

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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SIXTEENTH DAY

Bismarck, January 27, 1987

The Senate convened at 1:00 p.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend Lamont Loudenslager, Century Baptist Church, Bismarck.

Almighty God, Creator of all that is good, Sustainer of life, we come before You with hearts full of thanks. Thank You for this day with its many blessings and the necessary strength to see us through. I thank You, Lord, for these individuals who are in authority, ruling, for good. Father, I pray that You would bless them with heavenly wisdom as they make difficult decisions. Give them a true and real sense of Your Presence. Help them to see beyond this room - that as Your servants, they would work for the good of the people. May they look to You, O Lord, for all their needs and seek Your will for all that is done here today. All glory and praise be to God the Father, in Jesus' precious name I pray. Amen.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President Pro Tem.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Fourteenth Day and recommends that the same be corrected as follows and, when so corrected, recommends that the same be approved:

On page 361, line 28, delete the word "Tallackson"

On page 361, line 31, after the word "Heigaard" insert the word "Tallackson"

SEN. J. MEYER, Chairman

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

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Fifteenth Day and recommends that the same be corrected as follows and, when so corrected, recommends that the same be approved:

On page 372, line 22, delete the numeral "2099" and insert in lieu thereof the numeral "2090"

SEN. J. MEYER, Chairman

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

MESSAGE FROM THE HOUSE
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 1152, HB 1190, HB 1227, HB 1244, HCR 3001

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2081, SB 2201, SB 2235, SB 2250, SB 2266, SB 2270,
SB 2281, SB 2292

PERRY GROTEBERG, Secretary

RECOGNITION

THE PRESIDENT PRO TEM ANNOUNCED that former Governor Arthur Link was in the chamber and requested that the Senate recognize former Governor Arthur Link, and former Governor Arthur Link was thereupon introduced to the Senate.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2019 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 7, delete the numerals "\$4,800,000" and insert in lieu thereof the numerals "\$5,000,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment increases the appropriation for insurance premium tax payments distribution to fire departments by \$200,000 from \$4,800,000 to \$5,000,000 or the amount requested in the 1987-89 budget request.

SEN. TALLACKSON, Chairman

SB 2019 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2044 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 2, after the period insert the words "Any student who resides within a school district which is annexed to or reorganized with another district or districts pursuant to this Act, and which has been sending students to a school district in a bordering state because of proximity or terrain, may attend or continue to attend school in the district in the bordering state."

And renumber the lines and pages accordingly

SEN. HEINRICH, Chairman

SB 2044 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2050 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 33, delete the word "shall" and insert in lieu thereof the word "may"

On page 2, line 34, delete the words "not less than one million two hundred thousand dollars" and insert in lieu thereof the words "to be determined by the industrial commission"

And renumber the lines and pages accordingly

SEN. LANGLEY, Chairman

SB 2050 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 SB 2106 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 17, after the word "audit" insert the words "; however, the financial institution may charge the entity being audited by the state auditor for the information requested"

And renumber the lines accordingly

SEN. TALLACKSON, Chairman

SB 2106 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2129 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 10, delete the words ", but such investments may not exceed two percent of the"

On page 1, line 11, delete the words "bank's combined capital and surplus"

And renumber the lines accordingly

SEN. LANGLEY, Chairman

SB 2129 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was rereferred SB 2130 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 18, after the word "determined" insert the words "to be reasonable"

On page 1, line 24, delete the words ". The amount of fees paid by the bureau may not exceed"

On page 1, delete line 25

On page 1, line 26, delete the words "four hundred dollars, whichever is greater"

And renumber the lines accordingly

SEN. LANGLEY, Chairman

SB 2130 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2163 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, remove the overstrike over the word "~~his~~" and delete the word "their" and insert in lieu thereof the words "or her"

And renumber the lines accordingly

SEN. HEINRICH, Chairman

SB 2163 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2194 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 9, delete the words "business, professional, educational governmental, profit" and insert in lieu thereof the words "state agency"

On page 1, line 10, delete the words "or nonprofit organization, agency, or enterprise"

And renumber the lines accordingly

SEN. D. MEYER, Chairman

SB 2194 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2208 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 8, after the word "first" insert the words "or fifteenth"

And renumber the lines accordingly

SEN. HEINRICH, Chairman

SB 2208 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 SB 2307 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 27, delete the words "both election judges" and insert in lieu thereof the words "two members of the election board of opposite political parties"

On page 2, line 3, delete the word "judges" and insert in lieu thereof the word "officials"

On page 2, line 4, delete the word "judges" and insert in lieu thereof the word "officials"

On page 2, line 7, delete the word "judges" and insert in lieu thereof the word "officials"

And renumber the lines and pages accordingly

SEN. LASHKOWITZ, Chairman

SB 2307 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2339 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 16, after the word "agencies" insert the words "and political subdivision"

On page 2, line 25, after the word "agencies" insert the words "and political subdivisions"

On page 2, line 26, after the word "agency" insert the words "and political subdivision"

And renumber the lines and pages accordingly

SEN. D. MEYER, Chairman

SB 2339 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 SB 2340 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for a reduction in general fund appropriation authority; to provide an effective date; and to declare an emergency."

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

SECTION 1. The sums hereinafter listed shall reduce the general fund appropriation authority enacted by the forty-ninth legislative assembly of the state of North Dakota as adjusted by the allotment process and by the fiftieth legislative assembly, in special session, for the

various agencies and institutions named herein for the period beginning January 1, 1987, and ending June 30, 1987:

AGENCY OR INSTITUTION	GENERAL FUND REDUCTION
Governor's office	\$ 5,707
Governors' associations	510
Advisory commission on intergovernmental relations	12
Lieutenant governor	887
Council of state governments	323
Secretary of state	5,582
Secretary of state - public printing	1,141
Office of management and budget	26,093
State auditor	15,610
State treasurer	2,944
Attorney general	29,935
Homestead tax credit	25,000
Tax department	54,663
Director of institutions	36,770
State communications	16,479
Deinstitutionalization - court monitor	1,046
Legislative assembly	26,668
Legislative council	18,270
Supreme court	22,844
Judicial qualifications commission	917
District court	77,464
Midwest technology development institution	500
Commission on uniform state laws	125
Education commission of the states	200
Centennial commission	700
Department of public instruction	1,982,332
Division of independent study	2,977
Board of higher education	64,903
Reciprocal agreements	11,800
State industrial school	22,398
University of North Dakota	318,507
Medical center - UND	138,521
State toxicologist - NDSU	2,213
North Dakota state university	269,687
Transportation institute	1,385
State school of science	94,363
Dickinson state college	47,623
Mayville state college	32,313
Minot state college	67,340
Valley City state college	37,979
NDSU - Bottineau	15,746
Forest service	5,116
Educational broadcast council	1,150
State library	10,191
School for deaf	17,896
School for blind	11,277
Boys and girls clubwork	265
Nurses' scholarships	150
Vocational education	72,752
State department of health	51,690

Grafton state school	104,659
San Haven	25,076
State hospital	152,539
Indian affairs commission	3,699
Department of human services	933,516
Governor's council on human resources	1,532
Protection and advocacy project	3,928
Labor commissioner	2,312
Public service commission	21,647
Weather modification board	3,706
Aeronautics commission	4,965
Banking and financial institution	7,731
Securities commissioner	2,488
State laboratories	11,648
Controlled substances board	25
Firemen's association	247
Bank of North Dakota	250
Crime victims reparation	1,167
Pardon board	9
Parole and probation	9,260
Arrest and return fugitives	180
Highway patrol	25,214
Radio communications	10,058
Disaster emergency services	1,852
Civil air patrol	555
State penitentiary	61,297
Penitentiary industries	375
Adjutant general	11,915
Economic development commission	7,697
Department of agriculture	17,439
Predatory animal control	3,525
Livestock sanitary board	2,466
Extension service	45,170
Northern crops institute	2,570
Main experiment station	106,063
Dickinson experiment station	4,701
Central grasslands experiment station	3,608
Hettinger experiment station	2,219
Langdon experiment station	2,653
North Central experiment station	1,736
Williston experiment station	2,282
Carrington experiment station	3,990
North Dakota state fair association	1,250
Historical society	16,723
Roughrider awards	25
International peace garden	1,985
Council on the arts	2,482
Soil conservation committee	7,188
North Dakota parks and recreation department	22,505
State water commission	36,909
Southwest water pipeline project	2,500
State highway department	150
Emergency commission	3,750
Miscellaneous refunds	2,050

Personal property tax replacement	120,347
State revenue sharing	<u>150,933</u>
Total	\$5,627,730

The director of each agency or institution having supervisory responsibility for line items listed in this section shall inform the director of the office of management and budget of the resulting line item reduction for accounting purposes.

SECTION 2. EFFECTIVE DATE. This Act is retroactively effective on January 1, 1987.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Provides for a .5 percent reduction of the 1985-87 Legislative Assembly general fund appropriation; instead of a 10 percent reduction provided in the original bill.

SEN. TALLACKSON, Chairman

SB 2340 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2158 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. HILKEN, Chairman

SB 2158 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2278 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SB 2278 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2313 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SB 2313 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2326 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. LASHKOWITZ, Chairman

SB 2326 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2329 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2329 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2335 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2335 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2342 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

SB 2342 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2343 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

SB 2343 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2350 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

SB 2350 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2377 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. LANGLEY, Chairman

SB 2377 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2399 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SB 2399 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2427 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.

SEN. LANGLEY, Chairman

SB 2427 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF AMENDMENTS

SEN. KRAUTER MOVED that the amendments to SB 2071 as recommended by the Committee on Natural Resources as printed on pages 372-373 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2071 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2072 as recommended by the Committee on Natural Resources as printed on pages 373-374 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2072 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2074 as recommended by the Committee on Natural Resources as printed on pages 374-375 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2074 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2080 as recommended by the Committee on Transportation as printed on page 375 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2080 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to SB 2170 as recommended by the Committee on Industry, Business and Labor as printed on pages 375-376 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2170 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. KRAUTER MOVED that SB 2239, which is on the Sixth order, be rereferred to the Committee on Natural Resources, which motion prevailed.

SEN. LASHKOWITZ MOVED that SB 2258, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2273 as recommended by the Committee on Industry, Business and Labor as printed on pages 377-378 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2273 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to SB 2275 as recommended by the Committee on Political Subdivisions as printed on page 378 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2275 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to SB 2295 as recommended by the Committee on Political Subdivisions as printed on pages 378-379 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2295 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Rep. Winkelman and Sen. Kelsh introduced:

HCR 3017: A concurrent resolution to appoint an official photographer for the Fiftieth Legislative Assembly, to set forth the photography order, and to authorize payment.

Was read the first time.

MOTION

SEN. KELSH MOVED that the rules be suspended, that HCR 3017 not be printed, not be referred to committee, be read in its entirety, printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Rep. Winkelman and Sen. Kelsh introduced:

HOUSE CONCURRENT RESOLUTION NO. 3017

A concurrent resolution to appoint an official photographer for the Fiftieth Legislative Assembly, to set forth the photography order, and to authorize payment.

WHEREAS, for historical purposes it has been the custom of all North Dakota Legislative Assemblies to have composite group pictures made for all members of such assemblies; and

WHEREAS, Larry Weller Photography offers to take five color proof photographs of each Senator, each Representative, the Lieutenant Governor, the Secretary of the Senate, the Assistant Secretary of the Senate, the Senate Desk Reporter, the Senate Sergeant-at-Arms, the Senate Bill Clerk, the Chief Clerk of the House, the Assistant Chief Clerk of the House, the House Desk Reporter, the House Sergeant-at-Arms, and the House Bill Clerk, to retouch the final prints, and to compile a composite color picture of all Senate members and the Lieutenant Governor and named employees, and all House members and named employees, framed and ready to hang, and individual composite photographs to be furnished to each member; all the foregoing at a total cost of \$2,190;

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

That Larry Weller Photography of Mandan, North Dakota, be and is hereby appointed official photographer for the Fiftieth Legislative Assembly of the state of North Dakota; and

BE IT FURTHER RESOLVED, that Larry Weller Photography of Mandan, North Dakota, is hereby awarded the sole privilege of photographing members of the Senate and the House of Representatives, the Lieutenant Governor, and the above-named legislative employees of the Fiftieth Legislative Assembly, at the total cost of \$2,190 to be charged as a legislative expense; and

BE IT FURTHER RESOLVED, that the photographs shall be delivered pursuant to a contract entered into between Larry Weller Photography and the photography committees of the House of Representatives and the Senate.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3017: A concurrent resolution to appoint an official photographer for the Fiftieth Legislative Assembly, to set forth the photography order, and to authorize payment.

Was read the second time.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Schoenwald

HCR 3017 was declared adopted on a roll call vote.

MOTION

SEN. KELSH MOVED that the rules be suspended, that HCR 3017 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HCR 3017

PERRY GROTEBERG, Secretary

SECOND READING OF SENATE BILL

SB 2164: A BILL for an Act to amend and reenact subsections 1 and 3 of section 26.1-03-17 of the North Dakota Century Code, relating to the payment and amount of insurance company premium taxes and the penalty for timely payment of those taxes.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2164 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that SB 2479 be moved to the head of the calendar, which motion prevailed.

SEN. STENEHJEM MOVED that SB 2479 be amended as follows:

On page 1, line 10, delete the word "from" and insert in lieu thereof the words "to be held in"

On page 1, line 11, delete the words "date of the submission of a" and insert in lieu thereof the word "call"

On page 1, line 12, delete the words "referendum petition"

And renumber the lines accordingly

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

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2479 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2479: A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to the calling of a special election by the governor; and to declare an emergency.

Which has been read and has committee recommendation of DO PASS.

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; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Tennefos

ABSENT AND NOT VOTING: None

SB 2479 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, that SB 2479 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2479

PERRY GROTEBERG, Secretary

MOTION

SEN. HOLMBERG MOVED that SB 2379 be returned to the Senate floor from the Committee on Transportation, which motion prevailed.

REQUEST

SEN. HOLMBERG REQUESTED the unanimous consent of the Senate to withdraw SB 2379. There being no objection, it was so ordered by the President Pro Tem.

SECOND READING OF SENATE BILLS

SB 2213: A BILL for an Act to create and enact a new section to chapter 57-06 of the North Dakota Century Code, relating to telecommunication services; and to amend and reenact section 57-06-02 of the North Dakota Century Code, relating to the definition of property that is taxed as telephone service property.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2213 passed and the title was agreed to.

SB 2216: A BILL for an Act to amend and reenact section 57-36-32 of the North Dakota Century Code, relating to an additional tax on cigarettes.

Which has been read and has committee recommendation of DO PASS.

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: Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, W.; Moore; Mushik; Nalewaja; Olson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Stromme; Tallackson; Todd; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Peterson; Streibel; Tennefos; Thane; Tweten; Vosper; Waldera; Wright

ABSENT AND NOT VOTING: None

SB 2216 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2014 be moved to the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2088: A BILL for an Act to amend and reenact section 40-22-06, subsection 3 of section 61-16.1-09, and section 61-16.1-19 of the North Dakota Century Code, relating to agreements authorized to be entered into by cities and water resource districts for the construction of water projects.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2088 passed and the title was agreed to.

SB 2203: A BILL for an Act to create and enact two new sections to chapter 24-02 of the North Dakota Century Code, relating to the transfer of motor vehicles to the central management system and motor vehicle user charges; and to amend and reenact section 24-02-03.3 of the North Dakota Century Code, relating to the central management of state motor vehicles.

Which has been read and has committee recommendation of DO PASS.

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; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller;

Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips;
Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;
Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja;
Nelson; Nething; Olson; Peterson; Redlin; Reiten;
Richard; Satrom; Schoenwald; Stenehjem; Streibel;
Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;
Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Shea

SB 2203 passed and the title was agreed to.

SB 2204: A BILL for an Act relating to the use by state-funded institutions of North Dakota native lignite coal or coal mined in other jurisdictions meeting certain standards; and to provide a penalty.

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

ROLL CALL

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

YEAS: Axtman; Freborg; Helgaard; Heinrich; Hilken;
Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz;
Lips; Maixner; Mathern; Meyer, J.; Meyer, W.; Mushik;
Redlin; Reiten; Richard; Satrom; Schoenwald; Shea;
Stromme; Tallackson; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Dotzenrod; Holmberg;
Ingstad; Lodoen; Maxson; Meyer, D.; Moore; Mutch;
Naaden; Nalewaja; Nelson; Nething; Olson; Peterson;
Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten;
Vosper

ABSENT AND NOT VOTING: None

SB 2204 passed and the title was agreed to.

MOTIONS

SEN. OLSON MOVED that SB 2340 be returned to the Senate floor from the Committee on Appropriations.

SEN. OLSON MOVED to withdraw the motion to return SB 2340 to the Senate floor, which motion prevailed.

RECOGNITION

THE PRESIDENT PRO TEM ANNOUNCED that former Representative Oscar Solberg was in the chamber and requested that the Senate recognize former Representative Oscar Solberg and former Representative Solberg was thereupon introduced to the Senate.

MOTIONS

SEN. HEIGAARD MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

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

SEN. HEIGAARD MOVED that SB 2296 be moved to the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2061: A BILL for an Act to amend and reenact sections 20.1-01-28, 20.1-01-29, and 20.1-01-30 of the North Dakota Century Code, relating to the procedures applicable to noncriminal violations of rules approved by the game and fish commissioner and orders issued by the governor.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Richard

SB 2061 passed and the title was agreed to.

SB 2062: A BILL for an Act to create and enact five new sections to chapter 53-06.1 of the North Dakota Century Code, relating to the establishment of a charitable gambling commission; to amend and reenact sections 53-06.1-01, 53-06.1-02, 53-06.1-03, subsections 4, 7, 8, and 9 of section 53-06.1-06, section 53-06.1-06.1, subsection 1 of section 53-06.1-07, sections 53-06.1-12, 53-06.1-12.1,

53-06.1-13, 53-06.1-14, 53-06.1-15, 53-06.1-15.1, 53-06.1-15.2, 53-06.1-16, 53-06.1-16.2, and 53-06.1-17 of the North Dakota Century Code, relating to the charitable gambling commission; to provide a transitional provision governing establishment of the charitable gambling commission; to provide an appropriation; and to declare an emergency.

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 3 YEAS, 50 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Langley; Mushik; Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Ereborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2062 lost.

RECOGNITION

THE PRESIDENT PRO TEM ANNOUNCED that former Senator and Representative Walter Erdman was in the chamber and requested that the Senate recognize former Senator Erdman, and former Senator Erdman was thereupon introduced to the Senate.

MOTIONS

SEN. MAIXNER MOVED that the action taken by the Senate on SB 2204 be reconsidered, and that the motion to reconsider be laid on the table, which motion prevailed.

SEN. D. MEYER MOVED that SB 2503 and SB 2440 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

SEN. D. MEYER MOVED that SB 2503 be rereferred to the Committee on Education and SB 2440 be rereferred to the Committee on Political Subdivisions, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2065: 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 prize limitations on charitable gambling pull tab and jar games.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Maxson; Stenehjem

ABSENT AND NOT VOTING: Maixner; Schoenwald

SB 2065 passed and the title was agreed to.

SB 2066: 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 prize limitations on the game of bingo.

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, 51 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Kelly

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Schoenwald

SB 2066 lost.

SB 2067: A BILL for an Act to create and enact two new subsections to section 53-06.1-01 of the North Dakota Century Code, relating to definitions in the charitable gaming law; and to amend and reenact sections 53-06.1-08, 53-06.1-14, 53-06.1-16.1, and 53-06.1-17 of the North Dakota Century Code, relating to licensing of manufacturers of certain charitable gambling equipment and adoption of certain rules.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2067 passed and the title was agreed to.

MOTION

SEN. DOTZENROD MOVED that SB 2098 be placed immediately following SB 2297 on the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2145: A BILL for an Act to amend and reenact subdivision c of subsection 8 of section 38-14.1-24 of the North Dakota Century Code, relating to environmental protection performance standards of surface mining and reclamation operations.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard

SB 2145 passed and the title was agreed to.

SB 2161: A BILL for an Act to amend and reenact sections 6-09.9-02 and 6-09.9-04 of the North Dakota Century Code, relating to an operating loan program for farmers and agribusinesses.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2161 passed and the title was agreed to.

SB 2187: A BILL for an Act to amend and reenact subsections 5 and 6 of section 38-08-02 of the North Dakota Century Code, relating to the definition of the terms illegal gas and illegal oil.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2187 passed and the title was agreed to.

SB 2297: A BILL for an Act to amend and reenact sections 23-15-01, 23-15-02, 23-15-03, and 23-15-06 of the North Dakota Century Code, relating to the sale and possession of fireworks and supervised public displays of fireworks; and to provide a penalty.

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 9 YEAS, 44 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Keller; Kelsh; Krauter; Maixner; Nalewaja; Shea; Tallackson

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Kelly; Langley; Lashkowitz; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjerm; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: None

SB 2297 lost.

SB 2098: A BILL for an Act to amend and reenact subsection 8 of section 23-15-01 of the North Dakota Century Code, relating to the sale of permissible fireworks.

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 21 YEAS, 32 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; Heigaard; Heinrich; Keller; Kelsh; Krauter; Lashkowitz; Maixner; Mathern; Meyer, J.; Mushik; Nalewaja; Peterson; Richard; Satrom; Shea; Stromme; Tallackson; Waldera; Yockim

NAYS: Adams; David; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Kelly; Langley; Lips; Lodoen; Maxson; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Redlin; Reiten; Schoenwald; Stenehjelm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2098 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4004: A concurrent resolution urging the Congress of the United States to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee concerning the effects of the impoundment of waters under the Pick-Sloan Missouri Basin Program on the Fort Berthold and Standing Rock Indian Reservations and urging the creation of a similar advisory committee to review the impact of the impoundment of waters on the economic base of nontribal interests.

Which has been read and has committee recommendation of DO PASS.

The question being on the final adoption of the resolution.

SCR 4004 passed and the title was agreed to on a voice vote.

SECOND READING OF SENATE BILLS

SB 2042: A BILL for an Act to create and enact section 15-40.2-08.1 of the North Dakota Century Code, relating to the payment of tuition for handicapped children placed outside their school districts of residence for purposes other than education; and to amend and reenact section

15-40.2-08 of the North Dakota Century Code, relating to tuition payments for foster care students placed outside their school districts of residence.

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 3 YEAS, 50 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Mathern; Meyer, J.; Shea

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tenefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: None

SB 2042 lost.

SB 2157: A BILL for an Act to repeal chapter 49-10 of the North Dakota Century Code, relating to the transportation of lignite by motor carriers.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tenefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2157 passed and the title was agreed to.

SB 2169: A BILL for an Act to create and enact a new section to chapter 10-24 of the North Dakota Century Code, relating to reservation of a corporate name; to amend and reenact sections 10-24-07, 10-24-08, 10-24-09, 10-24-10, 10-24-28, 10-24-36, 10-24-37, 10-27-03, 10-27-06, 10-27-08, 10-27-09, 10-27-10, 10-27-12, 10-27-16, 10-27-17, 10-28-01, 10-28-02, and 10-28-08 of the North Dakota Century Code, relating to nonprofit corporations; and to repeal section 10-27-11 of the North Dakota Century Code, relating to foreign nonprofit corporations' articles of incorporation.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maikner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wright; Yockim

NAYS: Richard; Wogsland

ABSENT AND NOT VOTING: None

SB 2169 passed and the title was agreed to.

SB 2210: A BILL for an Act to amend and reenact subsection 6 of section 15-40.1-08 of the North Dakota Century Code, relating to per-pupil foundation aid payments for preschool handicapped pupils.

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 4 YEAS, 49 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Mathern; Mushik; Tallackson; Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips;

Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.;
Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson;
Nething; Olson; Peterson; Redlin; Reiten; Richard;
Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme;
Tennefos; Thane; Todd; Tweten; Vosper; Waldera;
Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2210 lost.

MOTION

SEN. HEIGAARD MOVED that SB 2255 be moved to the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2260: A BILL for an Act to amend and reenact section 39-04-44.1 of the North Dakota Century Code, relating to a vehicle transporter's license.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;
Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller;
Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips;
Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;
Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja;
Nelson; Nething; Olson; Peterson; Redlin; Reiten;
Richard; Satrom; Schoenwald; Shea; Stenehjerm; Streibel;
Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;
Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2260 passed and the title was agreed to.

SB 2261: A BILL for an Act to amend and reenact sections 39-18-01, 39-22.1-01, and 39-22.3-01 of the North Dakota Century Code, relating to licensing fees for mobile home, trailer, and motorcycle dealers.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Richard

ABSENT AND NOT VOTING: None

SB 2261 passed and the title was agreed to.

SB 2284: A BILL for an Act to amend and reenact sections 16.1-13-21 and 16.1-13-22 of the North Dakota Century Code, relating to preparation of election materials.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2284 passed and the title was agreed to.

SB 2373: A BILL for an Act to amend and reenact section 54-21-25 of the North Dakota Century Code, relating to the director of institution's authority to transfer adult inmates and juvenile delinquents; and to repeal 12-47-35 of the North

Dakota Century Code, relating to the governor's authority to transfer adult inmates to the federal government.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Holmberg

ABSENT AND NOT VOTING: None

SB 2373 passed and the title was agreed to.

SB 2374: A BILL for an Act to create and enact a new section to chapter 12-47 of the North Dakota Century Code, relating to the confidentiality of prison inmate records.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2374 passed and the title was agreed to.

SB 2443: A BILL for an Act to amend and reenact subsection 10 of section 27-20-02 of the North Dakota Century Code, relating to the definition of an unruly child under the Uniform Juvenile Court Act.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2443 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Ninth order of business, and at the conclusion of the Ninth order of business, be on the Thirteenth order of business, and at the conclusion of the Thirteenth order of business, and after the reading of SB 2071, SB 2072, SB 2074, SB 2080, SB 2158, SB 2170, SB 2273, SB 2275, SB 2278, SB 2295, SB 2313, SB 2326, SB 2329, SB 2335, SB 2342, SB 2343, SB 2350, SB 2377, SB 2399, and SB 2427 that the Senate stand adjourned until 1:00 p.m., Wednesday, January 28, 1987, which motion prevailed.

FIRST READING OF HOUSE BILLS

HB 1044: A BILL for an Act to create and enact two new chapters to title 35 of the North Dakota Century Code, relating to statutory agricultural liens; to amend and reenact sections 11-18-14, 11-29-24, 35-21-01, and subsection 9 of section 41-09-28 of the North Dakota Century Code, relating to duties of the county register of deeds, county seed, feed, and fuel liens, release of liens, and to protection of buyers of goods; and to repeal chapters 35-07, 35-08, 35-09, and 35-10 of the North Dakota Century Code, relating to threshing or drying liens, crop production liens, motor

fuel liens, fertilizer, farm chemicals, or seed liens, and sugar beet production liens.

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

HB 1094: A BILL for an Act to amend and reenact subsection 4 of section 54-52.1-01 and section 54-52.1-02 of the North Dakota Century Code, relating to establishing subgroups and to definitions and eligibility to participate in the group medical plan for certain public employees.

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

HB 1137: A BILL for an Act to create and enact section 6-03-47.3 and subdivision g of subsection 5 of section 6-06-06 of the North Dakota Century Code, relating to bank investments in investment company shares and powers of credit unions; and to declare an emergency.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1171: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to the qualifications of elementary and junior high school teachers; and to amend and reenact subsection 1 of section 15-34.1-03 and section 15-40.1-08 of the North Dakota Century Code, relating to the qualifications required of kindergarten and elementary teachers in order for a school to be approved and receive foundation aid.

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

HB 1172: A BILL for an Act to create and enact a new section to chapter 54-23.2 and three new sections to chapter 54-44.2 of the North Dakota Century Code, relating to radio communication functions by the director of institutions and telecommunication functions by the office of central data processing; to amend and reenact sections 48-07-01, 48-07-02, 48-07-03, 48-07-04, 54-21-19, subsection 3 of section 54-44-11, and sections 54-44.2-00.1 and 54-44.2-02 of the North Dakota Century Code, relating to telecommunication functions by the office of central data processing; and to repeal section 48-07-05 and chapter 54-23.1 of the North Dakota Century Code, relating to responsibility of the director of institutions for state communications.

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

HB 1200: A BILL for an Act to amend and reenact sections 54-17-24 and 54-17-25 of the North Dakota Century Code, relating to the state student loan trusts.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1210: A BILL for an Act to amend and reenact subsection 3 of section 65-13-06 of the North Dakota Century Code, relating to awards and limitations of crime victims reparations when the offender lives in the same household as the victim.

Was read the first time and referred to the **Committee on Industry, Business and Labor**.

HB 1224: A BILL for an Act to amend and reenact section 54-52.1-03 of the North Dakota Century Code, relating to continued health insurance coverage for surviving spouses of certain retired public employees.

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

HB 1232: A BILL for an Act to amend and reenact section 6-06-12 of the North Dakota Century Code, relating to credit union directors, duties, powers, and loan limitations.

Was read the first time and referred to the **Committee on Industry, Business and Labor**.

HB 1242: A BILL for an Act to create and enact a new section to title 12.1 and a new chapter to title 14 of the North Dakota Century Code, relating to relinquishment of children to identified adoptive parents and the crime of child procurement; and to provide a penalty.

Was read the first time and referred to the **Committee on Judiciary**.

HB 1260: A BILL for an Act to amend and reenact subsection 1 of section 57-38-45 of the North Dakota Century Code, relating to the rate of interest imposed on income taxes paid after the due date; and to provide an effective date.

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

HB 1266: A BILL for an Act to amend and reenact sections 35-13-02 and 35-13-03 of the North Dakota Century Code, relating to filing of repairman's lien statements.

Was read the first time and referred to the **Committee on Judiciary**.

HB 1278: A BILL for an Act to amend and reenact section 15-22-23, subsection 1 of section 15-28-03, and sections 15-28-04 and 15-28-07 of the North Dakota Century Code, relating to the date of school district elections.

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

HB 1280: A BILL for an Act to amend and reenact section 53-06.1-08 of the North Dakota Century Code, relating to charitable gambling jars and punchboards.

Was read the first time and referred to the **Committee on Political Subdivisions**.

HB 1281: A BILL for an Act to amend and reenact section 53-06.1-03 of the North Dakota Century Code, relating to local authorization of certain games of chance.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1283: A BILL for an Act to amend and reenact section 53-06.1-11 of the North Dakota Century Code, relating to issuance of prizes and to expense limitations with respect to charitable gambling.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1290: A BILL for an Act to create and enact a new subsection to section 57-43.2-01 of the North Dakota Century Code, relating to the definition of "special fuel wholesaler"; and to amend and reenact subsection 2 of section 23-13-01, subsections 3 and 4 of section 23-13-02.1, sections 57-43.2-05, 57-43.2-06, 57-43.2-07, 57-43.2-08, 57-43.2-09, 57-43.2-10, 57-43.2-11, 57-43.2-22, 57-43.2-23, and 57-43.2-24 of the North Dakota Century Code, relating to the definitions of "filling stations," "self-service motor fuel dispensing facility," and "self-service motor fuel dispensing unit" and administration and imposition of special fuels taxes regarding compressed natural gas and special fuel wholesalers; and to provide a penalty.

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

HB 1313: A BILL for an Act to amend and reenact sections 57-55-03 and 57-55-04.1 of the North Dakota Century Code, relating to delinquent mobile home taxes, and the time for filing claims for refund of mobile home taxes.

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

HB 1337: A BILL for an Act to amend and reenact subsection 3 of section 57-39.2-02.1 of the North Dakota Century Code as contained in section 1 of Senate Bill No. 2901, as approved by the fiftieth legislative assembly, relating to the rate of sales or use tax which applies to contractors; to provide an effective date; and to declare an emergency.

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

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

PERRY GROTEBERG, Secretary