as printed on pages 1566-1567 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 2338:

Sens. Freborg, David, Krauter

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WRIGHT MOVED that the Senate do not concur in the House amendments to SB 2345 as printed on pages 1567-1568 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 2345:

Sens. Wright, Kilander, Dotzenrod

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2355 as printed on page 1568 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 2355:

Sens. Olson, Stenehjem, J. Meyer

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do not concur in the House amendments to SB 2374 as printed on page 1524 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 2374:

Sens. Christenson, Kelly, Matchie

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2464 as printed on pages 1569-1570 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 2464:

Sens. Holmberg, Olson, Lashkowitz

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. MOORE MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1070, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1070:

Sens. Todd, Freborg, Maixner

SEN. REITEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1242, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1242:

Sens. Mutch, Parker, Kelsh

SEN. CHRISTENSEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1295, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1295:

Sens. Holmberg, Olson, Maixner

POINT OF PERSONAL PRIVILEGE

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

Not often do we have an opportunity to recognize an individual who has done so much and has spent such a great deal of time in the governance of North Dakota as we do today.

Senator Frank Wenstrom has had a long and distinguished career in service to the people of North Dakota. His service has been one of dedication and unswerving loyalty to our great state. The list of offices Senator Wenstrom has held either by appointment or election is long and varied. As a Lt. Governor, he presided over this august body as its president. His awards and honors are so numerous that time does not allow a recitation of the recognition bestowed upon him throughout his life in public service.

However, today I take great pride, and it is a personal privilege to inform this body that during our biennial adjournment, Senator Wenstrom was recognized in a unique and special manner. On May 24, 1984, a library was created in District 42 honoring our colleague from District 1.

The Frank Wenstrom Library for Student Research of State Government was established at the University of North Dakota's Bureau of Governmental Affairs for the purpose of serving as a research center for issues in state and local government.

We in District 42 are proud to house the Frank Wenstrom Library, and wish to thank Senator Wenstrom for his service to North Dakota and congratulate him on this great honor in being identified as a steward of our state worthy of such recognition.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on:

HB 1070: Sens. Todd, Ereborg, Maixner
HB 1242: Sens. Mutch, Parker, Kelsh
HB 1295: Sens. Holmberg, Olson, Maixner

LEO LEIDHOLM, Secretary

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4022: A concurrent resolution for the amendment of section 12 of article V of the Constitution of the State of North Dakota, relating to the requirement that the tax commissioner be elected on a no-party ballot.

Which has been read and is placed on the calendar without recommendation.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 29 YEAS, 24 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Satrom; Shea; Stromme; Tallackson; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SCR 4022 was declared adopted.

MOTIONS

SEN. PARKER MOVED that the Senate reconsider the action by which HB 1542 failed to pass, which motion prevailed on a verification vote.

SEN. PETERSON MOVED that HB 1542 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2509: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 and a new section to title 39 of the North Dakota Century Code, relating to the statutory fee for failing to use safety belts and required use of safety belts in certain motor vehicles; to amend and reenact section 9-10-07 and subsections 1 and 5 of section 39-09-02 of the North Dakota Century Code, relating to attributing comparative negligence to a party who fails to use safety belts and to motor vehicle speed limits; and to provide an effective date.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 19 YEAS, 34 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Christensen; Heigaard; Kelly; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.; Peterson; Redlin; Satrom; Shea; Stromme; Tallackson; Tweten; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Berube; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Langley; Lips; Lodoen; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: None

SB 2509 was declared lost.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LODOEN MOVED that the Senate do concur in the House amendments to SB 2051 as printed on pages 1398-1399 of the Senate Journal, which motion prevailed.

MOTION

SEN. LODOEN MOVED that the rules be suspended, that SB 2051 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2051: A BILL for an Act to amend and reenact section 21-10-07 of the North Dakota Century Code, relating to legal investments of the state investment board.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Streibel; Tennefos; Tweten

ABSENT AND NOT VOTING: Mushik

SB 2051 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LODOEN MOVED that the Senate do concur in the House amendments to SB 2072 as printed on page 1399 of the Senate Journal, which motion prevailed.

MOTION

SEN. LODOEN MOVED that the rules be suspended, that SB 2072 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact sections 15-01-01, 54-52-03, and 57-13-01 of the North Dakota Century Code, relating to the membership of the board of university and school lands, the public employees retirement board, and the state board of equalization; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 41 YEAS, 12 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Holmberg; Ingstad; Kelly; Kilander; Krauter; Kusler; Lips; Lodoen; Matchie; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wenstrom; Wright

NAYS: Heigaard; Heinrich; Hilken; Kelsh; Langley; Lashkowitz; Maixner; Meyer, D.; Mushik; Satrom; Waldera; Wogsland

ABSENT AND NOT VOTING: None

SB 2072 passed and the title was agreed to.

MOTION

SEN. STENEHJEM MOVED that SB 2074 which is on the Twelfth order be laid over one legislative day, which motion prevailed.

MESSAGE TO THE HOUSE

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on HB 1128 and HB 1384 and subsequently passed the same.

LEO LEIDHOLM, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1015 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 15, delete the numerals "1,080" and insert in lieu thereof the numerals "1,780"
- On page 1 of the engrossed bill, line 16, delete the numerals "1,080" and insert in lieu thereof the numerals "1,780"
- On page 1 of the engrossed bill, line 22, delete the numerals "31,957" and insert in lieu thereof the numerals "34,457"
- On page 1 of the engrossed bill, line 23, delete the numerals "1,849,547" and insert in lieu thereof the numerals "1,852,047"
- On page 1 of the engrossed bill, line 24, delete the numerals "1,850,627" and insert in lieu thereof the numerals "1,853,827"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Pardon Board

The operating expenses line item is increased by \$700 from the general fund to provide sufficient travel expenses.

Parole and Probation Office

The salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

The equipment line item is increased by \$2,500 from the general fund for equipment for the two new Parole Agent II positions.

SEN. LIPS, Chairman

HB 1015 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1022 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1022 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1026 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1026 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1195 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, delete the word "a" and insert in lieu thereof the word "two", delete the word "section" and insert in lieu thereof the word "sections", and delete the numerals "14-05" and insert in lieu thereof the numerals "14-09"

On page 1 of the engrossed bill, line 2, delete the words "and a new section to chapter 50-09"

On page 1 of the engrossed bill, line 3, delete the word "notification" and insert in lieu thereof the word "enforcement", and delete the words "enforcement agency in" and insert in lieu thereof the word "orders"

On page 1 of the engrossed bill, delete line 4

On page 1 of the engrossed bill, line 5, delete the words "credit reporting agencies", and delete the words "section 14-08-03 and"

On page 1 of the engrossed bill, line 6, after the numerals "14-08-07" insert the words "and subsections 1, 2, and 3 of section 14-09-09.1"

On page 1 of the engrossed bill, line 8, after the word "orders" insert the words ", and to wage assignments for child support"

On page 1 of the engrossed bill, delete lines 11 through 28

On page 2 of the engrossed bill, delete lines 1 through 34

On page 3 of the engrossed bill, delete lines 1 and 2

On page 3 of the engrossed bill, after line 19, insert the following three new sections:

"SECTION 2. A new section to chapter 14-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

Out-of-state wage withholding orders - Filing requirements. A copy of an order for the withholding of income or wages to satisfy a child support obligation issued by a state other than this state or by a court of the United States may be filed in the office of the clerk of any district court of any county in this state upon all of the following conditions:

1. The order is authenticated in accordance with the statutes of this state.
2. The obligor under the order resides or is employed in the county of filing.
3. The person or agency seeking to file the order establishes by affidavit that the child support obligation is in arrears at least twenty days.
4. A copy of the order and accompanying documents have been sent to the child support enforcement unit of the department of human services.

SECTION 3. A new section to chapter 14-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

Effect of filing out-of-state wage withholding order. Upon the filing of the order described in section 2 of this Act, the clerk of court shall treat the order in the same manner as a child support wage assignment order of a district court under section 14-09-09.1.

SECTION 4. Subsections 1, 2, and 3 of section 14-09-09.1 of the 1983 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. Each judgment containing child support provisions and each order for child support issued by a district court of this state shall include an order directing the obligor to assign such salary currently due or to be due in the future from the obligor's employer or successor employers to the

clerk of the court where the judgment is granted or the order issued, in such amount as will be sufficient to meet the child support payments imposed by the court. The order must include a sum to be applied toward the satisfaction of any support arrearages. This wage assignment shall take effect upon application of the person receiving payments or any person or public agency designated to receive such payments, when the requirements of this section have been met. The application shall be a sworn statement which states that the obligor has failed the obligor's failure to make a child support payment in full within twenty days of the due date of such payment. This section does not authorize a clerk of court who receives child support payments as trustee under section 14-08-07 to make such application.

2. The clerk of court, upon application of an authorized person or agency, shall send a notice by certified first-class mail to the last known address of any obligor who has failed to make the required child support payment within twenty days of its due date. The notice shall be postmarked no later than ten days after the date on which the application was filed and shall inform the obligor of the amount of money that will be withheld from wages and that the wage assignment shall go into effect ten days after the date on which the notice was sent. The obligor may, within that ten-day period, request a hearing on the issue of whether the wage assignment should take effect is based upon a mistake of fact, in which case the wage assignment shall be held in abeyance pending the outcome of the hearing. The district court or its referee shall hold a hearing requested under this section within ten working days after the date of the request.
3. If at the hearing the obligor establishes that extraordinary circumstances prevented fulfillment of the child support obligation and that such circumstances are beyond the control of the obligor, the court may direct that the wage assignment be delayed until such time, within twelve months, as another month's payment is missed. If such a delay is granted, the wage assignment shall, upon application, go into effect if, within the following twelve months, the obligor fails to make in full any payment within twenty days of its due date there has been a mistake in the identity of the obligor or an overstatement of the amount of support stated to

be owed by the obligor, the court may order that no wage assignment take effect. In the absence of a showing by the obligor that there has been a mistake of fact, the court shall order that the wage withholding proceed."

On page 3 of the engrossed bill, delete lines 20 through 26

And renumber the lines, sections, and pages accordingly
SEN. STENEHJEM, Chairman

HB 1195 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1285 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 10, after the word "county," insert the words "and proper notice has been given to the debtor"

And renumber the lines accordingly
SEN. CHRISTENSEN, Chairman

HB 1285 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1349 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1349 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1588 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, delete the words "and venue"

On page 1 of the engrossed bill, line 9, overstrike the second hyphen

On page 1 of the engrossed bill, line 10, delete the word "Venue"

On page 1 of the engrossed bill, line 19, remove the overstrike over the words "~~if the~~"

- On page 1 of the engrossed bill, remove the overstrike over line 20
- On page 1 of the engrossed bill, line 21, remove the overstrike over the words "~~a partnership, the proceedings shall be commenced~~"
- On page 1 of the engrossed bill, line 22, delete the underscored comma
- On page 1 of the engrossed bill, line 23, delete the words "The defendant may" and insert in lieu thereof the words "An action for collection of a check written without sufficient funds or without an account may be brought in the county where the check was passed, or in the county of the defendant's residence or place of business. A copy of the check must be attached to the plaintiff's claim affidavit"
- On page 1 of the engrossed bill, delete line 24
- On page 1 of the engrossed bill, line 25, delete the words "defendant's county of residence"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1588 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1615 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact subsection 5 of section 12.1-27.1-01 of the North Dakota Century Code, relating to dissemination of obscene material.

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

SECTION 1. AMENDMENT. Subsection 5 of section 12.1-27.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. As used in this chapter, ~~the term~~ "disseminate" means to sell, lease, rent, advertise, broadcast, transmit, exhibit, or distribute for pecuniary gain. "Disseminate" includes any transmission of visual material shown on a cable television system, whether or not accompanied by a sound

track, and any sound recording played on a cable television system."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1615 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred HB 1643 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

HB 1643 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HCR 3071 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

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

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HCR 3076 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HCR 3076 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2116 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1342 of the Senate Journal and that Engrossed SB 2116 be amended as follows:

On page 3 of the engrossed bill, line 9, delete the word "five" and insert in lieu thereof the word "ten"

On page 3 of the engrossed bill, line 15, delete the word "two" and insert in lieu thereof the word "five"

And renumber the lines and pages accordingly

For the Senate: Sens. Olson, Stenehjem, Maixner

For the House: Reps. Wentz, R. Solberg, Conny

Engrossed SB 2116 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILL

HB 1656: A BILL for an Act to create and enact a new section to chapter 25-02, five new sections to chapter 25-04, and a new chapter to title 50 of the North Dakota Century Code, relating to payment and waiver of payment of expenses of care and treatment for patients at the state hospital and Grafton state school and the imposition and collection of fees and expenses by the department of human services; and to repeal chapter 25-09 of the North Dakota Century Code, relating to expenses for care of patients at the state hospital and Grafton state school.

Was read the first time and referred to the Committee on State and Federal Government.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3094: A concurrent resolution directing the Legislative Council to study the feasibility of and the various means and methods of, as well as the timing involved in, the development and transition to an alternative structure for the higher education system encompassing all state institutions of higher education in the state of North Dakota, and to study admissions and tuition policies for foreign and nonresident students, and that the Legislative Council conduct the study in cooperation with the Board of Higher Education.

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

HCR 3096: A concurrent resolution directing the Legislative Council to study the positive and adverse impacts of current tuition reciprocity agreements on postsecondary educational institutions, the communities where such institutions are located, postsecondary students, and state government.

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

MOTIONS

SEN. NELSON MOVED that the absent Senators be excused, which motion prevailed.

SEN. NETHING MOVED that at the conclusion of the Fifth, Seventh, and Fourteenth orders of business, and after the reading of HB 1022, HB 1026, HB 1067, HB 1069, HB 1153, HB 1170, HB 1243, HB 1250, HB 1318, HB 1341, HB 1349, HB 1399, HB 1522, HB 1523, HB 1528, HB 1542, HB 1547, HB 1577, HB 1596, HB 1625, HB 1643, HCR 3071, and HCR 3076, the Senate adjourn and convene at 9:00 a.m., Thursday, March 21, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary