

## JOURNAL OF THE SENATE

## Fiftieth Legislative Assembly

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## THIRTY-SIXTH DAY

Bismarck, February 26, 1987

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

The prayer was offered by Reverend Arland Fiske, Bethany Lutheran Church, Minot.

Father in Heaven, we thank You for Your mercies upon this good land of America, and especially for this state called North Dakota. We thank You for Your faithfulness to our fathers and mothers, both immigrants and Native Americans; for natural resources of soil and energy; for rainfall and sunshine; for educational opportunities to our children; for medical care to the sick; for assistance to the poor; for businesses which supply our needs; for wholesome employment and for laborers who toil to provide us with needed services.

Open our eyes to see Your powerful hand in all of our affairs and to feel Your presence when we are tempted to despair. Deliver us from fear and from panic. Give us the vision of faith in Your providence so that we may build for the future even when resources seem inadequate.

Send Your holy spirit upon this assembly: The spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge and the fear of the Lord, the spirit of joy in Your presence. Through Jesus Christ, Your Son, our Lord. Amen.

## ROLL CALL

The roll was called and all Senators were present, except Senators Ingstad, W. Meyer, Nalewaja, Nething, Reiten, and Tennesfos.

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 Thirty-fourth Day and recommends that the same be corrected as follows and, when so corrected, recommends that the same be approved:

On page 1084, line 34, after the word "to" delete the following:  
"and the emergency clause carried"

On page 1088, line 27, after the word "to" insert the words "and the emergency clause carried"

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 Thirty-fifth Day and finds the same to be correct.

SEN. J. MEYER, Chairman

SEN. AXTMAN MOVED that the report be adopted, 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 2015, SB 2016, SB 2023, SB 2031, SB 2037, SB 2038,  
SB 2063, SB 2286, SB 2351, SB 2393, SB 2406, SB 2418,  
SB 2453, SB 2477, SB 2494, SB 2496, SB 2520, SB 2523

PERRY GROTEBERG, Secretary

#### CONFIRMATION SESSION

SEN. MAIXNER MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

#### REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your select committee appointed to consider the nominee to the State Board of Higher Education do advise and consent to the nomination of:

E. Gene Martin

SEN. SHEA, Chairman

SEN. SHEA MOVED that the report be adopted.

#### ROLL CALL

The question being "Will the Senate advise and consent to the nomination of E. Gene Martin, Grand Forks, for the Board of Higher Education, the roll was called and there were 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;  
Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelly;  
Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen;  
Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore;  
Mushik; Mutch; Naaden; Nelson; Olson; Peterson; Redlin;  
Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel;

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja;  
Nething; Reiten; Tennefos

The Senate advises and consents to the nomination of  
E. Gene Martin for the Board of Higher Education.

#### MOTION

SEN. MAIXNER MOVED that the Confirmation Session be dissolved,  
which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on State and Federal Government to  
which was referred HB 1180 has had the same under consideration  
and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT  
VOTING that the same BE AMENDED AS FOLLOWS and when so amended,  
recommends the same DO PASS:

On page 2, line 6, delete the words "If at least fifty"

On page 2, line 7, delete the words "percent of the principal on  
a loan has been paid, the" and insert in lieu thereof the  
word "The"

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

HB 1180 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  
HB 1275 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 3, after the word "proposals" insert the words  
"; and to declare an emergency"

On page 1, line 22, overstrike the comma

On page 2, after line 11, insert the following section:

"SECTION 2. EMERGENCY. This Act is declared to be  
an emergency measure and is in effect upon its filing with  
the secretary of state."

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

HB 1275 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 HB 1276 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 3, after the word "boards" insert the words "; and to declare an emergency"

On page 2, after line 8, insert the following section:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state."

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

HB 1276 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Judiciary to which was referred HB 1343 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 3, line 30, overstrike the words "less than" and after the word "percent" insert the words "or less"

On page 3, line 34, overstrike the words "less than" and after the word "percent" insert the words "or less"

On page 4, line 10, after the word "by" insert the words "more than one percent and"

On page 4, line 14, after the word "by" insert the words "more than one-half of one percent and"

On page 7, line 16, after the word "state" insert the words "or county auditor"

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

HB 1343 was placed on the Sixth 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 4054 has had the same under

consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. J. MEYER, Chairman

SCR 4054 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 HB 1066 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

HB 1066 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1071 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. DOTZENROD, Chairman

HB 1071 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1116 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. DOTZENROD, Chairman

HB 1116 was placed on the Fourteenth 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 HB 1152 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

HB 1152 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1162 has had the same under consideration and recommends by a vote of 4 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

HB 1162 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1198 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. HILKEN, Chairman

HB 1198 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1286 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. AXTMAN, Vice Chairman

HB 1286 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1396 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. AXTMAN, Vice Chairman

HB 1396 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HCR 3007 has had the same under consideration and recommends by a vote of 4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. KRAUTER, Chairman

HCR 3007 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

SEN. STROMME MOVED that SCR 4025 be returned to the Senate floor from the Committee on Joint Constitutional Revision, which motion prevailed.

#### REQUEST

SEN. STROMME REQUESTED the unanimous consent of the Senate to withdraw SCR 4025. There being no objection, it was so ordered by the President Pro Tem.

#### MOTIONS

SEN. MAIXNER MOVED that HB 1145, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. MAIXNER MOVED that HB 1373 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

SEN. MAIXNER MOVED that HB 1373 be rereferred to the Committee on Political Subdivisions, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SCR 4017 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 893 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTIONS

SEN. STENEHJEM MOVED that SCR 4017 be further amended as follows:

In addition to the proposed amendments to Senate Concurrent Resolution No. 4017, as printed on page 893 of the Senate Journal, Senate Concurrent Resolution No. 4017 is amended as follows:

On page 1, delete lines 21 through 24

And renumber the lines, sections, and pages accordingly

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

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution directing the Legislative Council to study the investigation and prosecution procedures for child abuse and neglect cases and to determine whether state law protects the interests of justice and of all parties involved in such cases.

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

The question being on the final adoption of the resolution, as amended.

SCR 4017 was declared adopted and the title was agreed to on a voice vote.

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## CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to SCR 4026 as recommended by the Committee on Judiciary as printed on page 894 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4026: A concurrent resolution directing the Legislative Council to study programs for assistance to victims of and witnesses to crime.

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

The question being on the final adoption of the resolution, as amended.

SCR 4026 was declared adopted and the title was agreed to on a voice vote.

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#### CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to HB 1056 as recommended by the Committee on Judiciary as printed on pages 924-926 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1056 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. D. MEYER MOVED that the amendments to HB 1172 as recommended by the Committee on State and Federal Government as printed on page 926 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1172 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to HB 1163 as recommended by the Committee on Natural Resources as printed on page 1096 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1163 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE BILL

SB 2544: A BILL for an Act to create and enact six new sections to chapter 5-01 of the North Dakota Century Code, relating to certain practices of importers, manufacturers, wholesalers, and retailers of liquor; to repeal section 5-01-11 of the North Dakota Century Code, relating to certain unfair competition; 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 6 YEAS, 41 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Bakewell; Meyer, D.; Meyer, J.; Peterson;  
Stenehjem; Yockim

NAYS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard;  
Heinrich; Hilken; Holmberg; Keller; Kelly; Kelsh;  
Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner;  
Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nelson;  
Olson; Redlin; Richard; Satrom; Schoenwald; Shea;



Streibel; Stromme; Tallackson; Thane; Todd; Tweten;  
Vosper; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja;  
Nething; Reiten; Tennefos

SB 2544 lost.

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SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4050: A concurrent resolution directing the Legislative Council to study the office, duties, and functions of the Commissioner of Labor and whether these could be adequately performed by other state agencies.

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

The question being on the final adoption of the resolution.

SCR 4050 was declared adopted and the title was agreed to on a voice vote.

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SCR 4051: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state bonding fund for those persons who are required by state law to be bonded in order to engage in business activities.

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

The question being on the final adoption of the resolution.

SCR 4051 was declared adopted and the title was agreed to on a voice vote.

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SCR 4053: A concurrent resolution directing the Legislative Council to study the appropriation of special funds.

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

The question being on the final adoption of the resolution.

SCR 4053 was declared adopted and the title was agreed to on a voice vote.

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SECOND READING OF SENATE CONCURRENT RESOLUTIONS  
ON CONSENT CALENDAR

SCR 4032: A concurrent resolution designating May 14, 1989, as "Founders Day" to remember those citizens involved in creating the Constitution of North Dakota.

SCR 4033: A concurrent resolution designating July 4, 1989, as "Constitution Day" to observe the creation of the Constitution of North Dakota.

SCR 4034: A concurrent resolution designating February 22, 1989, as "Government Day" to observe and remember the day when the organizing of North Dakota state government was authorized to begin.

Which have been read.

The question being on the final adoption of the resolutions.

So the resolutions were adopted and the titles were agreed to on a voice vote.

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SECOND READING OF HOUSE BILLS

HB 1029: A BILL for an Act to amend and reenact subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the agencies defined as administrative agencies under the Administrative Agencies Practice 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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1029 passed and the title was agreed to.

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HB 1050: A BILL for an Act to amend and reenact sections 6-05-06, 10-06-01, subsection 3 of section 10-19.1-92, section 10-19.1-123, subsection 1 of section 10-30.1-04, sections 11-28.3-06, 21-03-09, 26.1-03-03, subsection 2 of section 26.1-18-28, section 26.1-21-22, subsection 3 of section 26.1-27-06, subsection 7 of section 26.1-33-05, sections 28-22-02, 29-07-01.1, 34-01-09.1, subsection 2 of section 34-11.1-04, sections 34-13-15, 35-08-04, 37-17.1-20, subsection 2 of section 39-10-07, sections 39-10-69, 39-10.1-01, 39-10.1-08, 39-20-12, 40-05-02, subsection 6 of section 41-09-42, sections 43-01-20, 43-33-07, 45-11-01, 50-06-05.2, subsection 1 of section 50-06-05.3, sections 54-14-03.1, 54-40-01, 54-54-03, 57-02-14, 57-11-03, 57-23-08, 57-28-18, 57-38-30.3, 61-21-46, and 65-14-01 of the North Dakota Century Code, relating to improper, inaccurate, redundant, or obsolete references; and to repeal section 35-20-10 of the North Dakota Century Code, relating to lien notices for federal taxes.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1050 passed and the title was agreed to.

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#### 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 2003, SB 2004, SB 2005, SB 2010, SB 2017, SB 2018,  
SB 2030, SB 2078, SB 2079, SB 2166, SB 2172, SB 2220,  
SB 2283, SB 2392, SB 2470, SB 2471, SB 2480, SB 2512,  
SB 2535, SB 2536, SB 2537

PERRY GROTEBERG, Secretary

#### SECOND READING OF HOUSE BILLS

HB 1069: A BILL for an Act to create and enact a new section to chapter 16.1-10 of the North Dakota Century Code, relating to sales or distribution of materials at polling places on election day.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1069 passed and the title was agreed to.

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HB 1074: A BILL for an Act to amend and reenact sections 53-01-07, 53-01-09, 53-01-10, 53-01-12, 53-01-13, 53-01-15, 53-01-16, 53-01-18, and 53-01-19 of the North Dakota Century Code, relating to removal of the five percent gross receipts tax on boxing, sparring, and wrestling exhibitions, and to removal of regulatory authority of the secretary of state over wrestling exhibitions; and to repeal sections 53-01-11 and 53-01-14 of the North Dakota Century Code, relating to the bond required and inspection of records for payment of the five percent gross receipts tax on boxing, sparring, and wrestling exhibitions.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1074 passed and the title was agreed to.

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HB 1100: A BILL for an Act to create and enact a new section to chapter 39-01 of the North Dakota Century Code, relating to the administration of oaths and the admissibility of certified copies in matters pertaining to driver's license proceedings.

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 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1100 passed and the title was agreed to.

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HB 1105: A BILL for an Act to amend and reenact subsection 14 of section 40-05-02 of the North Dakota Century Code, relating to public service commission approval of municipal traffic regulations.

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 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Ingstad; Meyer, W.; Naaden; Nalewaja; Nething; Reiten; Tennefos

HB 1105 passed and the title was agreed to.

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HB 1111: A BILL for an Act to amend and reenact sections 4-21.1-01, 4-21.1-02, 4-21.1-03, 4-21.1-04, 4-21.1-05, 4-21.1-06, 4-21.1-11, 4-21.1-12, 4-21.1-13, 4-21.1-14, and 4-21.1-16 of the North Dakota Century Code, relating to inspection, certification, and licensing of nurseries and nursery stock; and to repeal sections 4-21.1-07, 4-21.1-08, 4-21.1-09, 4-21.1-10, 4-21.1-15, and 4-21.1-17 of the North Dakota Century Code, relating to nursery stock dealers and agents licenses, special inspections, late filing of license applications and the deposit of funds.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1111 passed and the title was agreed to.

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HB 1112: A BILL for an Act to amend and reenact sections 18-11-22 and 54-10-22 of the North Dakota Century Code, relating to the state auditor's examination of firemen's relief associations and the responsibility for expenses incurred from an audit; and to repeal sections 58-02-04 and 58-02-05 of the North Dakota Century Code, relating to the notification to the state auditor of new townships and avoiding duplication of any township names.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1112 passed and the title was agreed to.

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HB 1113: A BILL for an Act to amend and reenact section 11-11-11 of the North Dakota Century Code, relating to reports required by the board of county commissioners; and to repeal section 11-13-05 of the North Dakota Century Code, relating to monthly verification of cash by the county auditor.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel;

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja;  
Nething; Reiten; Tennefos

HB 1113 passed and the title was agreed to.

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HB 1114: A BILL for an Act to create and enact a new section to chapter 54-10 of the North Dakota Century Code, relating to confidentiality of the state auditor's working papers.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja;  
Nething; Reiten; Tennefos

HB 1114 passed and the title was agreed to.

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#### 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 1027, HB 1222, HB 1448, HB 1552, HB 1577, HB 1652

ROY GILBREATH, Chief Clerk

#### SECOND READING OF HOUSE BILLS

HB 1120: A BILL for an Act to amend and reenact section 15-12-21 of the North Dakota Century Code, relating to fees charged by the state toxicologist.



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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1120 passed and the title was agreed to.

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HB 1132: A BILL for an Act to amend and reenact section 23-07-01.1 of the North Dakota Century Code, relating to the agency to which certain physical and mental disorders must be reported.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1132 passed and the title was agreed to.

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**HB 1143:** A BILL for an Act to amend and reenact sections 15-55-02, 15-55-05, and 15-55-06 of the North Dakota Century Code, relating to conditions for issuance of state board of higher education bonds, deposits of proceeds of bonds, and issuance of warrants by the state auditor.

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 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

**NAYS:** None

**ABSENT AND NOT VOTING:** Ingstad; Lodoen; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos; Vosper

HB 1143 passed and the title was agreed to.

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**HB 1146:** A BILL for an Act to amend and reenact section 54-52-12 of the North Dakota Century Code, relating to prohibition of assignment or other pledge of certain retirement benefits and funds.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

**NAYS:** None

**ABSENT AND NOT VOTING:** Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1146 passed and the title was agreed to.

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HB 1153: A BILL for an Act to amend and reenact subsection 5 of section 15-27.1-06 of the North Dakota Century Code, relating to the powers of the county committee and the state board of public school education.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos

HB 1153 passed and the title was agreed to.

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#### MOTIONS

SEN. RICHARD MOVED that HB 1561, which is on the Fourteenth Order, be rereferred to the Committee on Finance and Taxation, which motion prevailed.

SEN. MAIXNER MOVED that HB 1665 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

SEN. MAIXNER MOVED that HB 1665 be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed.

SEN. MAIXNER MOVED that the Senate stand in recess until 2:45 p.m., which motion prevailed.

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

#### POINT OF PERSONAL PRIVILEGE

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

Mr. President, yesterday, February 25, we defeated two major revenue measures in the Senate. Senate Bill No. 2500 was divided in two parts, one that taxed services and a second that taxed food. These two votes that we took in the Senate, along with the two votes in December of '86 - one was on an increase in income tax and the other on an increase in the sales tax - provide us then with a total of four major revenue votes in the last few months. I had to bite hard and vote yes on all four of those proposals while at the same time we have Senators in this Assembly who voted no on all four. Some of these same straight, grand-slam, four no-votes-in-a-row have institutions of one kind or another in their legislative districts that require a draw of state money. I want to put the Senate on notice that when these institution budgets come over from the House I will be voting no on those institutions represented by a Senator who continues to vote no on every major revenue measure offered to this Assembly. I would hope that others in this chamber would join me in such a no vote.

I think that this is important for three reasons. If you have an institution in your district you have an added obligation to the rest of us. You have to not only explain to us how that institution benefits the rest of us and how it justifies its existence economically, but, in addition, how we are to find the revenue to support this institution and, if you fail us in any of these regards, including revenue, then you fail the institution and the voters in your district as well. I don't think I can continue to carry these people on my back all of the way into April. I think that some of them are going to have to get off the free ride and walk on their own.

The second reason for doing this is that if we cannot pass the revenue measures then we need to develop a methodology for making major reductions in state spending. One way to do this is to begin killing some major appropriations and to do this in an organized manner. The method I propose is to select those areas of the state where the voters and their elected officials here in the Senate continue to tell us that spending is too high, cuts must be made, taxes cannot be raised. So by selectively defeating appropriations that fund these areas, we can both balance the budget with cuts and satisfy those Senators and their folks at home who cannot support revenue measures.

The third reason is very simply that we have to either cut or tax. As a Senator from District 47 told us yesterday during the debate on Senate Bill 2500, this revenue has to come from some place. New taxes don't come easily and these votes are going to be difficult, I think, for everybody in this Assembly. I remember, during the special session in December, expressing my frustration to a

colleague in the House. I asked him, what do you call someone who comes to Bismarck, fighting for funding for an institution, who will not vote yes on any major revenue measures. My friend said he knew a word and that word was "electable." Maybe that's what it's all about: fifty-three people all running for reelection with more concern about being popular at home than meeting the obligations of state government.

In summary, members of the Senate, the ledger has to balance and I'm ready to vote for major cuts, including dropping four or five institutions. I am, in addition, proposing a logical method of identifying which institutions that we can do without in the absence of sufficient revenue to support them all. It's really an either/or choice and I would hope that, when the difficult decisions come at the end of this session, others in this Assembly will support me in the mandatory process of bringing spending and revenue into balance. Mr. President, the funding of state institutions is a matter not to be taken lightly by the Senate. We are going to soon have these budgets in front of us and I really wanted to take the time today after our discussion to explain in advance to the Senate why I may have to cast a no on some of those budgets while voting yes on others.

#### SECOND READING OF HOUSE BILLS

HB 1155: A BILL for an Act to repeal sections 54-52-02.4, 54-52-02.7, and 54-52-02.8 of the North Dakota Century Code, relating to the purchase of retirement service credit by former employees of mental health and retardation centers and special employee refund of accounts.

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Ingstad; Meyer, W.; Mushik; Nalewaja; Nething; Reiten; Tennefos; Waldera

HB 1155 passed and the title was agreed to.

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HB 1173: A BILL for an Act to amend and reenact section 39-06-37 of the North Dakota Century Code, relating to the duration of multiple driver's license suspensions or revocations for separate violations.

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 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos; Waldera

HB 1173 passed and the title was agreed to.

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HB 1182: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to travel expenses for state and public employees.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos; Waldera

HB 1182 passed and the title was agreed to.

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HB 1190: A BILL for an Act to provide for the fair treatment of victims and witnesses.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos; Waldera

HB 1190 passed and the title was agreed to.

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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.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja;  
Nething; Reiten; Tennefos; Waldera

HB 1224 passed and the title was agreed to.

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#### POINT OF PERSONAL PRIVILEGE

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

Mr. President, members of the Senate, last weekend Red River High School drama department under the direction of Doug Fosse and Dean Opp presented an improvised performance called "Dakotaland." This performance was written by the students from stories they heard from their parents and grandparents (who says these kids don't listen to what you're saying).

None of these students are from a farm and probably have never pitched one forkful, yet the production they presented to us took the viewers back as far as they could remember and sometimes further than they wanted to remember. It took you from the height of pride and happiness with the feel of the land to the depression of leaving it. These kids presented more than they realized. This presentation was a centennial presentation of North Dakota.

Today, in the Grand Forks Herald, Chuck Haga wrote a column about this performance. I have had a copy of this column distributed to each desk. In this column, Mr. Haga calls for the performance to be presented to the rest of the state and I agree. I have notified the Centennial Commission of this play and will get them a video tape of the performance. I would hope that the commission, in their wisdom, could find a way to expand this performance to as many of the cities in North Dakota as possible during the Centennial.

#### SECOND READING OF HOUSE BILLS

HB 1226: A BILL for an Act to amend and reenact sections 19-03.1-30 and 62.1-02-01 of the North Dakota Century Code, relating to possession of firearms by a person granted a conditional discharge and defining those persons who are convicted of an offense; 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, the roll was called and there were 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.



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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos; Waldera

HB 1226 passed, the title was agreed to, and the emergency clause carried.

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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.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos; Waldera

HB 1260 passed and the title was agreed to.

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HB 1261: A BILL for an Act to amend and reenact subdivision c of subsection 1 of section 57-38-01.2 and subdivision c of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to income tax deductions for federal income taxes paid; and to provide an effective date.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos; Waldera

HB 1261 passed and the title was agreed to.

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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.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja;  
Nething; Reiten; Tennefos; Waldera

HB 1290 passed and the title was agreed to.

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HB 1399: A BILL for an Act to amend and reenact subsection 8 of section 57-39.2-04, and subsection 9 of section 57-40.2-04 of the North Dakota Century Code, relating to the sales and use tax exemption for adjuvants.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja;  
Nething; Reiten; Tennefos; Waldera

HB 1399 passed and the title was agreed to.

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HB 1519: A BILL for an Act to repeal section 44-01-06 of the North Dakota Century Code, relating to the requirement for all elected and appointed state officials to be bonded.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja;  
Nething; Reiten; Tennefos; Waldera

HB 1519 passed and the title was agreed to.

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MOTION

SEN. MAIXNER MOVED that HB 1668 be moved to the foot of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1040: A BILL for an Act to create and enact a new subsection to section 54-06-04 of the North Dakota Century Code, relating to the preparation of reports by executive and administrative officers and departments.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja;  
Nething; Reiten; Tennefos; Waldera

HB 1040 passed and the title was agreed to.

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HB 1059: A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to the definition and operation of oil and gas division orders.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos; Waldera

HB 1059 passed and the title was agreed to.

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HB 1124: A BILL for an Act to amend and reenact subsection 3 of section 54-44.3-03 of the North Dakota Century Code, relating to temporary vacancies on the state personnel board.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Meyer, W.; Nalewaja; Nething; Reiten; Tennefos; Waldera

HB 1124 passed and the title was agreed to.

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#### MOTIONS

SEN. MAIXNER MOVED that SB 2015, SB 2063, SB 2286, SB 2392, SB 2496, SB 2523, and SCR 4007 be reprinted, which motion prevailed.

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Thirteenth order of business, and at the conclusion of the Thirteenth order of business, and after the reading of SCR 4054, HB 1066, HB 1071, HB 1116, HB 1152, HB 1162, HB 1198, HB 1286, HB 1396, and HCR 3007, the Senate adjourn and convene at 12:30 p.m., Friday, February 27, 1987, which motion prevailed.

## CHAPLAINCY SCHEDULE

## MARCH

DATE	NAME AND CHURCH	PHONE
2	Joanne Spears ..... Society of Friends	258-1899
3	Philip Ackerman ..... St. Paul's Catholic Church, Fargo	232-0924
4	Richard Hagestuen ..... First Lutheran Church, Mandan	663-3594
5	Richard Rubottom ..... The Salvation Army	223-1889/1977
6	Bruce Vold ..... Lutheran Parish, Fortuna	
9	Jeff Bazter ..... First Presbyterian, Wilton	734-6789
10	Paul Foh ..... Dazey-Rogers Lutheran Church	
11	Don Bentz ..... Faith Lutheran Church, Bismarck	223-2236/258-6496
12	A Girl Scout ..... Contact Peggy Schaff	223-4525
13	Zack Gill ..... First United Methodist Church, Mandan	663-8339/663-3350
16	Jewish Rabbi ..... Fargo	
17	John Cherico ..... Evangelical Free Church	223-6271/223-3330
18	Ted Heaston ..... Evangel Temple, Bismarck	255-0500
19	Jay Davis ..... Church of the Nazarene	223-0332/223-9292
20	Burnie Kunz ..... Medcenter One	224-6000
23	Steve Sathre ..... Trinity Lutheran Church, Bismarck	223-3560
24	Forrest Erickson ..... Grace Lutheran Brethren, Bismarck	258-3585/5029
25	Ignatius David ..... First United Methodist Church, Bismarck	223-4401/258-7710
26	Jonathan Starks ..... Word of Faith Church, Mandan	667-2056/258-4615
27	Rhonda Ames ..... Open Door Community Center, Bismarck	258-2311

- 30 Keith Odney ..... 223-1001  
Lutheran Church of Cross, Bismarck  
31 Open

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3018: A concurrent resolution directing the Legislative Council to study and determine alternatives to improve the committee structure for the appropriation process.

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

HCR 3050: A concurrent resolution directing the Legislative Council to study the functions and duties of Job Service North Dakota and the Workmen's Compensation Bureau with a view toward reorganizing those agencies.

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

#### FIRST READING OF HOUSE BILLS

HB 1065: A BILL for an Act to create and enact two new sections to chapter 57-61 of the North Dakota Century Code, relating to a reduction in the rate of the coal severance tax for coal mined for use in coal conversion facilities and a separate and additional coal severance tax and allocation of revenue from the tax; to amend and reenact sections 57-61-01, 57-61-10, and 57-62-02 of the North Dakota Century Code, relating to the rate of the coal severance tax and the allocation of moneys in the coal development fund; to provide an appropriation; and to provide an expiration date.

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

HB 1123: A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to liability insurance cards being carried with a vehicle; and to provide a penalty.

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

HB 1204: A BILL for an Act to create and enact two sections to chapter 15-10 of the North Dakota Century Code, relating to free tuition in North Dakota institutions of higher education for survivors of firefighters or peace officers.

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

HB 1470: A BILL for an Act to amend and reenact subdivision e of subsection 1 of section 23-17.3-05 of the North Dakota Century Code, relating to standards of licensure for home health agencies.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1543: A BILL for an Act to direct the economic development commission to establish a venture capital network as a clearinghouse for information on capital investment opportunities in the state.

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

HB 1544: A BILL for an Act making an appropriation for defraying the expenses of the energy development impact office of the state of North Dakota, and providing for a contingency loan from the coal trust fund.

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

HB 1557: A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to criminal offenses committed against unborn children; and to provide a penalty.

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

HB 1567: A BILL for an Act to amend and reenact section 22-01-15 of the North Dakota Century Code, relating to alterations of an original obligation under a continuing guaranty.

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

HB 1586: A BILL for an Act to amend and reenact section 47-28-02 of the North Dakota Century Code, relating to sharing of income from patents from inventions and discoveries by faculty, officials, and employees of state institutions of higher education.

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

HB 1590: A BILL for an Act to provide for allocation of a portion of sales and use tax collections to personal property tax replacement and state revenue sharing; to create and enact two new sections to chapter 57-58 of the North Dakota Century Code, relating to personal property tax replacement; to repeal sections 54-27-20.1 and 57-58-01 of the North Dakota Century Code, relating to determination of state revenue sharing and personal property tax replacement; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

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

HB 1621: A BILL for an Act to create and enact four new sections to chapter 6-03 of the North Dakota Century Code, relating to charging off real estate, and amortization of certain loan losses by banks.

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



HB 1625: A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to pre-need funeral plans.

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

HB 1633: A BILL for an Act relating to North Dakota Venture Capital, Incorporated; to create and enact a new subsection to section 7-02-10, a new subsection to section 10-04-05, a new subsection to section 10-04-06, a new subdivision to subsection 1 of section 57-38-01.2, and a new subdivision to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to legal investments of savings and loan associations, exempt securities and transactions, and adjustments to taxable income for income tax purposes; and to amend and reenact sections 6-03-38, 10-30.1-05, subsection 14 of section 21-10-07, and subsection 30 of section 26.1-05-19 of the North Dakota Century Code, relating to venture capital corporations and legal investments of banks, the state investment board, and insurance companies.

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

HB 1635: A BILL for an Act providing for a transfer from the industrial development revenue bond guarantee fund to the general fund.

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

HB 1640: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to disclosure by the state tax commissioner of whether or not candidates for elective office have filed income tax returns; and to provide a penalty.

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

HB 1645: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for research and experimental expenditures; and to provide an effective date.

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

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 1032, HB 1064, HB 1303, HB 1359, HB 1474, HB 1504,  
HB 1560, HB 1569, HB 1630, HB 1634

ROY GILBREATH, Chief Clerk

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

PERRY GROTEBERG, Secretary