JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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FORTIETH DAY

Bismarck, March 4, 1987 The Senate convened at 12:30 p.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend Richard Hagestuen, First Lutheran Church, Mandan.

Dear God, we would ask You in Your infinite wisdom, to grant patience and understanding to these people who make decisions that affect all Your people.

We ask Your presence especially for those in this assembly who have suffered illness themselves or their spouses. We thank You for the return of Jens Tennefos and Walter Meyer.

Above all, make us conscious of our responsibility to one another. Amen.

ROLL CALL

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

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

On page 1291, line 17, after the numeral "4041," insert "SCR 4052,"

SEN. J. MEYER, Chairman

 $\ensuremath{\mathsf{SEN}}.\ \ensuremath{\mathsf{AXTMAN}}\ \ \ensuremath{\mathsf{MOVED}}\ \ \ensuremath{\mathsf{that}}\ \ \ensuremath{\mathsf{the}}\ \ \ensuremath{\mathsf{report}}\ \ \ensuremath{\mathsf{be}}\ \ \ensuremath{\mathsf{adopted}}\ ,\ \ensuremath{\mathsf{which}}\ \ \ensuremath{\mathsf{motion}}\ \ \ensuremath{\mathsf{prevailed}}\ .$

MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

HB 1668

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1186, HB 1236

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2087

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

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SB 2060,
          SB 2061, SB 2071, SB 2073, SB 2075,
                                               SB 2081,
SB 2107,
        SB 2114, SB 2116, SB 2138, SB 2139,
                                               SB 2142,
         SB 2152, SB 2153, SB 2155, SB 2162, SB 2194,
SB 2148,
SB 2200,
        SB 2201, SB 2206, SB 2209, SB 2211,
                                              SB 2238,
SB 2240,
         SB 2243,
                  SB 2245, SB 2249, SB 2251, SB 2254,
SB 2256,
        SB 2264, SB 2265, SB 2275, SB 2276, SB 2285,
SB 2313,
        SB 2373, SB 2374, SB 2399, SB 2416, SB 2417,
SB 2426, SB 2492, SB 2518
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ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

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

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HB 1029, HB 1040, HB 1050, HB 1059, HB 1069, HB 1074, HB 1100, HB 1105, HB 1111, HB 1112, HB 1113, HB 1114, HB 1120, HB 1124, HB 1132, HB 1143, HB 1146, HB 1155, HB 1173, HB 1182, HB 1190, HB 1224, HB 1266, HB 1260, HB 1261, HB 1290, HB 1399, HB 1519
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PERRY GROTBERG, Secretary

MESSAGES TO THE HOUSE SENATE CHAMBER

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

HB	1029,	HB 1040,	HB 1050,	HB 1059,	HB 1069,	HB 1074,
HB	1100,	HB 1105,	HB 1111,	HB 1112,	HB 1113,	HB 1114,
HB	1120,	HB 1124,	HB 1132,	HB 1143,	HB 1146,	HB 1153,
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HB 1155, HB 1173

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

HB 1182, HB 1190, HB 1224, HB 1226, HB 1260, HB 1261, HB 1290, HB 1399, HB 1519

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

HB 1066, HB 1071, HB 1089, HB 1116, HB 1145, HB 1152, HB 1162, HB 1198, HB 1212, HB 1253, HB 1269, HB 1270, HB 1286, HB 1322, HB 1347, HB 1396, HB 1404, HB 1409, HB 1422, HB 1423, HB 1437, HB 1521, HB 1536, HCR 3015

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

HB 1172, HB 1180, HB 1275, HB 1276, HB 1343
PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

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

HB 1668

PERRY GROTBERG, Secretary

MESSAGE TO THE HOUSE SENATE CHAMBER

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

HB 1668

PERRY GROTBERG, Secretary

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Employment recommends the following employees:

Marlene Campbell Assistant Secretary to the Minorit

Mary Vonasek Telephone Attendant Cheryl Pleines Bill Book Clerk Lunette Lip Telephone Attendant

SEN. SATROM, Chairman

SEN. SATROM MOVED that the report be adopted.

ROLL CALL

The question being on the motion to adopt the report of the procedural Committee on Employment, the roll was called and there were 51 YEAS, O 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Nething

The report was adopted and President Pro Tem Redlin administered the Oath of Office to the employees.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to HB 1122 as recommended by the Committee on Industry, Business and Labor as printed on page 1283 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1122 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1144 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 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 words "provide for" and insert in lieu thereof the words "create and enact four new sections to chapter 10-24 of the North Dakota Century Code, relating to"
- On page 1, line 5, after the first period insert the words "Four new sections to chapter 10-24 of the North Dakota Century Code are hereby created and enacted to read as follows:"
- On page 2, line 3, delete the word and numeral "SECTION 2."
- On page 2, line 30, delete the word and numeral "SECTION 3."
- On page 3, line 9, delete the word and numeral "SECTION 4."

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

HB 1144 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1223 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 3, delete the second word "and" and after the word "sections" insert the numerals "15-20.4-02,"
- On page 1, line 5, after the word "to" insert the words "exemptions from standards for postsecondary educational institutions, and", and after the word "licenses" insert the words "; and to declare an emergency"
- On page 1, after line 7, insert the following new section:
 - "SECTION 1. AMENDMENT. Section 15-20.4-02 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:
 - 15-20.4-02. **Exemptions.** The following education and educational institutions are exempted from the provisions of this chapter:
 - Institutions exclusively offering instruction at any or all levels from preschool through the twelfth grade.
 - Education sponsored by a bona fide trade, business, professional, or fraternal organization, so recognized by the board, solely for that organization's membership, or offered on a no-fee basis.
 - Education solely avocational or recreational in nature, as determined by the board, and institutions offering such education exclusively.
 - 4. Education offered by charitable institutions, organizations, or agencies, so recognized by the board, provided such the education is not advertised or promoted as leading toward educational credentials.
 - 5. Postsecondary educational institutions established, operated, and governed by this state or its political subdivisions, as determined by the board and any educational consortium that includes one or more of such the institutions.
 - Private four-year institutions chartered or incorporated and operating in the state prior to July 1, 1977, so long as such the institutions retain accreditation by national or regional

- accrediting agencies recognized by the United States office of education.
- Schools of barbering regulated under chapter 43-04.
- Schools of cosmetology regulated under chapter 43-11.
- Schools of nursing regulated under chapter 43-12.1.
- 10. Schools instructing on the manner of conducting games of chance which are regulated under chapter 53-06.1.
- On page 4, after line 15, insert the following new section:
 - "SECTION 7. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."
- And renumber the lines, sections, and pages accordingly SEN. LANGLEY, Chairman
- HB 1223 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 HB 1596 has had the same under consideration and recommends by a vote of 7 YEAS, O NAYS, O ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:
- On page 1 of the engrossed bill, line 23, delete the word "twenty" and insert in lieu thereof the word "fifty"
- On page 2 of the engrossed bill, line 3, delete the word "five" and insert in lieu thereof the word "four"
- On page 2 of the engrossed bill, line 10, delete the word "five" and insert in lieu thereof the word "four"
- And renumber the lines, sections, and pages accordingly SEN. SATROM, Chairman
- HB 1596 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 HCR 3025 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 4, after the word "schools" insert the words ", and directing the Legislative Council to study the feasibility, cost, and benefits of utilizing current technology to enhance the educational opportunities of North Dakota students"

On page 1, line 27, after the semicolon insert the word "and"

On page 1, after line 27, insert the following:

"WHEREAS, via the use of current technology such as satellite technology, fiber optics in telephones, and other electronic media, the educational opportunities of North Dakota students can be inexpensively enhanced;"

On page 2, after line 16, insert the following:

"BE IT FURTHER RESOLVED, that the Legislative Council study the feasibility, cost, and benefits of utilizing current technology to enhance the educational opportunities of North Dakota students; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-first Legislative Assembly; and"

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

 \mbox{HCR} 3025 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2545 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 PASS.

SEN. LANGLEY, Chairman

SB 2545 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred Engrossed HB 1014 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

HB 1014 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred Engrossed HB 1025 has had the same under consideration and recommends by a vote of 11 YEAS, O NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

HB 1025 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1106 has had the same under consideration and recommends by a vote of 8 YEAS, O NAYS, O ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1106 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1126 has had the same under consideration and recommends by a vote of 8 YEAS, O NAYS, O ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1126 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1157 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1157 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1195 has had the same under consideration and recommends by a vote of 7 YEAS, O NAYS, O ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

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

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1199 has had the same under consideration and recommends by a vote of 6 YEAS, O NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HEINRICH, Chairman

HB 1199 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred Engrossed HB 1302 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

HB 1302 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1483 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

HB 1483 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred Engrossed HB 1516 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

HB 1516 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1546 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

HB 1546 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILLS

HB 1308: A BILL for an Act to amend and reenact section 40-39-04 of the North Dakota Century Code, relating to electric facilities existing on vacated streets and alleys.

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, O 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Nething

HB 1308 passed and the title was agreed to.

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.

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, O 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Nething

HB 1068 passed and the title was agreed to.

HB 1099: A BILL for an Act to create and enact a new section to chapter 23-20.1 of the North Dakota Century Code, relating to confidentiality of information regarding ionizing radiation.

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, O 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; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nething

HB 1099 passed and the title was agreed to.

HB 1365: A BILL for an Act to amend and reenact section 61-24.3-04 of the North Dakota Century Code, relating to the extent and type of water treatment and the location for water treatment plants for the southwest pipeline project.

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 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: Stromme

ABSENT AND NOT VOTING: Heigaard; Nething

HB 1365 passed and the title was agreed to.

HB 1397: A BILL for an Act to create and enact a new section to chapter 24-06 of the North Dakota Century Code, relating to maintenance of ditches along township roads by parties with an interest in adjoining land.

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 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Hilken; Meyer, D.

ABSENT AND NOT VOTING: Nething

HB 1397 passed and the title was agreed to.

HB 1594: A BILL for an Act to amend and reenact sections 40-62-01, 40-62-02, 40-62-03, 40-62-04, 40-62-05, 40-62-06, and 40-62-07 of the North Dakota Century Code, relating to pedestrian malls and skyways.

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, O 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; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nething

HB 1594 passed and the title was agreed to.

HB 1035: A BILL for an Act to amend and reenact sections 12-47-28, 12-47-29, 12.1-04-08, subsection 7 of section 14-05-03, subsections 10 and 13 of section 25-01-01, sections 25-01-06, 25-02-04, subsection 15 of section 25-03.1-02, and section 27-21-04 of the North Dakota Century Code, relating to the superintendent of the state hospital and the qualifications of the medical director of the state hospital; and to repeal section 25-01-02.1 of the North Dakota Century Code, relating to investigations of the mental health of state hospital patients by the state health council.

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, 38 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Hilken; Langley; Maixner; Mathern; Meyer, W.; Moore; Peterson; Shea; Tennefos; Waldera; Wogsland; Yockim

NAYS: Adams; Axtman; Bakewell; David; Freborg; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Lashkowitz; Lips; Lodoen; Maxson; Meyer, D.; Meyer, J.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Nething

HB 1035 lost.

SIGNING OF BILLS AND RESOLUTIONS
THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

SB 2046, SB 2048, SB 2069, SB 2070, SB 2106, SB 2118, SB 2121, SB 2123, SB 2124, SB 2125, SB 2193, SB 2196, SB 2197

PERRY GROTBERG, Secretary

MESSAGE 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:

SB 2046, SB 2048, SB 2069, SB 2070, SB 2106, SB 2118, SB 2121, SB 2123, SB 2124, SB 2125, SB 2193, SB 2196, SB 2197

PERRY GROTBERG, Secretary

SECOND READING OF HOUSE BILLS

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

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, O 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; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nething

HB 1094 passed and the title was agreed to.

HB 1097: A BILL for an Act to amend and reenact section 44-08-06 of the North Dakota Century Code, relating to dimensions of a seal of a court or officer.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 51 YEAS, 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; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Stenehjem

ABSENT AND NOT VOTING: Nething

HB 1097 passed and the title was agreed to.

HB 1136: A BILL for an Act to amend and reenact section 39-20-12 of the North Dakota Century Code, relating to the liability of clinics and hospitals for the drawing of blood samples for alcohol-related offenses.

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 24 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; David; Dotzenrod; Freborg; Hilken; Kelly; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Reiten; Streibel; Stromme; Tallackson; Tennefos; Todd; Vosper; Wright; Yockim

NAYS: Axtman; Bakewell; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Thane; Tweten; Waldera; Wogsland

ABSENT AND NOT VOTING: None

HB 1136 lost.

HB 1301: A BILL for an Act to amend and reenact sections 37-07.1-03, 37-07.1-05, 37-07.1-06, and 37-07.2-01 of the North Dakota Century Code, relating to national guard tuition waivers and grants.

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1301 passed and the title was agreed to.

MOTIONS

SEN. MOORE MOVED that HB 1311 be amended as follows:

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 create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to designation of the third Monday in January as Heritage Day.

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

SECTION 1. A new section to chapter 1-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

Heritage Day. The third Monday in January of each year is designated as Heritage Day in recognition of the various cultural backgrounds of the citizens of this state."

And renumber the lines, sections, and pages accordingly

SEN. MOORE MOVED that the proposed amendments be adopted.

REQUEST

SEN. HOLMBERG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1311, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1311, the roll was called and there were 20 YEAS, 33 NAYS, O ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Freborg; Hilken; Kelly; Lips; Meyer, W.; Moore; Mutch; Naaden; Nelson; Peterson; Reiten; Streibel; Tennefos; Todd; Tweten; Vosper

NAYS: Axtman; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja; Nething; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: None

The proposed amendments to HB 1311 lost.

SECOND READING OF HOUSE BILL

HB 1311: A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to designation of the third Monday in January as Martin Luther King Day.

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 27 YEAS, 26 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Heigaard; Heinrich; Holmberg; Ingstad; Kelsh; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja; Nething; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Tallackson; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Dotzenrod; Freborg; Hilken; Keller; Kelly; Krauter; Langley; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nelson; Peterson; Reiten; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

HB 1311 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that the vote by which HB 1311 passed be reconsidered and the motion to reconsider be laid on the table, which motion failed on a verification vote.

MESSAGE FROM THE HOUSE HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2452 which the House has amended:

HOUSE AMENDMENTS TO SB 2452

- On page 1, line 3, after the word "programs" insert the words "; and to declare an emergency"
- On page 1, after line 26, insert the following new 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 or on a date specified in this Act."
- And renumber the lines, sections, and pages accordingly ROY GILBREATH, Chief Clerk

POINT OF PERSONAL PRIVILEGE

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

On Monday, March 2, I offered my congratulations to Red River High School of Grand Forks for winning the 1987 State High School Hockey Championship. My remarks inadvertently left out the name of Steve Erhardt. He is also to be honored for his contributions. Congratulations Steve.

SECOND READING OF HOUSE BILLS

HB 1380: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to verification of expense accounts.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Hilken; Meyer, D.; Stenehjem

ABSENT AND NOT VOTING: None

HB 1380 passed and the title was agreed to.

HB 1540: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to registration with the selective service as a requirement for receipt of student financial aid.

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, 3 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Mathern; Mushik; Schoenwald

ABSENT AND NOT VOTING: Heigaard

HB 1540 passed and the title was agreed to.

HB 1070: A BILL for an Act to require quarterly reports by the state tax commissioner to the budget section of the legislative council on corporate income tax collections and outstanding corporate income tax liability.

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 23 YEAS, 29 NAYS, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Heigaard

HB 1070 lost.

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

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, O NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Kelsh; Maxson

HB 1137 passed, the title was agreed to, and the emergency clause carried.

HB 1138: A BILL for an Act to amend and reenact section 6-05-28, subsection 2 of section 6-08-08.1, and section 6-10-06 of the North Dakota Century Code, relating to examination fees and examinations of annuity, deposit, surety, and trust companies, notification on applications to the commissioner of banking and financial institutions, and examinations of agents for deposits.

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, O NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; 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; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Meyer, W.;
Vosper

HB 1138 passed and the title was agreed to.

HB 1139: A BILL for an Act to create and enact section 6-06-08.2 of the North Dakota Century Code, relating to emergency action concerning a failing institution.

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Meyer, W.

HB 1139 passed and the title was agreed to.

HB 1185: A BILL for an Act to create and enact section 6-07-04.1 of the North Dakota Century Code, relating to orders to show cause on insolvency, exceptions for emergencies, and recourse for aggrieved banks; and to amend and reenact sections 6-07-15 and 6-07-33 of the North Dakota Century Code, relating to district courts' supervision over administrative receiverships and confidentiality of 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 26 YEAS, 25 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heinrich; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Hilken; Holmberg; Ingstad; Keller; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Heigaard; Meyer, W.

HB 1185 lost for want of a Constitutional majority.

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

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; Bakewell; David; Dotzenrod; Freborg;
Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly;
Kelsh; 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;
Tennefos; Thane; Todd; Tweten; Vosper; Waldera;
Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Krauter; Meyer, W.

HB 1200 passed and the title was agreed to.

RECOGNITION

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

MOTIONS

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, be on the Sixteenth order of business, and at the conclusion of the Sixteenth order of business, and after the reading of SCR 2545, HB 1014, HB 1025, HB 1106, HB 1122, HB 1126, HB 1157, HB 1195, HB 1199, HB 1302, HB 1483, HB 1516, and HB 1546, the Senate adjourn and convene at 12:30 p.m., Thursday, March 5, 1987, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

- HCR 3065: A concurrent resolution directing the Legislative Council to study the retail gasoline market in this state. read the first time and referred to the Committee on Transportation.
- education, to review the various alternative methods of funding this type of education, and to arrive at a method of funding adult basic and secondary education that is secure and stable.
- read the first time and referred to the Committee on Education. Was
- state by various entities to determine how resources can be most efficiently used to enhance and preserve the delivery of research information available to agribusinesses in this state. farmers and

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

- HCR 3068: A concurrent resolution directing the Legislative Council to study corporal punishment in schools.
- read the first time and referred to the Committee on Education.
- HCR 3071: A concurrent resolution directing the Legislative Council to study the effects of hospital and health care advertising and competition on the costs of and access to health care.

- Was read the first time and referred to the Committee on Human Services and Veterans Affairs.
- HCR 3072: A concurrent resolution directing the Legislative Council to study the statutes of limitations in this state and the feasibility and desirability of shortening, lengthening, or otherwise modifying existing statutes of limitations.
- Was read the first time and referred to the Committee on Judiciary.
- HCR 3073: A concurrent resolution directing the Legislative Council to study services to deaf and hearing impaired children and adults, to examine the role of the North Dakota School for the Deaf in the provision of educational and rehabilitative services to the deaf, and to determine alternative methods of educating and rehabilitating the deaf in communities throughout the state.

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

HCR 3074: A concurrent resolution directing the Legislative Council to study services to blind and visually impaired children and adults, to examine the role of the North Dakota School for the Blind in the provision of educational and rehabilitative services to the blind, and to determine alternative methods of educating and rehabilitating the blind in communities throughout the state.

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

HCR 3077: A concurrent resolution directing the Legislative Council to study the differences in employee benefits between part-time and full-time employment in the private sector.

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

- HCR 3078: A concurrent resolution directing the Legislative Council to study fiscal aspects of the office of the court monitor which was created by the federal district court in the case concerning deinstitutionalization of developmentally disabled persons.
- Was read the first time and referred to the Committee on Judiciary.
- HCR 3079: A concurrent resolution directing the Legislative Council to study the potential benefits to be derived from offering courses through the use of electronic media, including satellite dishes, cable and public television, video cassettes, and video and telephone audiosystems, and the methods available to implement a system of telecommunications.

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

SIGNING OF BILLS AND RESOLUTIONS
THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

HB 1186, HB 1236

PERRY GROTBERG, Secretary

MESSAGE TO THE HOUSE SENATE CHAMBER

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

HB 1186, HB 1236

PERRY GROTBERG, Secretary

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

PERRY GROTBERG, Secretary