

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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TWENTY-FOURTH DAY

Bismarck, February 6, 1987

The Senate convened at 12:30 p.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend Ed Bartel, Bismarck Baptist Church, Bismarck.

Our Dear Heavenly Father, we praise You today as Lord and God of all of life. You have chosen to grant us this day to do business in this place. We recognize that governments have been ordained by You, and as such owe You their existence and their allegiance.

We are thankful for Your generous support of us as a nation and a state through our past. We have known unparalleled material blessing. We enjoy freedoms that exist in few other places as here. Thank You, Father, for these great treasures.

Father, we pray that You would grant us Your wisdom. Give these Senators wisdom in the decisions they will make today. Provide wisdom for our governor and his staff. Make us aware of Your movement in our midst.

Forgive us for failing to recognize Your place in our lives.

We pray in Jesus' name, Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators Mushik and Tennefos.

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 examined the Journal of the Twenty-third Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SB 2296, SB 2479, SCR 4024

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 1129, HB 1228, HB 1263, HB 1298, HB 1396, HB 1417,
HB 1457, HB 1467, Engrossed HCR 3007

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

SCR 4030, SCR 4039

PERRY GROTEBERG, Secretary

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

SCR 4030, SCR 4039

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1058, HCR 3038

PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2083 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 2, delete the words "and to create and enact two new subsections to"

On page 1, delete lines 3 through 5

On page 1, line 6, delete the word "qualifications"

On page 1, line 9, delete the word "Residential" and insert in lieu thereof the words "Up to seventy-five thousand dollars of the true and full value of residential"

On page 1, line 16, delete the numerals "601" and insert in lieu thereof the numerals "597"

On page 1, line 21, delete the numerals "601" and insert in lieu thereof the numerals "597"

On page 2, delete lines 1 through 33

On page 3, delete lines 1 and 2

On page 3, line 3, after the word "for" insert the words "the first two"

On page 3, line 4, after the numerals "1986" insert the words ", and thereafter is ineffective"

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

SB 2083 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2286 has had the same under consideration and recommends by a vote of 5 YEAS, 2 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 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide limitations on the determination of personal property tax replacement revenue; and to amend and reenact section 57-58-01 of the North Dakota Century Code, relating to personal property tax replacement.

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

SECTION 1. AMENDMENT. Section 57-58-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-58-01. Distribution to counties and local subdivisions. It is hereby provided that any political subdivision which has an existing bonded indebtedness for which a tax levy must be made in 1970 or any year thereafter, shall reduce its levy in each such year for current operating purposes by the amount which its tax levy on taxable property in that year for retirement of the bonded indebtedness is increased because of the exemption of personal property by subsection

25 of section 57-02-08. On or before February 1, 1971, the county auditor of each county shall certify to the state tax commissioner the total amount of taxes levied in the year 1968 for the state, county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes, and levies voted by the people, new or present levies increased by legislative action of such county on those items of personal property exempt under the provisions of section 57-02-08, and, in addition, the total valuation of real estate and taxes levied on real estate for the year 1968. On or before June 1, 1980, and each year thereafter, the state tax commissioner shall certify for payment to the state treasurer an amount, for payment by the state treasurer to each county, determined to be due such county based upon the personal property taxes levied in the year 1968 for the political subdivisions herein mentioned on the items of personal property exempt from the personal property tax under the provisions of section 57-02-08, the per capita school tax under the provisions of former section 57-15-23, and the grain tax under the provisions of former chapter 57-03, together with any adjustments to be made in the manner hereinafter provided. Within sixty days after the receipt of the revenue as provided by this section, the county treasurer shall allocate and remit to the county, cities, park boards, school districts, airport authorities, townships, and all other units of government having the authority to levy taxes that amount of revenue which is received from the state in the same ratio as he would have distributed the revenue from the personal property tax, adjusting such amount by any increase or decrease in real property taxes as levied by each taxing authority according to the formula hereinafter provided. Any amount that would be apportioned and credited to the retirement of a bonded indebtedness existing in 1970 for which a tax levy was made in 1970 and in any year thereafter, shall be credited to the general fund of the political subdivision. In the years after 1971, payments to the counties under this section shall be made based upon ninety-five percent of such payment for 1971 together with a growth factor which shall be based upon the dollar amount of increase or decrease in real property taxes levied within each county. For each seven dollar increase in real property taxation within a county, the state shall contribute an additional one dollar over that amount which equals ninety-five percent of such payment in the base year. For each seven dollar decrease in real property taxation within a county, the state shall contribute one dollar less than that amount which equals ninety-five percent of such payment in the base year.

On or before June 1, 1980, and each year thereafter, the state tax commissioner shall certify to the state treasurer the amount determined to be due to the state

based upon the personal property taxes levied in the year 1968 for the North Dakota state medical center. The amount so certified shall be computed in accordance with the formula provided in this section for computing the amounts to be certified and paid to the counties. The state treasurer upon receiving the certification from the tax commissioner shall transfer from the general fund to the credit of the North Dakota state medical center the amount so certified.

Any political subdivision which levied taxes on taxable property in the year 1970 for a specific fund or purpose for which a levy was not made by it in the year 1968 shall be entitled to a distribution of revenue from the state in the year 1971 for any such levy. The amount of such distribution shall be determined as follows: the county auditor shall certify to the state tax commissioner as soon as possible after March 30, 1971, the amount of each such levy made by and spread for each political subdivision on taxable real property in the county in the year 1970; the tax commissioner shall forthwith determine the correctness of such amounts and certify to the state treasurer for immediate payment to the county an amount that is determined by dividing the total of such levies made and spread in 1970 on taxable real property in the county by the growth factor that is provided in the first paragraph of this section; the county treasurer within fifteen days after the receipt of such revenue from the state treasurer shall allocate and remit to each political subdivision its proportionate amount of that revenue.

If the classification of any property for taxation purposes is changed from real to personal property or from personal to real property because of legislative or judicial action, the county auditor of the county in which the property is located shall forthwith certify to the tax commissioner the amount of real estate taxes or personal property taxes that was levied on all such property by each taxing district in the year 1968 and in any other year thereafter that the tax commissioner may request. The tax commissioner, in determining the amount to be certified to the state treasurer for payment to the county pursuant to this section, shall adjust the amounts of taxes certified by the county auditor as levied on real property and on personal property in 1968 and in any other year as may be necessary by adding to or subtracting from each such amount the taxes on the reclassified property so that the distribution by the state to the county will be determined as though such property had been taxed in 1968 and all later years in the classification into which it was reclassified.

Notwithstanding the other provisions of this section, personal property tax replacement is an amount equal to

five percent of the net proceeds of state income taxes and sales and use taxes for the year prior to the current fiscal year, subject to legislative appropriation. If moneys generated by tax revenues and appropriated by the legislative assembly to the state treasurer for personal property tax replacement are not in the amount which would be provided under this formula for distribution, the state treasurer shall provide pro rata distribution of available funds on the basis of the formula contained in this section."

SECTION 2. Limitation on determination of the amount of personal property tax replacement revenue for the 1987-89 biennium. Personal property tax replacement determined under section 57-58-01 may not exceed twenty-seven million nine hundred ninety thousand dollars for the 1987-89 biennium."

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

SB 2286 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2323 has had the same under consideration and recommends by a vote of 5 YEAS, 2 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, delete the word "section" and insert in lieu thereof the word "sections" and after the numerals "57-20-01" insert the numerals ", 57-24-12, 57-24-24,"

On page 1, line 2, delete the words "subsection 2 of section"

On page 1, line 25, remove the overstrike over the word "~~personal~~"

On page 2, delete lines 4 through 11 and insert in lieu thereof the following new sections:

"SECTION 2. AMENDMENT. Section 57-24-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-24-12. County auditor to sell lands at public auction - Time of sale. The sale of lands by the county auditor shall be conducted as follows:

1. On the second Tuesday in December of each year, the county auditor, at his office or the usual place of holding court in the same building, shall sell at public auction the lands, lots, or tracts of real property described in the tax list

posted as provided in this chapter. The sale shall commence at the hour of ten a.m., but may be adjourned from day to day for a period of ten days, whenever adjournment is necessary for the disposal of the lands advertised.

2. Before any tract or parcel of land is offered for sale, the auditor shall announce the total amount of taxes, penalties, and cost of advertising the same for sale, and the part representing personal property taxes, if any, extended against such land.
3. The lands, lots, or parcels of land shall be offered for sale by the county auditor, or his deputy, in the order in which they appear in the advertised list, and each tract or lot shall be offered separately and struck off to the bidder who will pay the total amount as announced by the county auditor under the provisions of subsection 2, and who will agree to accept the lowest rate of interest from the date of sale on such total amount, the rate in no case to exceed ~~nine~~ seven percent per annum.
4. If the sum bid for any tract, lot, or parcel of land is not paid before the sale closes, the tract, lot, or parcel again shall be offered for sale in like manner.

SECTION 3. AMENDMENT. Section 57-24-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-24-24. Form of subsequent tax sale certificate. The county auditor shall execute to the payer of subsequent taxes a subsequent tax sale certificate which shall be substantially in the following form:

SUBSEQUENT TAX SALE CERTIFICATE

----- County, North
Dakota

I, -----, county auditor of ----- County in the state of North Dakota, hereby do certify that at the annual tax sale of real estate held on the ----- day of December, 19--, the following described real estate to wit: ----- was sold for the taxes of the year ----- to ----- of ----- for the aggregate sum of ----- dollars (\$-----), and there was issued to such purchaser tax sale certificate No. ----- and that thereafter, the owner of said tax sale certificate paid subsequent taxes upon said real estate for the year

----- which payment was made on ----- and it is hereby certified that there is due him on account of subsequent taxes for said year, the sum of ----- dollars (\$-----), together with interest at ~~nine~~ seven percent ~~(9%)~~ (7%) per annum from -----, and that unless redemption shall be made from this subsequent tax sale certificate within three (3) years from December -----, 19--, he will be entitled after due notice given, to a tax deed conveying to him the said real estate.

Given under my hand and the seal of the county auditor of ----- County, North Dakota, this ----- day of -----, 19--.

County Auditor of -----
County.

SECTION 4. AMENDMENT. Section 57-26-03 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-26-03. How redemption made. Redemption from tax sale shall be made:

1. If the certificate is an original certificate acquired at tax sale, or as an assignee of one who acquired the same at tax sale, by paying the amount paid by the purchaser of such tax sale certificate, plus interest on such amount at the rate bid by the purchaser, from the date of such certificate.
2. If the land was sold to the county for lack of bidders at the sale of the land for taxes, by paying the amount of the certificate or the amount entered in the record as the amount for which sold, plus interest thereon at the rate of twelve ~~seven~~ percent per annum.
3. If the certificate is a subsequent tax sale certificate, by paying the amount which the person named therein paid for the same plus interest on such amount at the rate of nine ~~seven~~ percent per annum. Subsequent tax sale certificates must be redeemed in the order in which they were issued."

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

SB 2323 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 2055 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2055 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 2212 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. SATROM, Chairman

SB 2212 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2298 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. HILKEN, Chairman

SB 2298 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred SB 2325 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. J. MEYER, Chairman

SB 2325 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2332 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2332 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2341 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. DOTZENROD, Chairman

SB 2341 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2355 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. DOTZENROD, Chairman

SB 2355 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2359 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2359 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2364 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. DOTZENROD, Chairman

SB 2364 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 2382 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. SATROM, Chairman

SB 2382 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2395 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. DOTZENROD, Chairman

SB 2395 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2452 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2452 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 2458 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2458 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 2466 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. LASHKOWITZ, Chairman

SB 2466 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2481 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. HILKEN, Chairman

SB 2481 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2487 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. W. MEYER, Chairman

SB 2487 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2492 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2492 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2499 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. DOTZENROD, Chairman

SB 2499 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2518 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2518 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2519 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. W. MEYER, Chairman

SB 2519 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2540 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. KRAUTER, Chairman

SB 2540 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4001 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. STROMME, Chairman

SCR 4001 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4002 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. STROMME, Chairman

SCR 4002 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred SCR 4010 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. J. MEYER, Chairman

SCR 4010 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred SCR 4021 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. J. MEYER, Chairman

SCR 4021 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 2393 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 PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and be rereferred to the Committee on Appropriations.

SEN. SATROM, Chairman

SB 2393 was rereferred to the Committee on Appropriations.

REPORT OF PROCEDURAL COMMITTEE

PRESIDENT PRO TEM REDLIN: Your procedural Committee on Delayed Bills has examined a Senate Concurrent Resolution urging Congress to adopt positive, solution-oriented programs of assistance targeted to address agricultural economic difficulties.

SEN. MAIXNER, Chairman

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

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sen. W. Meyer and Rep. Nicholas introduced:

(Approved by the Committee on Delayed Bills)

SCR 4044: A concurrent resolution urging Congress to adopt positive, solution-oriented programs of assistance targeted to address agricultural economic difficulties.

Was read the first time.

MOTIONS

SEN. W. MEYER MOVED that the rules be suspended, that SCR 4044 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

SEN. MOORE MOVED that SCR 4044 be amended as follows:

On page 2, delete lines 4, 5, and 6

And renumber the lines, sections, and pages accordingly

OBJECTION

SEN. HEIGAARD OBJECTED to amending SCR 4044 from the floor without receiving the proposed amendments in writing in advance.

THE PRESIDENT PRO TEM RULED that pursuant to Senate rules the proposed amendments cannot be considered.

Sen. W. Meyer and Rep. Nicholas introduced:

SENATE CONCURRENT RESOLUTION NO. 4044

A concurrent resolution urging Congress to adopt positive, solution-oriented programs of assistance targeted to address agricultural economic difficulties.

WHEREAS, the agricultural sector continues to face the combined problems of weak export markets, competitive advantage difficulties, declining asset values, nonproductive debt, and lack of available credit at an affordable interest rate; and

WHEREAS, the prolonged difficulties have created a negative attitude, which hinders progressive actions to stimulate an agricultural sector turnaround; and

WHEREAS, burdensome world grain stockpiles continue to clog this country's prospects for a dramatic increase in export levels; and

WHEREAS, one-third of commercial farmers have two-thirds of the total debt of commercial farmers; and

WHEREAS, this substantial amount of debt is nonproductive and cannot be paid out of the earnings from assets; and

WHEREAS, federal budget cutbacks in agricultural programs are being proposed at a time when farm and ranch families are depending on the federal government for continued support in its commitment to aid in the transition that agriculture is going through; and

WHEREAS, the impact of farm economy difficulties greatly affects the overall well-being of rural families, communities, and the state of North Dakota as a whole;

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

That the Fiftieth Legislative Assembly urges the Congress of the United States to adopt positive, solution-oriented programs of assistance targeted at addressing farm credit difficulties; and

BE IT FURTHER RESOLVED, that Congress continue its financial commitment to farm and ranch families in the transition to a market-oriented agricultural system; and

BE IT FURTHER RESOLVED, that Congress consider the impact on the agricultural sector of constant changes in farm program operation and federal farm policy changes; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the United States Secretary of Agriculture, the chairmen of the United States Senate and House Committees on Agriculture, and to each member of the North Dakota Congressional Delegation.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4044: A concurrent resolution urging Congress to adopt positive, solution-oriented programs of assistance targeted to address agricultural economic difficulties.

Was read the second time.

The question being on the final adoption of the resolution.

SCR 4044 was declared adopted on a voice vote.

MOTION

SEN. W. MEYER MOVED that the rules be suspended and that SCR 4044 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:

SCR 4044

PERRY GROTEBERG, Secretary

MOTIONS

SEN. NETHING MOVED that the Senate reconsider its action whereby SCR 4011 failed.

SEN. WOGSLAND MOVED the previous question, which motion was ruled out of order by the President Pro Tem pursuant to Senate rules.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SCR 4011 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SCR 4011 failed to pass, the roll was called and there were 25 YEAS, 26 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad;
Kelly; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja;

Nelson; Nething; Olson; Peterson; Reiten; Stenehjelm;
Streibel; Thane; Todd; Tweten; Vosper; Wright

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken;
Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner;
Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.;
Redlin; Richard; Satrom; Schoenwald; Shea; Stromme;
Tallackson; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik; Tennefos

So the motion to reconsider the action whereby SCR 4011 failed to pass failed.

CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to SB 2307 as recommended by the Committee on Judiciary as printed on pages 576-577 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

SEN. HEINRICH MOVED that the amendments to SB 2357 as recommended by the Committee on Education as printed on pages 577-578 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SB 2357 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LASHKOWITZ MOVED that the amendments to SB 2420 as recommended by the Committee on Judiciary as printed on page 578 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2420 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to SB 2456 as recommended by the Committee on Education as printed on page 578 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SB 2456 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. D. MEYER MOVED that the amendments to SB 2459 as recommended by the Committee on State and Federal Government as printed on pages 578-581 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2459 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to SB 2506 as recommended by the Committee on Education as printed on pages 581-582 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2506 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to SB 2517 as recommended by the Committee on Education as printed on pages 582-583 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SB 2517 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LASHKOWITZ MOVED that the amendments to SCR 4016 as recommended by the Committee on Judiciary as printed on page 583 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SCR 4016 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

SCR 4030, SCR 4039

ROY GILBREATH, Chief Clerk

MOTION

SEN. YOCKIM MOVED that SB 2405 be returned to the Senate floor from the Committee on Transportation, which motion prevailed.

REQUEST

SEN. YOCKIM REQUESTED the unanimous consent of the Senate to withdraw SB 2405. There being no objection, it was so ordered by the President Pro Tem.

MOTIONS

SEN. HEIGAARD MOVED that SB 2429 be placed at the foot of the calendar, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2149, which is on the Eleventh order, be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2356 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2356: A BILL for an Act to amend and reenact sections 16.1-01-07, 16.1-04-03, 16.1-06-16, 16.1-11-01, 16.1-11-05, 16.1-11-06, 16.1-11-11, 16.1-11-17, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-12-04, 16.1-12-05, 16.1-12-07, 16.1-12-09, 16.1-13-03, 16.1-15-17, 16.1-15-22, 16.1-15-25, and 16.1-15-35 of the North Dakota Century Code, relating to the date of the primary election and election filing deadlines; and to repeal sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and 16.1-11-34 of the North Dakota Century Code, relating to the presidential preference primary.

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 18 YEAS, 34 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heinrich; Hilken; Keller; Kelsh; Krauter; Lashkowitz; Maixner; Mathern; Meyer, J.; Mushik; Redlin; Richard; Schoenwald; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Heigaard; Holmberg; Ingstad; Kelly; Langley; Lips; Lodoen; Maxson; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Reiten; Satrom; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Tennesfos

SB 2356 lost.

SB 2049: A BILL for an Act to create and enact three new sections to chapter 54-40.2 of the North Dakota Century Code, relating to agreements between state agencies and Indian tribes.

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; Shea; Stenehjem; Streibel;
Stromme; Tallackson; Thane; Todd; Tweten; Vosper;
Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Tennefos

SB 2049 passed and the title was agreed to.

SB 2272: A BILL for an Act to amend and reenact subsections 1 and 3 of section 41-09-41 and subsection 5 of section 41-09-42 of the North Dakota Century Code, relating to Uniform Commercial Code form requirements and fees for those filings.

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 51 YEAS, 1 NAY, 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; Shea; Stenehjem; Streibel;
Stromme; Tallackson; Thane; Todd; Tweten; Vosper;
Waldera; Wright; Yockim

NAYS: Wogsland

ABSENT AND NOT VOTING: Tennefos

SB 2272 passed and the title was agreed to.

SB 2274: A BILL for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to tuition payments for special education students placed outside their districts of residence for purposes other than education.

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 9 YEAS, 43 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Maixner; Mathern; Moore; Mushik; Satrom; Schoenwald; Tallackson; Wright; Yockim

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

ABSENT AND NOT VOTING: Tennefos

SB 2274 lost.

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 2058, SB 2117, SB 2239, SB 2268, SB 2363, SB 2417, SB 2426, SCR 4023

PERRY GROTEBERG, Secretary

SECOND READING OF SENATE BILLS

SB 2293: A BILL for an Act to amend and reenact sections 54-55-01 and 54-55-05 of the North Dakota Century Code, relating to the commission on uniform state laws.

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; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Tennefos

SB 2293 passed and the title was agreed to.

SB 2350: A BILL for an Act to create and enact chapter 43-18.2 of the North Dakota Century Code, relating to the installation and repair of sewer and water installations; to provide a continuing appropriation; and to provide a penalty.

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 51 YEAS, 0 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; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Tallackson; Tennefos

SB 2350 passed and the title was agreed to.

SB 2358: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the rating and transfer of lower division courses taken at the several institutions of higher education.

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 33 YEAS, 19 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.;

Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja;
Nething; Redlin; Richard; Satrom; Schoenwald;
Stenehjem; Stromme; Tallackson; Tweten; Wogsland;
Yockim

NAYS: Adams; Bakewell; David; Heinrich; Kelly; Lips;
Lodoen; Naaden; Nelson; Olson; Peterson; Reiten; Shea;
Streibel; Thane; Todd; Vosper; Waldera; Wright

ABSENT AND NOT VOTING: Tennefos

SB 2358 passed and the title was agreed to.

SB 2383: A BILL for an Act to amend and reenact section 6-05-06 of the North Dakota Century Code, relating to the number of directors and qualifications of trust companies.

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;
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; Thane; Todd; Tweten; Vosper;
Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Tennefos

SB 2383 passed and the title was agreed to.

SB 2384: A BILL for an Act to create and enact a new section to chapter 15-40.1 and a new subdivision to subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to taxing authority of school districts entering into cooperative agreements.

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; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Tennefos

SB 2384 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILLS

SB 2385: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-12 of the North Dakota Century Code, relating to the due date of the last sales and use tax return for the 1987-89 biennium.

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 35 YEAS, 16 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; Olson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: Adams; David; Freborg; Kelly; Lodoen; Mutch; Naaden; Nelson; Nething; Peterson; Streibel; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Bakewell; Tennefos

SB 2385 passed and the title was agreed to.

SB 2386: A BILL for an Act to amend and reenact subsections 3 and 9 of section 10-04-06 of the North Dakota Century Code, relating to securities transactions exempt from registration requirements.

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 14 YEAS, 36 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Dotzenrod; Ingstad; Lashkowitz; Maixner; Meyer, D.; Nelson; Olson; Reiten; Stenehjem; Thane; Todd; Wright; Yockim

NAYS: Axtman; David; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelly; Kelsh; Krauter; Langley; Lips; Lodoen; Mathern; Maxson; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Tweten; Vosper; Waldera; Wogsland

ABSENT AND NOT VOTING: Bakewell; Meyer, W.; Tennesfos

SB 2386 lost.

SB 2394: A BILL for an Act to amend and reenact section 23-13-15 of the North Dakota Century Code, relating to duties of landlords and tenants with respect to smoke detectors.

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 48 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Heigaard; Schoenwald

ABSENT AND NOT VOTING: Bakewell; Meyer, W.; Tennefos

SB 2394 passed and the title was agreed to.

SB 2428: A BILL for an Act to amend and reenact section 43-03-09 of the North Dakota Century Code, relating to the practice of architecture without a license.

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 5 YEAS, 45 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Lips; Maixner; Redlin; Schoenwald; Tallackson

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

ABSENT AND NOT VOTING: Bakewell; Meyer, W.; Tennefos

SB 2428 lost.

SB 2436: A BILL for an Act to amend and reenact section 57-60-14 of the North Dakota Century Code, relating to the time for distribution of the privilege tax on coal facilities by the state treasurer.

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

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Meyer, W.; Tennefos

SB 2436 passed and the title was agreed to.

SB 2439: A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to financial institutions pledge of investment company shares in place of depository bond.

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 47 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Mathern; Redlin; Wogsland

ABSENT AND NOT VOTING: Bakewell; Meyer, W.; Tennefos

SB 2439 passed and the title was agreed to.

SB 2465: A BILL for an Act to provide for regulation of invention development services.

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

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Meyer, W.; Tennefos

SB 2465 passed and the title was agreed to.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SCR 4044 which the House has amended:

HOUSE AMENDMENTS TO SCR 4044

On page 2, line 3, after the word "difficulties" insert the words "and to improve the Food Security Act of 1985 to provide improved returns to farm and ranch families, thereby reaffirming a commitment to a strong agrarian system of family farms and ranches"

On page 2, line 4, delete the words "continue its financial" and insert in lieu thereof the words "implement measures in the farm program to target government spending to full-time family farmers and ranchers and to also target a portion of this spending to deal with the debt crisis facing American agriculture"

On page 2, delete line 5

On page 2, line 6, delete the words "market-oriented agricultural system"

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

SECOND READING OF SENATE BILLS

SB 2467: A BILL for an Act to amend and reenact section 16.1-05-06 of the North Dakota Century Code, relating to election poll challengers and poll checkers.

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

YEAS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme;

Tallackson; Thane; Todd; Tweten; Vosper; Waldera;
Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Meyer, W.; Tennefos

SB 2467 passed and the title was agreed to.

SB 2475: A BILL for an Act to amend and reenact section 27-20-48 of the North Dakota Century Code, relating to the appointment of a guardian ad litem in proceedings under the Uniform Juvenile Court Act.

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 7 YEAS, 45 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Heigaard; Holmberg; Lips; Maixner; Mathern; Mushik;
Wogsland

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

ABSENT AND NOT VOTING: Tennefos

SB 2475 lost.

SB 2489: A BILL for an Act to create and enact a new section to chapters 10-13 and 49-21 of the North Dakota Century Code, relating to immunity from civil liability of directors, trustees, officers, and managers of electric cooperative corporations and telephone cooperatives; and to amend and reenact subsection 10 of section 10-15-03 and subsection 1 of section 10-15-31 of the North Dakota Century Code, relating to indemnification and immunity from civil liability of directors, officers, agents, or managers of cooperative associations.

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; Keller; Kelly; Kelsh; Krauter; Langley; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Ingstad; Lashkowitz

ABSENT AND NOT VOTING: Holmberg; Tennefos

SB 2489 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that the Senate concur in the House amendments to SCR 4044.

The question being on the motion to concur in the House amendments to SCR 4044, which motion prevailed on a voice vote.

The President Pro Tem placed SCR 4044 on the Eleventh order of business for the succeeding legislative day.

MOTIONS

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

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 Thirteenth order of business, and at the conclusion of the Thirteenth order of business, and after the reading of SB 2055, SB 2212, SB 2298, SB 2307, SB 2325, SB 2332, SB 2341, SB 2355, SB 2357, SB 2359, SB 2364, SB 2382, SB 2395, SB 2420, SB 2452, SB 2456, SB 2458, SB 2459, SB 2466, SB 2481, SB 2487, SB 2492, SB 2499, SB 2506, SB 2517, SB 2518, SB 2519, SB 2540, SCR 4001, SCR 4002, SCR 4010, SCR 4016, SCR 4021, and SCR 4044, the Senate adjourn and convene at 1:00 p.m., Monday, February 9, 1987, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Lips, Tallackson, Stromme and Reps. Hoffner, Mertens, Martin introduced:

SCR 4042: A concurrent resolution directing the Legislative Council to study the life insurance needs of individuals born with incurable diseases.

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

Sens. Wright, Reiten, Redlin introduced:

(Approved by the Committee on Delayed Bills)

SCR 4043: A concurrent resolution designating U.S. Highway 2 as the Centennial Highway.

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

FIRST READING OF HOUSE BILLS

HB 1031: A BILL for an Act to amend and reenact sections 15-03-04, 15-03-15, 15-39.1-26, 21-10-01, 21-10-02, 21-10-04, 21-10-05, 21-10-06, 21-10-07, 21-10-08, 37-07.3-02, 37-14-14, and 54-30-15 of the North Dakota Century Code, relating to powers and duties of the state investment board, meetings of the state investment board, powers and duties of the state investment board director, and legal investments for the state investment board; and to repeal section 21-10-03 of the North Dakota Century Code, relating to activities of the state investment board in cooperation with the Bank of North Dakota.

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

HB 1067: A BILL for an Act to amend and reenact section 61-01-27 of the North Dakota Century Code, relating to the conversion of oil and gas exploration and production wells to water wells.

Was read the first time and referred to the Committee on Natural Resources.

HB 1068: A BILL for an Act to amend and reenact paragraph 13 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to drivers license penalty points for fleeing a peace officer; and to provide a penalty.

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

HB 1089: A BILL for an Act to amend and reenact sections 39-10-71 and 39-12-14.1 of the North Dakota Century Code, relating to fleeing or eluding a peace officer and settlement of extraordinary road use fee charges.

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

HB 1117: A BILL for an Act to amend and reenact section 2-06-14, subsection 2 of section 2-06-19, and subsection 2 of section 40-38-02 of the North Dakota Century Code, relating to the responsibility for maintaining airport authority and library funds and records.

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

HB 1197: A BILL for an Act to amend and reenact section 39-06-33, subsection 1 of section 39-06.1-10, and section 39-16-02 of the North Dakota Century Code, relating to hearings for administrative appeals; and to repeal sections 39-06-33.1 and 39-06-39 of the North Dakota Century Code, relating to the authority to suspend licenses after traffic death or injury and administrative and judicial review of license suspensions and revocations.

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

HB 1289: A BILL for an Act to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to objects loaned or donated to local museums which have closed.

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

HB 1317: A BILL for an Act to amend and reenact section 11-11-37 of the North Dakota Century Code, relating to the publication of the report of the proceedings of the board of county commissioners; and to repeal section 11-13-09 of the North Dakota Century Code, relating to the publication of the auditor's report of the proceedings of the board of county commissioners.

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

HB 1394: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements.

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

HB 1405: A BILL for an Act to amend and reenact section 26.1-38-01 of the North Dakota Century Code, relating to the insurance companies that must participate in the life and health insurance guaranty association.

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

HB 1416: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to foundation aid payments to school districts with high schools that reorganize or annex.

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

HB 1419: A BILL for an Act to amend and reenact subsection 1 of section 39-08-03.1 of the North Dakota Century Code, relating to the amount of statutory fees for exhibition driving and drag racing; and to provide a penalty.

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

HB 1420: A BILL for an Act to create and enact a new section to chapter 40-11 of the North Dakota Century Code, relating to sale of property by cities; and to amend and reenact section 40-11-04 of the North Dakota Century Code, relating to transfers of property by cities.

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

DELIVERY OF ENROLLED RESOLUTIONS

THE PRESIDENT PRO TEM ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 2:40 p.m., February 6, 1987:

SCR 4030, SCR 4039

COMMUNICATION

Doctor of the Day Schedule

February 10: Jeff Smith, M.D. - Bismarck
Family Practice
February 11: Howard Eliason, M.D. - Bismarck
Family Practice
February 12: Doug Moen, M.D. - Bismarck
Family Practice
February 13: Phil Curtis, M.D. - Jamestown
Urologist

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

PERRY GROTEBERG, Secretary

FRIDAY, FEBRUARY 6, 1987

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