

THURSDAY, MARCH 5, 1987

1325

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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FORTY-FIRST DAY

Bismarck, March 5, 1987

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

The prayer was offered by Captain Richard Rubottom, The Salvation Army, Bismarck.

Father in heaven, You who have created the heavens and the earth, please hear our gratitude for this beautiful day during which we may serve You and the people of this state.

Thank You for all who are gathered here. We ask that the deliberations, decisions, and the resolutions made this day will be honoring to You and of great benefit to the people of North Dakota. In the name of Jesus, Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators Krauter, W. Meyer, and Wright.

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 Fortieth Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2077, SB 2161, SB 2213, SB 2214, SB 2343, SB 2385,  
SB 2436, SB 2441, SB 2495, SCR 4022, SCR 4023

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

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

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

HB 1117

PERRY GROTERBERG, Secretary

SENATE CHAMBER

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

HB 1061, HB 1067, HB 1092, HB 1101, HB 1108, HB 1194,  
HB 1206, HB 1217, HB 1237, HB 1263, HB 1298, HB 1461

PERRY GROTERBERG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1081 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 AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, delete the words "the office of management and budget" and insert in lieu thereof the words "human services"

On page 1, line 13, delete the words "The committee"

On page 1, delete lines 14 and 15

On page 1, line 16, delete the words "the director of central data processing may request."

On page 1, line 17, delete the word "also"

On page 1, line 19, after the period insert the words "The committee shall report to the budget section of the legislative council."

And renumber the lines, sections, and pages accordingly

SEN. D. MEYER, Chairman

HB 1081 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 1167 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 1, after the word "to" insert the words "create and enact a new section to chapter 16.1-11 of the North Dakota Century Code, relating to election endorsements; and to"

On page 1, after line 5, insert the following new section:

"SECTION 1. A new section to chapter 16.1-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

Participation in endorsements for nomination. No person may participate directly or indirectly in the endorsement for nomination of more than one person for each office to be filled, except a person may sign a petition for placement of a candidate's name on the primary ballot:

1. For more than one person for each office for an office not under party designation.
2. For more than one person for each office for an office under party designation only if all the candidates for whom the person signs a petition for an office are running under the same party designation.

No person may accept endorsement for nomination by certificate or petition to more than one office. No political party is entitled to endorse for nomination by certificate more than one set of nominees."

On page 1, line 10, after the word "nomination" insert the word "- Exception"

On page 1, line 15, after the word "ne" insert the words "on the general election ballot"

On page 1, line 17, after the word "office" insert the words "on the general election ballot"

On page 1, line 19, after the word "official" insert the words "general election"

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

HB 1167 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 1234 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 PASS:

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

"4. Sales made by a seller at residential premises pursuant to an invitation issued by the owner or legal occupant of such premises."

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

HB 1234 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 HB 1254 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 of the reengrossed bill, line 1, delete the words "create and enact a new section to chapter"

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

On page 1 of the reengrossed bill, line 12, remove the overstrike over the word "~~multidisciplinary~~"

On page 1 of the reengrossed bill, remove the overstrike over lines 13 through 23

On page 1 of the reengrossed bill, line 24, remove the overstrike over the words "~~of fewer than three members~~" and delete the words "team organized under section 2"

On page 1 of the reengrossed bill, line 25, delete the words "of this Act" and after the period insert the words "The department shall coordinate the organization of local child protection teams on a county or multicounty basis."

On page 1 of the reengrossed bill, delete lines 26 through 28

On page 2 of the reengrossed bill, delete lines 1 through 11

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

HB 1254 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 1273 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 9, delete the words "to authorize the institutions"

On page 1, line 12, after the period insert the words "No rule promulgated by the board may in any way limit or otherwise affect the applicability or implementation of any rule or regulation of the state department of health. Each grant or contract involving confidential information must be explained in the institution's report to the board of grants and contracts received and must be reviewed at the board's public meeting."

And renumber the lines, sections, and pages accordingly

SEN. HEINRICH, Chairman

HB 1273 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 1299 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 9, line 18, after the word "~~this~~" insert the word "This" and remove the overstrike over the words "~~limitation does not apply to mill levies pursuant to~~"

On page 9, line 19, remove the overstrike over the words "~~subdivisions a, e, f, and j of subsection 1-~~"

And renumber the lines, sections, and pages accordingly

SEN. HEINRICH, Chairman

HB 1299 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1300 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact subsection 6 of section 15-10-01 and subdivision d of subsection 13 of section

15-10-17 of the North Dakota Century Code, relating to the name of Bismarck junior college.

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

**SECTION 1. AMENDMENT.** Subsection 6 of section 15-10-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. The following junior colleges and off-campus educational center: Bismarck ~~junior~~ state college, Lake Region community college, and the university of North Dakota - Williston center.

**SECTION 2. AMENDMENT.** Subdivision d of subsection 13 of section 15-10-17 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- d. Employees of Bismarck ~~junior~~ state college and Lake Region community college coming under the jurisdiction of the board who are members of the teachers' fund for retirement may elect prior to July 1, 1985, to continue membership in the teachers' fund for retirement in lieu of the alternate retirement program. If an employee does not elect to continue membership in the teachers' fund for retirement, membership in that fund will terminate and the employee will become a member of the alternate retirement program established by the board effective July 1, 1985. An employee of the above-named colleges who becomes a member of the alternate retirement program may elect prior to July 1, 1985, to have the employee's assessments and employer's contributions in the teachers' fund for retirement with interest transferred by the board of trustees of the teachers' fund for retirement to the employee's account in the alternate retirement program. If an employee elects to transfer the employee's assessment and employer's contributions together with interest to the alternate retirement program, the employee relinquishes all rights the employee or the employee's beneficiary may have to benefits provided in chapters 15-39, 15-39.1, and 15-39.2."

And renumber the lines, sections, and pages accordingly

SEN. D. MEYER, Chairman

HB 1300 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred HB 1446 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 AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 5, delete the first word "and"

On page 1, line 8, after the word "insurance" insert the words "; and to provide an appropriation"

On page 1, line 16, after the word "amounts" insert the words ", not exceeding a total of one hundred fifty thousand dollars,"

On page 4, after line 22, insert the following new section:

**"SECTION 4. APPROPRIATION - EMERGENCY COMMISSION.**

There is hereby appropriated to the attorney general out of the state bonding fund the sum of \$150,000, or so much thereof as may be necessary, for the purpose of providing the defense services as may be required under section 1 of this Act. The emergency commission, notwithstanding section 54-16-04, is authorized during the biennium beginning July 1, 1987, and ending June 30, 1989, to approve the transfer of funds hereby appropriated from the state bonding fund to the extent necessary and based upon applications therefor by the attorney general. Funds appropriated hereby and authorized to be transferred to the attorney general must be reimbursed to the state bonding fund through deficiency appropriation and the attorney general shall report to the budget section of the legislative council the amount of any deficiency appropriation that may be introduced to the fifty-first legislative assembly."

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

HB 1446 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 1561 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 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for

an Act to amend and reenact subsection 4 of section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for gross receipts from an annual educational, religious, or charitable activity held in a publicly owned facility.

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

**SECTION 1. AMENDMENT.** Subsection 4 of section 57-39.2-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Gross receipts from sales of tickets, or admissions to state, county, district, and local fairs, and the gross receipts from educational, religious, or charitable activities, ~~unless the activities are held in a publicly owned facility,~~ where the entire amount of net receipts is expended for educational, religious, or charitable purposes and the gross receipts derived by any public school district if such receipts are expended in accordance with section 15-29-13. This exemption does not apply if the activities are held in a publicly owned facility and are conducted more than once in any calendar year."

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

HB 1561 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred HCR 3016 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 AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, delete the word "the" and insert in lieu thereof the word "this"

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

HCR 3016 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 HCR 3002 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 and BE PLACED ON THE CONSENT CALENDAR.

**SEN. LASHKOWITZ, Chairman**



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HCR 3002 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HCR 3012 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 and BE PLACED ON THE CONSENT CALENDAR.

SEN. LASHKOWITZ, Chairman

HCR 3012 was placed on the Tenth 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 1093 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 1093 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 1119 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. DOTZENROD, Chairman

HB 1119 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 1164 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. J. MEYER, Chairman

HB 1164 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 1175 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1175 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 1205 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 1205 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 1210 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 PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LANGLEY, Chairman

HB 1210 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 1219 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 1219 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 1244 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1244 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 1317 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. DOTZENROD, Chairman

HB 1317 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 1318 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. W. MEYER, Chairman

HB 1318 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Judiciary to which was referred HB 1370 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 PASS.

SEN. LASHKOWITZ, Chairman

HB 1370 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 1389 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

HB 1389 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 1400 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

HB 1400 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 1415 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. DOTZENROD, Chairman

HB 1415 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 1419 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 1419 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 1425 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. AXTMAN, Vice Chairman

HB 1425 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1432 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

HB 1432 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 HB 1501 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. KRAUTER, Chairman

HB 1501 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 1522 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. J. MEYER, Chairman

HB 1522 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 1531 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. AXTMAN, Vice Chairman

HB 1531 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 HCR 3008 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

HCR 3008 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 3022 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. KRAUTER, Chairman

HCR 3022 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 3045 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. KRAUTER, Chairman

HCR 3045 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to HB 1144 as recommended by the Committee on Industry, Business and Labor as printed on page 1302 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

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

SEN. LANGLEY MOVED that the amendments to HB 1223 as recommended by the Committee on Industry, Business and Labor as printed on pages 1303-1304 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1223 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. SATROM MOVED that the amendments to HB 1596 as recommended by the Committee on Finance and Taxation as printed on page 1304 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1596 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to HCR 3025 as recommended by the Committee on Education as printed on page 1305 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HCR 3025 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a bill relating to sale and taxation of alcoholic beverages for export from foreign trade zones.

Your Committee on Delayed Bills cast a unanimous ballot approving acceptance of this bill.

SEN. MAIXNER, Chairman

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

#### FIRST READING OF SENATE BILL

Sen. Holmberg introduced:

(Approved by the Committee on Delayed Bills)

SB 2549: A BILL for an Act to amend and reenact sections 5-03-01 and 5-03-04 of the North Dakota Century Code, relating to

sale and taxation of alcoholic beverages for export from foreign trade zones.

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

#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a bill relating to income tax on individuals, estates, and trusts; and to provide an effective date.

Your Committee on Delayed Bills cast a unanimous ballot approving acceptance of this bill.

SEN. MAIXNER, Chairman

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

#### FIRST READING OF SENATE BILL

Sen. Heigaard introduced:

(Approved by the Committee on Delayed Bills)

SB 2550: A BILL for an Act to create and enact a new section to chapter 57-38 and a new chapter 57-38.4 of the North Dakota Century Code, relating to income tax on individuals, estates, and trusts; and to provide an effective date.

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

#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a concurrent resolution directing the Legislative Council to study remedial action on two inactive uranium processing facilities in North Dakota.

Your Committee on Delayed Bills cast a unanimous ballot approving acceptance of this resolution.

SEN. MAIXNER, Chairman

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Maixner introduced:

(Approved by the Committee on Delayed Bills)

SCR 4065: A concurrent resolution directing the Legislative Council to study remedial action on two inactive uranium processing facilities in North Dakota.

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

#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a concurrent resolution congratulating the members of the Darren Kress rink of Grafton on winning the National Junior

Men's Curling Championship and advancing to international competition.

Your Committee on Delayed Bills cast a unanimous ballot approving acceptance of this resolution.

SEN. MAIXNER, Chairman

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

#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sen. Tallackson and Reps. Kingsbury, Skjerven introduced:  
(Approved by the Committee on Delayed Bills)

SCR 4064: A concurrent resolution congratulating the members of the Darren Kress rink of Grafton on winning the National Junior Men's Curling Championship and advancing to international competition.

Was read the first time.

#### MOTION

SEN. TALLACKSON MOVED that the rules be suspended, that SCR 4064 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sen. Tallackson and Reps. Kingsbury, Skjerven introduced:  
(Approved by the Committee on Delayed Bills)

#### SENATE CONCURRENT RESOLUTION NO. 4064

A concurrent resolution congratulating the members of the Darren Kress rink of Grafton on winning the National Junior Men's Curling Championship and advancing to international competition.

WHEREAS, the Darren Kress rink of Grafton, composed of Darren Kress, Connor Oihus, Duane McGregor, and Brett Davis, defeated Nebraska to advance to semifinal competition in the National Junior Men's Curling Championship; and

WHEREAS, the Kress rink defeated Illinois in the semifinal round and dominated in the finals, defeating Wisconsin 9-2 to capture the National Junior Men's Curling Championship; and

WHEREAS, the Kress rink has successfully advanced to international competition and will compete and represent North Dakota in the upcoming World Junior Men's Curling Tournament held in Victoria, British Columbia, March 15-21, 1987; and

WHEREAS, the Kress rink's victories and participation in world competition are achievements of which the rink members and all North Dakotans can be justifiably proud;

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

That the Fiftieth Legislative Assembly extends its heartiest congratulations to the members of the Darren Kress rink on capturing the National Junior Men's Championship and wishes these skilled athletes and superb curlers great success in their upcoming international competition; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to rink members Darren Kress, Connor Oihus, Duane McGregor, and Brett Davis.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4064: A concurrent resolution congratulating the members of the Darren Kress rink of Grafton on winning the National Junior Men's Curling Championship and advancing to international competition.

Was read the second time.

The question being on the final adoption of the resolution.

SCR 4064 was declared adopted on a voice vote.

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#### MOTION

SEN. TALLACKSON MOVED that the rules be suspended and that SCR 4064 be messaged to the House immediately, which motion prevailed.

#### MESSAGE TO THE HOUSE SENATE CHAMBER

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

SCR 4064

PERRY GROTEBERG, Secretary

#### SECOND READING OF SENATE BILL

SB 2545: A BILL for an Act to authorize the reorganization of job service North Dakota and the North Dakota workmen's compensation bureau; to provide for a Legislative Council study of the office of commissioner of labor; and to provide an expiration 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 48 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Hilken; Lashkowitz; Maxson

ABSENT AND NOT VOTING: Krauter; Meyer, W.

SB 2545 passed and the title was agreed to.

\*\*\*\*\*

## SECOND READING OF HOUSE BILLS

HB 1122: A BILL for an Act to amend and reenact sections 6-07-10 and 6-07-11 of the North Dakota Century Code, relating to acquisition of a bank which voluntarily places itself in possession of the state banking board, and appointment of a receiver for a bank that voluntarily places itself in the possession of the state banking board.

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

## ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; 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; Stenehjerm; Streibel; Stromme; Tallackson; Tennesfos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HB 1122 passed and the title was agreed to.

\*\*\*\*\*

HB 1218: A BILL for an Act to amend and reenact subsection 4 of section 6-06-08 of the North Dakota Century Code, relating to assessments of state credit unions.

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

#### ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; 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: Krauter; Meyer, W.

HB 1218 passed and the title was agreed to.

\*\*\*\*\*

HB 1225: A BILL for an Act to amend and reenact section 54-44.1-12 of the North Dakota Century Code, relating to control of execution of the budget and allotments.

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

#### ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; 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: Krauter; Meyer, W.

HB 1225 passed and the title was agreed to.

\*\*\*\*\*

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

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; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Langley; Lashkowitz; Lips; Lodoen; 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: Krauter; Maixner; Meyer, W.

HB 1232 passed and the title was agreed to.

\*\*\*\*\*

HB 1248: A BILL for an Act to amend and reenact sections 15-01-01, 15-01-02.1, 15-01-03, 15-01-04, 15-08.1-04, 15-08.1-06, 15-08.1-08, 15-08.2-09, and 47-06-08 of the North Dakota Century Code, relating to the composition of the board of university and school lands, fees charged by the board of university and school lands for managing certain property, composition and meetings of the board, depositing of income from certain lands in the lands and minerals trust fund.

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

## ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; 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: Krauter; Meyer, W.

HB 1248 passed and the title was agreed to.

\*\*\*\*\*

HB 1307: A BILL for an Act to amend and reenact sections 27-12-02 and 27-12-03 of the North Dakota Century Code, relating to membership of the state bar association of North Dakota.

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;  
Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller;  
Kelly; 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; Stenehjelm; Streibel; Stromme; Tallackson;  
Tennefos; Thane; Todd; Tweten; Vosper; Waldera;  
Wogsland; Wright; Yockim

NAYS: None

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

HB 1307 passed and the title was agreed to.

\*\*\*\*\*

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

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

#### ROLL CALL

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

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

Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore;  
Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing;  
Olson; Peterson; Redlin; Reiten; Richard; Satrom;  
Schoenwald; Shea; Stenehjerm; Streibel; Stromme;  
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;  
Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HB 1313 passed and the title was agreed to.

\*\*\*\*\*

HB 1469: A BILL for an Act to amend and reenact sections 27-08.1-02 and 27-08.1-03 of the North Dakota Century Code, relating to service of process in small claims court.

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

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HB 1469 passed and the title was agreed to.

\*\*\*\*\*

HB 1489: A BILL for an Act to amend and reenact section 25-03.1-29 of the North Dakota Century Code, relating to anonymity of respondents in mental health commitment hearings.

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

#### ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; 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: Krauter; Meyer, W.

HB 1489 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

SEN. HEINRICH MOVED that HB 1578, which is on the Fourteenth order, be referred to the Committee on Education, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1612: A BILL for an Act to create and enact a new section to chapter 34-11.1 of the North Dakota Century Code, relating to rights of state employees to employment with their spouses.

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 42 YEAS, 8 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; David; Freborg; Kelly; Moore; Mutch; Naaden; Tweten

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

HB 1612 passed and the title was agreed to.

\*\*\*\*\*

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the state fair association of the state of North Dakota; to provide legislative intent; 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 38 YEAS, 13 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; Freborg; Kelly; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HB 1014 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

HB 1025: A BILL for an Act making an appropriation for defraying the expenses of job service North Dakota and divisions thereof of the state of North Dakota.

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; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; 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: Kelsh; Krauter; Meyer, W.

HB 1025 passed and the title was agreed to.

\*\*\*\*\*

HB 1106: A BILL for an Act to amend and reenact subsection 2 of section 60-02-09 of the North Dakota Century Code, relating to public warehouseman bonds.

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

#### ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; 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; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HB 1106 passed and the title was agreed to.

\*\*\*\*\*

HB 1126: A BILL for an Act to amend and reenact subsection 6 of section 47-22-02 and sections 47-22-03, 47-22-04, 47-22-05, 47-22-06, 47-22-08, and 47-22-09 of the North Dakota Century Code, relating to the registration of trademarks.

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

NAYS: None



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

HB 1126 passed and the title was agreed to.

\*\*\*\*\*

HB 1157: A BILL for an Act to amend and reenact section 10-23-12 of the North Dakota Century Code, relating to notice of failure to approve filing of certain documents of foreign and domestic business corporations; and to repeal section 10-22-11 of the North Dakota Century Code, relating to filing of documents relating to amendment of articles of incorporation of a foreign corporation.

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

NAYS: None

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

HB 1157 passed and the title was agreed to.

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#### MOTIONS

SEN. MAIXNER MOVED that HB 1373 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

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

#### SECOND READING OF HOUSE BILLS

HB 1195: A BILL for an Act to amend and reenact subsection 8 of section 57-39.2-01 and subsection 6 of section 57-40.2-01 of the North Dakota Century Code, relating to collection of sales and use taxes by out-of-state retailers; to provide an effective date; 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 49 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

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

NAYS: Maxson

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

HB 1195 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

HB 1199: A BILL for an Act to amend and reenact section 15-59-02.1 of the North Dakota Century Code, relating to boarding care and the use of family insurance proceeds or similar third party payments for the provision of related services.

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

## ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; 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; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HB 1199 passed and the title was agreed to.

\*\*\*\*\*

HB 1302: A BILL for an Act to allow the Bank of North Dakota to make loans to nonprofit corporations for construction, reconstruction, repair, or renovation of facilities under the control of the parks and recreation department.

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

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HB 1302 passed and the title was agreed to.

\*\*\*\*\*

HB 1483: A BILL for an Act to establish a nongame wildlife fund and provide for uses of the fund; to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional contribution to the nongame wildlife fund to be included on North Dakota income tax returns; 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 34 YEAS, 17 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Naaden; Nalewaja; Nothing; Olson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Axtman; Bakewell; David; Freborg; Heigaard; Hilken; Keller; Langley; Meyer, D.; Moore; Mutch; Nelson; Peterson; Streibel; Stromme; Tweten

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HB 1483 passed and the title was agreed to.

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HB 1516: A BILL for an Act to provide an appropriation to the commissioner of agriculture for the Pride of Dakota logo promotion program.

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

#### ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; 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; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HB 1516 passed and the title was agreed to.

\*\*\*\*\*

HB 1546: A BILL for an Act to amend and reenact subsection 3 of section 57-39.2-01 and subsection 4 of section 57-40.2-01 of the North Dakota Century Code, relating to the definitions of gross receipts and purchase price.

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

#### ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; 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; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HB 1546 passed and the title was agreed to.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3009: A concurrent resolution for the ratification of a proposed amendment to the Constitution of the United States, providing for a delay in an increase in compensation to members of Congress until an intervening election of representatives has occurred.

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

#### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 25 YEAS, 26 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Freborg; Kelly; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Shea; Streibel; Tennefos; Todd; Tweten; Vosper; Wright

NAYS: Axtman; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Richard; Satrom; Schoenwald; Stenehjelm; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Krauter; Meyer, W.

HCR 3009 was declared lost on a roll call vote.

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#### MOTIONS

SEN. HEIGAARD MOVED that the Senate reconsider its action whereby HB 1185 lost for want of a Constitutional majority, which motion prevailed.

SEN. SCHOENWALD MOVED that HB 1185 be amended as follows:

On page 3 of the engrossed bill, line 23, delete the words "The district court shall maintain" and insert in lieu thereof the words "Prior to the filing of an application for relief or for supervisory proceedings under chapter 6-07, a party to the proceedings before the banking board may request that the district judge order the confidentiality of the proceedings in the district court. The request must be by affidavit and is confidential. Upon showing that undue injury may otherwise result to any party, or as determined necessary to preserve the status quo, the judge may order"

On page 3 of the engrossed bill, line 24, after the word "the" insert the words "court's"

And renumber the lines, sections, and pages accordingly

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

SEN. SCHOENWALD MOVED that the rules be suspended and that HB 1185 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

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, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; 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: Krauter; Meyer, W.

HB 1185 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 Speaker has signed and your signature is respectfully requested:

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

ROY GILBREATH, Chief Clerk

#### MOTIONS

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

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Sixteenth order of business, and at the conclusion of the Sixteenth order of business, and after the reading of HB 1093, HB 1119, HB 1144, HB 1164, HB 1175, HB 1205, HB 1210, HB 1219, HB 1223, HB 1244, HB 1317, HB 1318, HB 1370, HB 1389, HB 1400, HB 1415, HB 1419, HB 1425, HB 1432, HB 1501, HB 1522, HB 1531, HB 1596, HCR 3002, HCR 3008, HCR 3012, HCR 3022, HCR 3025, and HCR 3045, the Senate adjourn and convene at 12:30 p.m., Friday, March 6, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary