

MONDAY, MARCH 9, 1987

1389

## JOURNAL OF THE SENATE

### Fiftieth Legislative Assembly

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#### FORTY-THIRD DAY

Bismarck, March 9, 1987

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

The prayer was offered by Reverend Jeffrey L. Baxter, First Presbyterian Church, Wilton.

Almighty, Loving, and Holy God, You have called women and men from all walks of life to serve You. As You have called these individuals, now enable them to do the work with which they have been entrusted.

Give them wisdom to discern the complex answers to this time's complex problems, and a willing spirit to work together for the greatest good of all Your people.

We ask the presence of Your spirit here today, guiding, directing, and working to accomplish Your purpose. Hear us, we pray, through Jesus Christ, our Lord. Amen.

#### ROLL CALL

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

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 Forty-second Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

#### MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

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 2148,	SB 2152,	SB 2153,	SB 2155,	SB 2162,	SB 2194,
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

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HCR 3076

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 2309

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return SB 2263, SB 2450, and SB 2455 which the House has amended, and subsequently passed:

HOUSE AMENDMENTS TO SB 2263

On page 2, line 20, delete the word "weekly."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2450

On page 1 of the engrossed bill, line 10, delete the words "in boldface" and insert in lieu thereof the words "printed in a conspicuous manner"

On page 1 of the engrossed bill, line 11, delete the words "type of a minimum size of ten point"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2455

On page 1 of the engrossed bill, line 10, after the word "statement" insert the words "filed against an individual" and delete the word "residential"

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2065, SB 2108, SB 2129, SB 2133, SB 2135, SB 2171,  
SB 2216, SB 2221, SB 2227, SB 2241, SB 2271, SB 2334,  
SCR 4007

ROY GILBREATH, Chief Clerk

MONDAY, MARCH 9, 1987

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**SIGNING OF BILLS AND RESOLUTIONS**

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

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

PERRY GROTEBERG, Secretary

**SIGNING OF BILLS AND RESOLUTIONS**

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

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

PERRY GROTEBERG, Secretary

**MESSAGES TO THE HOUSE**

**SENATE CHAMBER**

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

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

PERRY GROTEBERG, Secretary

**SENATE CHAMBER**

**MR. SPEAKER:** I have the honor to return herewith the following which the Senate has failed to pass:

HCR 3009

PERRY GROTEBERG, Secretary

**SENATE CHAMBER**

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

HB 1122, HB 1185

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

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

SB 2545

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

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

HB 1014, HB 1025, HB 1106, HB 1126, HB 1157, HB 1195,  
HB 1199, HB 1218, HB 1225, HB 1232, HB 1248, HB 1302,  
HB 1307, HB 1313, HB 1469, HB 1483, HB 1489, HB 1516,  
HB 1546, HB 1612

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2452 and subsequently passed the same.

PERRY GROTEBERG, Secretary

## REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1073 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 23, delete the word "registration" and insert in lieu thereof the word "use"

And renumber the lines, sections, and pages accordingly

SEN. HILKEN, Chairman

HB 1073 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1297 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 of the engrossed bill, line 23, delete the word "twenty-five" and insert in lieu thereof the word "fifty"

And renumber the lines, sections, and pages accordingly

SEN. DOTZENROD, Chairman

HB 1297 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 1359 has had the same under consideration and recommends by a vote of 4 YEAS, 3 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 27, delete the words "the lesser of" and overstrike the colon

On page 2, line 1, overstrike the numeral "(1)" and delete the word "Sixty" and insert in lieu thereof the word "sixty"

On page 2, line 6, delete the word "; or"

On page 2, line 7, overstrike the numeral "(2)"

On page 2, line 12, delete the words "One hundred seventy-five"

On page 2, line 13, delete the word "dollars" and overstrike the period

On page 2, line 19, remove the overstrike over the period

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

HB 1359 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Political Subdivisions to which was referred HB 1420 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 word "chapter" insert the words and numerals "11-27, a new section to chapter" and, after the numerals "40-11" insert the words and numerals ", and a new section to chapter 57-28"

On page 1, line 2, after the word "by" insert the words "counties or"

On page 1, line 3, delete the word "section" and insert in lieu thereof the words and numerals "sections 11-27-01 and"

On page 1, line 4, after the word "by" insert the words "counties or"

On page 1, after line 6, insert the following new sections:

"SECTION 1. AMENDMENT. Section 11-27-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-27-01. Board of county commissioners authorized to sell property - Private and public sale. The board of county commissioners of any county may dispose of any property, either real or personal, which the county has acquired through purchase, forfeiture, or operation of law other than through tax sale proceedings, in accordance with the provisions of under this chapter. When the property to be disposed of is estimated by the board to be of a value of less than one thousand dollars, it may be sold at private sale upon the proper resolution of the board. In all other cases, such the property may be sold only at public sale or as provided under section 2 of this Act.

SECTION 2. A new section to chapter 11-27 of the North Dakota Century Code is hereby created and enacted to read as follows:

Transfer of real property by nonexclusive listing agreements. As an alternative to public sale under section 11-27-01, the board of county commissioners may by resolution describe the real property of the county which is to be sold; provide a maximum rate of fee, compensation, or commission; and provide that the county reserves the right to reject any and all offers determined to be insufficient. After adoption of the resolution, the board of county commissioners may engage licensed real estate brokers to attempt to sell the described property by way of nonexclusive listing agreements."

On page 1, line 18, delete the numeral "2" and insert in lieu thereof the numeral "4"

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

"SECTION 5. A new section to chapter 57-28 of the North Dakota Century Code is hereby created and enacted to read as follows:

Private sale between annual sales by nonexclusive listing agreements. The board of county commissioners may by resolution engage licensed real estate brokers to attempt to sell parcels of real estate not sold at the annual November sale. The resolution must authorize sale by way of nonexclusive listing agreements; describe the real property to be sold; provide a maximum rate of fee, compensation, or commission; and provide that the county reserves the right to reject any and all offers determined to be insufficient. Real estate that is subject to a special assessment lien for improvements made by a city shall first be offered for sale to the city."

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

HB 1420 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 1533 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 of the engrossed bill, line 20, delete the word "Any"

On page 1 of the engrossed bill, delete lines 21 through 24

On page 1 of the engrossed bill, line 25, delete the words "possession of an alcoholic beverage"

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

HB 1533 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Transportation to which was referred HB 1568 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 20, after the word "of" insert the words "no less than one hundred dollars and no more than"

On page 1 of the engrossed bill, line 21, delete the word "must" and insert in lieu thereof the word "may"

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

HB 1568 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Agriculture to which was referred HB 1582 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 2, delete the word ", price"

On page 1, line 3, delete the words "discount, or price premium"

On page 2, line 3, delete the words ", price discount, or price premium"

On page 2, line 18, delete the words "price discount, or price premium factor" and insert in lieu thereof the word "factors"

On page 2, line 20, delete the words "is binding on each party" and insert in lieu thereof the words "shall be used in the settlement of the dispute"

And renumber the lines, sections, and pages accordingly

SEN. W. MEYER, Chairman

HB 1582 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was rereferred HCR 3007 has had the same under consideration and recommends by a vote of 5 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 of the engrossed resolution, line 2, delete the word "through" and insert in lieu thereof the words ", to study North Dakota's wetlands and related issues, and to study related issues regarding Devils Lake, the Garrison Diversion project, and distribution of water for uses throughout North Dakota."

On page 1 of the engrossed resolution, delete line 3.

On page 1 of the engrossed resolution, line 9, delete the words "the Lonetree Reservoir would have" and insert in lieu thereof the words "a central reservoir as part of the Garrison Diversion Unit is necessary to provide"

On page 1 of the engrossed resolution, line 10, delete the word "provided"

On page 1 of the engrossed resolution, line 11, delete the words "which would have stabilized the lakes" and insert in lieu thereof the words "for stabilization of Devils Lake", delete the words "freshened their" and insert in lieu thereof the words "freshening the", and after the word "water" insert the words "of Devils Lake"

On page 1 of the engrossed resolution, line 12, delete the words "from their present saline conditions", and delete the word "provided" and insert in lieu thereof the words "assuring continuation of the"

On page 1 of the engrossed resolution, line 13, after the word "enhancement" insert the words "of Devils Lake"

On page 1 of the engrossed resolution, delete lines 14 through 19



On page 1 of the engrossed resolution, line 23, after the semicolon insert the following language: "and

WHEREAS, North Dakota's thirty-two million acres north and east of the Missouri River is the center of the prairie pothole region, containing most of the remaining wetlands in the prairie pothole region of the United States; and

WHEREAS, the Legislative Assembly recognizes that wetland issues are of significant controversy and importance, that between two and three million acres of wetlands remain in North Dakota, that North Dakota's wetlands produce from two and one-half million to six million ducks each year, depending on the wet and dry cycle, and that wetlands have various other values and functions; and

WHEREAS, the Legislative Assembly recognizes that the United States Fish and Wildlife Service has extensive fee title and easement holdings in North Dakota to protect wetlands; and

WHEREAS, the Legislative Assembly recognizes that the remaining wetlands in North Dakota not preserved through government ownership are a resource of state, national, and international significance; and

WHEREAS, the Garrison Diversion Unit was reformulated by the Congress of the United States in 1986, revising the project significantly and altering both the shape, size, and benefits to be received by North Dakota from the project; and

WHEREAS, it is necessary to have legislative study and oversight of issues relating to restoration and stabilization of Devils Lake, wetland issues, the reformulated Garrison Diversion project, and related issues;"

On page 1 of the engrossed resolution, line 28, after the word "restoring" insert the words "and stabilizing", and after the word "system" insert the words ", wetland issues, the reformulated Garrison Diversion project, and all of the issues related thereto"

On page 1 of the engrossed resolution, line 29, delete the words "through alternate sources of water"

And renumber the lines, sections, and pages accordingly

SEN. KRAUTER, Chairman

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

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2550 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

SB 2550 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2551 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. LASHKOWITZ, Chairman

SB 2551 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1078 has had the same under consideration and recommends by a vote of 4 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1078 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 1084 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 1084 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 1087 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

HB 1087 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 1259 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 1259 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 1303 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 1303 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 1304 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 1304 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 1305 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 1305 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 1321 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 1321 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 1387 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. LASHKOWITZ, Chairman

HB 1387 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 1398 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. LASHKOWITZ, Chairman

HB 1398 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 1402 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. LASHKOWITZ, Chairman

HB 1402 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 1417 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 1417 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 1433 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 1433 was placed on the Fourteenth 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 1494 has had the same under consideration and recommends by a vote of 4 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1494 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 1505 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1505 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 1510 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 1510 was placed on the Fourteenth 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 1559 has had the same under consideration and recommends by a vote of 4 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1559 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 1565 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1565 was placed on the Fourteenth 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 1575 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1575 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 1607 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 1607 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 HCR 3018 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

HCR 3018 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 HCR 3024 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. HEINRICH, Chairman

HCR 3024 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 HCR 3059 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. SATROM, Chairman**

HCR 3059 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MOTION**

**SEN. STENEHJEM MOVED** that the rules be suspended and that SB 2551 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SEN. DOTZENROD MOVED** that the amendments to HB 1052 as recommended by the Committee on Political Subdivisions as printed on page 1360 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1052 was rereferred to the Committee on Appropriations.

**SEN. HILKEN MOVED** that the amendments to HB 1121 as recommended by the Committee on Transportation as printed on page 1360 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1121 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SEN. LANGLEY MOVED** that the amendments to HB 1176 as recommended by the Committee on Industry, Business and Labor as printed on page 1361 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1176 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SEN. AXTMAN MOVED** that the amendments to HB 1207 as recommended by the Committee on Agriculture as printed on pages 1361-1362 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1207 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SEN. LANGLEY MOVED** that the amendments to HB 1231 as recommended by the Committee on Industry, Business and Labor as printed on page 1362 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1231 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to HB 1257 as recommended by the Committee on Natural Resources as printed on pages 1362-1363 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

HB 1257 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1293 as recommended by the Committee on Political Subdivisions as printed on pages 1363-1364 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1293 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### 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 1094, HB 1097, HB 1137, HB 1138, HB 1139, HB 1200,  
HB 1301, HB 1311, HB 1380, HB 1540

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1673

ROY GILBREATH, Chief Clerk

#### CONSIDERATION OF AMENDMENTS

SEN. D. MEYER MOVED that the amendments to HB 1300 as recommended by the Committee on State and Federal Government as printed on pages 1329-1331 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### MOTION

SEN. LODOEN MOVED that the rules be suspended and that HB 1300 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1300: A BILL 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.

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 37 YEAS, 14 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Langley; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Yockim

NAYS: Dotzenrod; Freborg; Keller; Kelly; Krauter; Lashkowitz; Mathern; Moore; Redlin; Richard; Schoenwald; Shea; Tennefos; Wright

ABSENT AND NOT VOTING: David; Meyer, W.

HB 1300 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. KRAUTER MOVED that the amendments to HB 1328 as recommended by the Committee on Natural Resources as printed on page 1364 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1328 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to HB 1330 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1364-1365 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1330 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to HB 1388 as recommended by the Committee on Natural Resources as printed on page 1365 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1388 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to HB 1393 as recommended by the Committee on Transportation as printed on page 1365 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.



HB 1393 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to HB 1497 as recommended by the Committee on Natural Resources as printed on pages 1365-1366 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1497 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to HB 1609 as recommended by the Committee on Natural Resources as printed on page 1366 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1609 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTIONS

SEN. KRAUTER MOVED that the Senate reconsider its action whereby HB 1210 failed to pass, which motion prevailed on a verification vote.

SEN. MAIXNER MOVED that HB 1210, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1081: A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota Century Code, relating to a data processing advisory committee.

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

NAYS: Wogsland

ABSENT AND NOT VOTING: David; Meyer, W.

HB 1081 passed and the title was agreed to.

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HB 1167: A BILL for an Act to create and enact a new section to chapter 16.1-11 of the North Dakota Century Code, relating to election endorsements; and to amend and reenact section 16.1-12-03 of the North Dakota Century Code, relating to participation in election nominations.

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 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Kelsh; Meyer, W.; Richard; Satrom

HB 1167 passed and the title was agreed to.

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#### REQUEST

SEN. KELSH REQUESTED that the record show that he depressed the voting key too late, and he intended to vote "yea" on HB 1167, which request was granted.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

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

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

The question being on the final adoption of the resolution.

SCR 4065 was declared adopted and the title was agreed to on a voice vote.

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SECOND READING OF SENATE BILL

SB 2551: A BILL for an Act to amend and reenact the new section to chapter 16.1-01 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2479, as approved by the fiftieth legislative assembly, relating to the calling of a special election by the governor; and to declare an emergency.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Meyer, W.; Satrom; Shea

SB 2551 passed, the title was agreed to, and the emergency clause carried.

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MOTION

SEN. STENEHJEM MOVED that the rules be suspended and that SB 2551 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

SB 2551

PERRY GROTEBERG, Secretary

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

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

### SECOND READING OF HOUSE BILLS

HB 1234: A BILL for an Act to amend and reenact sections 51-04-01, 51-04-03, 51-04-08, and 51-04-09 of the North Dakota Century Code, relating to the definition of transient merchant, licensing of transient merchants by the attorney general, certain excepted sales, and regulation of transient merchants by a city or other municipality.

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, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Meyer, W.; Satrom

HB 1234 passed and the title was agreed to.

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HB 1254: A BILL for an Act to amend and reenact subsection 5.1 of section 50-25.1-02 of the North Dakota Century Code, relating to the definition of a local child protection team.

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

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething;

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Olson; Peterson; Redlin; Reiten; Richard; Schoenwald;  
Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane;  
Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Keller; Tennefos; Tweten

ABSENT AND NOT VOTING: David; Meyer, W.; Satrom

HB 1254 passed and the title was agreed to.

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HB 1273: A BILL for an Act to create and enact a new subsection to section 15-10-17 of the North Dakota Century Code, relating to the powers and duties of the board of higher education.

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

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: David; Meyer, W.; Satrom

HB 1273 passed and the title was agreed to.

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HB 1299: A BILL for an Act to amend and reenact sections 15-45-01, 32-12.1-08, 40-55-08, 40-55-09, 52-09-08, 57-15-14, and 57-15-14.2 of the North Dakota Century Code, relating to kindergartens, the insurance reserve fund, recreation systems, old-age survivors' fund, tax levy limitations, and consolidation of school district mill levies; and to repeal section 57-15-14.3 of the North Dakota Century Code, relating to school district general fund mill levies.

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 31 YEAS, 19 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Lips; Lodoen; Mathern; Maxson; Mushik; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjem; Tallackson; Thane; Todd; Waldera; Wogsland; Wright

NAYS: Axtman; Dotzenrod; Keller; Kelly; Krauter; Langley; Lashkowitz; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Richard; Streibel; Stromme; Tennefos; Tweten; Vosper; Yockim

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

HB 1299 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 1014

ROY GILBREATH, Chief Clerk

## MOTIONS

SEN. WOGSLAND MOVED that SB 2103 be reprinted, which motion prevailed.

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

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, and after the reading of SB 2550, HB 1052, HB 1078, HB 1084, HB 1087, HB 1121, HB 1176, HB 1207, HB 1231, HB 1257, HB 1259, HB 1293, HB 1303, HB 1304, HB 1305, HB 1321, HB 1328, HB 1330, HB 1387, HB 1388, HB 1393, HB 1398, HB 1402, HB 1417, HB 1433, HB 1494, HB 1497, HB 1505, HB 1510, HB 1559, HB 1565, HB 1575, HB 1607, HB 1609, HCR 3018, HCR 3024, and HCR 3059, the Senate adjourn and convene at 1:00 p.m., Tuesday, March 10, 1987, which motion prevailed.

## FIRST READING OF HOUSE BILL

HB 1669: A BILL for an Act to amend and reenact section 65-02-04 of the North Dakota Century Code, relating to the chairman of the workmen's compensation bureau.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3069: A concurrent resolution directing the Committee on Public Employees Retirement Programs of the Legislative Council to evaluate health insurance benefits and other benefits administered by public employee retirement boards, and the investment practices and performances of those boards.

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

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

PERRY GROTEBERG, Secretary