

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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FIFTY-FIFTH DAY

Bismarck, March 25, 1987

The Senate convened at 10:00 a.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend Ignatius David, First United Methodist Church, Bismarck.

"This is the day that the Lord hath made, we will rejoice and be glad in it." "They that wait upon the Lord shall renew their strength; they shall mount up wings as eagles; they shall run and not be weary." Psalms: 118:24, Isaiah:40:31.

Almighty God, the creator of all things and all people, we thank You for all the resources that You have made available to us to be our best as leaders and citizens of our state.

We humbly beseech You to come and impress upon our hearts and minds Your wisdom and guidance in all the discussions and deliberations of the day. We ask you, Lord, that we be sensitive to the issues and concerns of our people and honestly and sincerely consider enhancing the process that will build our self esteem, dignity, and moral conscience of our people.

Help us, O Lord, to be carefully listening to the still small voice in our hearts before we consider making decisions that could have serious impact on our future. Thank You, Lord, for the new day; thank You for the gift of life. Help us to appreciate life today, and try our best to be our best as leaders and citizens of this great state. We thank You, Lord, ahead of time, for the positive accomplishments that will be taking place today. We ask in the name of Jesus Christ, our Lord, Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators Maxson, Shea, and Tweten.

A quorum was declared by the President Pro Tem.

## CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Fifty-fourth Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2145

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2280 which the House has amended and subsequently failed to pass:

## HOUSE AMENDMENTS TO ENGROSSED SB 2280

On page 1 of the engrossed bill, line 4, delete the words "subsection 78 of" and delete the numeral "39-01-01" and insert in lieu thereof the numeral "39-05-01"

On page 1 of the engrossed bill, line 5, after the first word "of" insert the word "motor"

On page 5 of the engrossed bill, line 30, delete the words "Subsection 78 of section 39-01-01" and insert in lieu thereof the word and numeral "Section 39-05-01"

On page 5 of the engrossed bill, delete lines 33 through 35

On page 6 of the engrossed bill, delete lines 1 and 2 and insert in lieu thereof the following new section:

"39-05-01. Definition. In this chapter, unless the context or subject matter otherwise requires, "motor vehicle" includes a housetrailer, motorboat, or mobile home and any semitrailer designed to be towed by a truck tractor."

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

SB 2020, SB 2137, SB 2218, SB 2219, SB 2225, SB 2235,  
 SB 2281, SB 2354, SB 2376, SB 2381, SCR 4062, SCR 4063,  
 SCR 4068

ROY GILBREATH, Chief Clerk

#### HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2008, SB 2014, SB 2031, SB 2097, SB 2103, SB 2314, SB 2387, SB 2391, SB 2439, SB 2484, SB 2489, and SCR 4026 which the House has amended, and subsequently passed:

#### HOUSE AMENDMENTS TO ENGROSSED SB 2008

On page 1 of the engrossed bill, line 15, delete the numerals "804,868" and insert in lieu thereof the numerals "770,055"

On page 1 of the engrossed bill, line 19, delete the numerals "2,997,849" and insert in lieu thereof the numerals "2,963,036"

On page 1 of the engrossed bill, line 21, delete the numerals "2,191,545" and insert in lieu thereof the numerals "2,156,732"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### State Library

The following operating expenses line items are reduced by a total of \$34,813 from the general fund:

Resource and reference materials	\$(27,799)
State employee travel	(3,514)
Office supplies	<u>(3,500)</u>
Total increase (decrease)	\$(34,813)

#### HOUSE AMENDMENTS TO REENGROSSED SB 2014

On page 1 of the reengrossed bill, line 2, delete the words "; and providing" and insert in lieu thereof a period

On page 1 of the reengrossed bill, delete lines 3 and 4

On page 1 of the reengrossed bill, delete lines 24 through 28

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

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

Civil Air Patrol

This amendment deletes Section 3 which was added by the Senate, relating to budget control by state agencies.

## HOUSE AMENDMENTS TO ENGROSSED SB 2031

On page 1 of the engrossed bill, line 14, delete the numerals "175,000" and insert in lieu thereof the numerals "215,000"

On page 1 of the engrossed bill, line 15, delete the numerals "180,000" and insert in lieu thereof the numerals "220,000"

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Educational Broadcasting Council

The grants line item is increased by \$40,000 from the general fund. Of the total, \$50,000 in the grants line item is provided to contract for instructional television. This amount is in lieu of the \$50,000 appropriation for instructional television included in the Department of Public Instruction appropriation. The \$165,000 remaining in the grants line item is used to contract for public and educational broadcasting services.

## HOUSE AMENDMENTS TO ENGROSSED SB 2097

On page 1 of the engrossed bill, line 28, after the period insert the sentence: "This provision does not apply to term life insurance or to any policy where the insurer has a valid defense to the payment of benefits under the policy."

On page 2 of the engrossed bill, line 10, after the period insert the sentence: "This provision does not apply where the insurer has a valid defense to the payment of benefits under the policy."

And renumber the lines, sections, and pages accordingly

## HOUSE AMENDMENTS TO REENGROSSED SB 2103

On page 1 of the reengrossed bill, line 1, delete the word "subsections" and insert in lieu thereof the word "subsection" and delete the word and numeral "and 3"

On page 1 of the reengrossed bill, line 5, delete the words "; and to provide an appropriation"

On page 1 of the reengrossed bill, line 8, delete the word "Subsections" and insert in lieu thereof the word "Subsection" and delete the word and numeral "and 3"

On page 1 of the reengrossed bill, line 13, delete the word "twenty-five" and insert in lieu thereof the word "fifteen"

On page 2 of the reengrossed bill, delete lines 3 through 18

On page 2 of the reengrossed bill, line 26, delete the word "twenty-five" and insert in lieu thereof the word "fifteen"

On page 3 of the reengrossed bill, line 21, delete the word "twenty-five" and insert in lieu thereof the word "fifteen"

On page 4 of the reengrossed bill, line 1, delete the word "twenty-five" and insert in lieu thereof the word "fifteen"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2314

On page 1, line 16, delete the letter "B" and insert in lieu thereof the letter "A"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2387

On page 1 of the engrossed bill, delete line 10 and insert in lieu thereof the words "If a"

On page 1 of the engrossed bill, line 11, after the word "subdivision" insert the words "in which a historical site is located" and delete the word "any" and insert in lieu thereof the word "a"

On page 1 of the engrossed bill, line 13, delete the word ", such" and insert in lieu thereof the following: "the issue must be submitted to an election. The election must be on the issue of whether alteration or demolition of the site will be allowed. The governing body of the political subdivision, on its own initiative or at the request of the state historical board, shall place the question on the next general election ballot, or may call an earlier special election. The date of the special election may not be less than thirty days nor more than ninety days after the date of the special election request. The special election must be conducted, returns thereof made, and the result thereof declared in all respects as are the city, county, school district, or other political subdivision elections. The city, county, school district, or other political subdivision shall give notice of the special election by publication of the proposition to be voted upon, the places where the special election will be held, and the date of the special election in each newspaper published within the jurisdiction of the political subdivision, not more than twenty days and not less than five days before the date of the election. The question to be voted upon at the general or special election provided for in this section must be in substantially the following form:

Shall the (city, county, school district, or other political subdivision) approve the decision of the state historical board to disallow (alteration or demolition) of the \_\_\_\_\_ site listed on the state historical society registry?

Yes    /    /

No     /    /

The results of the city, county, school district, or other political subdivision elections are binding on the state historical board."

On page 1 of the engrossed bill, delete lines 14 through 28

On page 2 of the engrossed bill, delete lines 1 through 35

On page 3 of the engrossed bill, delete lines 1 through 3

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2391

On page 1 of the engrossed bill, line 3, after the word "reenact" insert the words "subsection 4 of section 26.1-36-31 and"

On page 1 of the engrossed bill, line 4, after the word "to" insert the words "the definition of medicare supplement policy and"

On page 1 of the engrossed bill, after line 7, insert the following new subsection:

"SECTION 1. AMENDMENT. Subsection 4 of section 26.1-36-31 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. "Medicare supplement policy" means a group or individual accident and health insurance policy or a subscriber contract of a health service corporation or a health care plan of a health maintenance organization, which is advertised, marketed, or designed primarily as a supplement to reimbursements under medicare for the hospital, medical, or surgical expenses of persons eligible for medicare. The term does not include:

a. A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees,

or combination thereof, or for members or former members, or combination thereof, of the labor organizations.

- b. A policy or contract of any professional, trade, or occupational association for its members or former or retired members, or combination thereof, if the association:

- (1) Is composed of individuals all of whom are actively engaged in the same profession, trade, or occupation;
- (2) Has been maintained in good faith for purposes other than obtaining insurance; and
- (3) Has been in existence for at least two years prior to the date of its initial offering of the policy or plan to its members.

- c. Individual policies or contracts issued pursuant to a conversion privilege under an individual or group insurance policy or contract when the individual or group policy or contract includes provisions which are inconsistent with the requirements of sections 26.1-36-32 through 26.1-36-36."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2439

On page 1, line 20, after the word "indebtedness" insert the words ", insured certificates of deposit"

On page 1, line 27, after the word "States" insert the words "or such other securities approved by the banking board"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2484

On page 1 of the engrossed bill, line 23, delete the words ", except that the requirement shall be six" and insert in lieu thereof the words "as described in section 26.1-26-11"

On page 1 of the engrossed bill, delete line 24

On page 1 of the engrossed bill, line 25, delete the words "credit life insurance"

And renumber the lines, sections, and pages accordingly

## HOUSE AMENDMENTS TO SB 2489

- On page 1, line 3, after the word "and" insert the word "certain"
- On page 1, line 8, after the word "or" insert the word "certain"
- On page 1, line 15, after the second underscored comma insert the word "and" and delete the words ", and managers"
- On page 1, line 16, after the word "cooperative" insert the words ", and the manager of an electric cooperative who is the person most responsible for carrying out the policies and directives of the officers, trustees, or the board of directors,"
- On page 2, line 4, after the period insert the words "For purposes of this subsection, "manager" means the person who was the most responsible for carrying out the policies and directives of the officers or the board of directors when the act or omission complained of occurred."
- On page 2, line 13, after the second underscored comma insert the word "and"
- On page 2, line 14, delete the word "managers" and insert in lieu thereof the words "the manager who is the person most responsible for carrying out the policies and directives of the trustees, officers, or board of directors,"
- On page 2, line 22, after the second underscored comma insert the word "and" and delete the words ", and managers"
- On page 2, line 23, after the word "companies" insert the words ", and the manager of a mutual telephone company who is the person most responsible for carrying out the policies and directives of the trustees, officers, or board of directors,"

And renumber the lines, sections, and pages accordingly

## HOUSE AMENDMENTS TO ENGROSSED SCR 4026

- On page 1 of the engrossed resolution, line 1, after the word "study" insert the words "the state's role in the establishment and maintenance of"
- On page 1 of the engrossed resolution, after line 2, insert the following:
- "WHEREAS, victims of and witnesses to crime, especially children and the elderly, are often unfamiliar with the criminal justice process and with their roles in that process; and"



On page 1 of the engrossed resolution, line 3, delete the words "to crime should be" and insert in lieu thereof the words "who are not"

On page 1 of the engrossed resolution, after line 8, insert the following:

"WHEREAS, victim/witness assistance units have been created in seven jurisdictions in this state, but funding for these projects was on a short-term basis; and

WHEREAS, other local victim and witness advocacy and assistance programs, including those involved with child and spouse abuse, domestic violence, rape victims, and elderly victims, are chronically short of funding; and

WHEREAS, our criminal justice system provides multiple forms of assistance to defendants, but less assistance to victims and witnesses involved in the criminal justice process; and"

On page 1 of the engrossed resolution, delete lines 16 and insert in lieu thereof the words "establishment and maintenance of programs for assistance to victims of and witnesses to crime, with emphasis on methods of funding and the feasibility and desirability of expanding, enhancing, and coordinating the system of services for victims of and witnesses to crime in this state; and"

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

#### SIGNING OF BILLS AND RESOLUTIONS

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

HB 1079, HB 1099, HB 1117, HB 1254, HB 1405, HB 1420,  
HB 1456, HB 1460, HB 1491, HB 1568, HB 1608, HCR 3060,  
HCR 3063

PERRY GROTBERG, Secretary

#### MESSAGES TO THE HOUSE SENATE CHAMBER

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

HB 1079, HB 1099, HB 1117, HB 1254, HB 1405, HB 1420,  
HB 1456, HB 1460, HB 1491, HB 1568, HB 1608, HCR 3060,  
HCR 3063

PERRY GROTBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2090, SB 2143, and SB 2403 and subsequently passed the same.

PERRY GROTBORG, Secretary

## SENATE CHAMBER

MR. SPEAKER: The House request to return SCR 4016 is respectfully denied which motion lost on a verification vote pursuant to Joint Rule 204, which states "Either house, upon majority vote, shall return any bill or resolution called for by resolution of the other house, if the bill or resolution is yet in possession of the house called on, and no action thereon has been had. In case action has been had, then it shall require a two-thirds vote of the house asked to return a bill or resolution called for." Senate action had been taken and the motion to return SCR 4016 failed for lack of a two-thirds majority.

PERRY GROTBORG, Secretary

## SIGNING OF BILLS AND RESOLUTIONS

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

SB 2093, SB 2095, SB 2119, SB 2134, SB 2141, SB 2185,  
SB 2205, SB 2252, SB 2266, SB 2273, SB 2293, SB 2363,  
SB 2412, SB 2415, SB 2450, SB 2455, SB 2467, SB 2516,  
SCR 4016

PERRY GROTBORG, Secretary

## MESSAGE TO THE HOUSE

## SENATE CHAMBER

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

SB 2093, SB 2095, SB 2119, SB 2134, SB 2141, SB 2185,  
SB 2205, HB 2252, SB 2266, SB 2273, SB 2293, SB 2363,  
SB 2412, SB 2415, SB 2450, SB 2455, SB 2467, SB 2516,  
SCR 4016

PERRY GROTBORG, Secretary

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2547 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 4, line 29, delete the words "If petitions"

On page 4, delete lines 30 through 35

On page 5, delete lines 1 through 6

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

SB 2547 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4013 has had the same under consideration and recommends by a vote of 6 YEAS, 4 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 concurrent resolution" delete the remainder of the resolution and insert in lieu thereof the following: "to create a new section to article V of the Constitution of the State of North Dakota, relating to the reorganization of executive and administrative offices, boards, bureaus, agencies, commissions, and instrumentalities of state government.

#### STATEMENT OF INTENT

This measure creates a new section to the executive branch article of the constitution, which mandates reorganization of the many offices, boards, bureaus, agencies, commissions, and instrumentalities of state government into twelve departments by December 31, 1991. Reorganization must be done in a manner that tends to provide an orderly arrangement and according to major purposes. Except for constitutionally mandated offices, the governor shall, prior to January 1, 1991, and may, at any subsequent time, reorganize as considered necessary for efficient administration. Actions that affect existing law must be submitted to the legislative assembly. The changes become effective unless disapproved by both houses of the legislative assembly.

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

That the following proposed creation of a new section to article V of the Constitution of the State of North Dakota is agreed to and must be submitted to the electors of the State of North Dakota at the primary election to be held in 1988, in accordance with the provisions of section 16 of article IV of the Constitution of the State of North Dakota.

SECTION 1. A new section to article V of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

All executive and administrative offices, boards, bureaus, agencies, commissions, and instrumentalities of the state government and their respective functions, powers

and duties, except for the constitutional offices of governor, lieutenant governor, attorney general, secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of agriculture, commissioner of insurance, tax commissioner, public service commissioner, and the state board of higher education and the board of university and school lands, must be allocated by law within not more than twelve principal departments, organized as far as practicable according to major purposes, by no later than December 31, 1991. Subsequently, all new powers or functions must be assigned to one of the principal departments or constitutional offices in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a principal department or constitutional office. The legislative assembly may review the allocation of functions among the principal departments and constitutional offices, and may by law change or reallocate functions among the various departments.

Except as to the offices of governor, lieutenant governor, attorney general, secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of agriculture, commissioner of insurance, tax commissioner, public service commissioner, the state board of higher education, and the board of university and school lands, the governor shall, prior to January 1, 1991, and may, at any subsequent time, make such changes in the organization of executive and administrative offices, boards, commissions, agencies, and instrumentalities, and in allocation of their functions, powers and duties, as the governor considers necessary for efficient administration and which comply with the requirements of this section. If such changes affect existing law, they must be set forth in executive orders, which must be submitted to the legislative assembly within five legislative days after it convenes. The orders become effective and have the force of law within thirty days after submission, unless disapproved by a resolution concurred in by both houses by a majority vote of the members-elect in each house."

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

SCR 4013 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4014 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended,

recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1, line 10, delete the numerals "1989" and insert in lieu thereof the numerals "1993"

On page 4, line 29, delete the numerals "1989" and insert in lieu thereof the numerals "1993"

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

SCR 4014 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4047 has had the same under consideration and recommends by a vote of 10 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 2, line 1, after the word "Congress" insert the words "or an act of the legislative assembly"

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

SCR 4047 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was rereferred HB 1080 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:

In addition to the amendments to House Bill No. 1080 adopted by the Senate as found on page 1619 of the Senate Journal, House Bill No. 1080 is amended as follows:

On page 1, line 13, after the word "faith" insert the words ", in the exercise of reasonable and ordinary care,"

On page 2, line 2, after the word "faith" insert the words ", in the exercise of reasonable and ordinary care,"

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

HB 1080 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1221 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 numerals "12.1-20-01" insert the words and numerals "and subsection 1 of section 12.1-20-09"

On page 1, line 3, delete the word "and" and insert in lieu thereof a comma

On page 1, line 4, after the word "victims" insert the words ", and adultery"

On page 2, after line 17, insert the following new section:

"SECTION 2. AMENDMENT. Subsection 1 of section 12.1-20-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A married person is guilty of a class A misdemeanor if he or she engages in a sexual act with another person, who is not his or her spouse."

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

HB 1221 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1240 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 1, delete the words "to create and enact a new section to chapter 57-38"

On page 1 of the engrossed bill, delete line 2

On page 1 of the engrossed bill, line 3, delete the words "overpayments of income tax;"

On page 5 of the engrossed bill, delete lines 6 through 28

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

HB 1240 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1266 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 6 of section 35-24-01 and section 35-24-02 of the North Dakota Century Code, relating to definitions and well and pipeline construction liens.

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

SECTION 1. AMENDMENT. Subsection 6 of section 35-24-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. "Material" means material, machinery, equipment, appliances, buildings, structures, tools, bits, or supplies ~~but does not include rigs or hoists or their integral component parts except wire lines, and all other equipment used in the exploration for or the production of oil or gas.~~

SECTION 2. AMENDMENT. Section 35-24-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-24-02. Who entitled to lien - Amount of lien. Any person who ~~shall~~, under contract with the owner of any leasehold for oil or gas purposes or any pipeline, ~~perform~~ performs any labor or ~~furnish~~ furnishes any material or services used or employed, or furnished to be used or employed in the exploration for or the production of oil or gas, drilling or operating operation of any oil or gas well upon such the leasehold, or in the construction of any pipeline, or in the constructing, putting together, or repairing of any material so used or employed, or furnished to be used or employed, shall be is entitled to a lien under this chapter, whether or not a producing well is obtained ~~and, a dry hole is obtained, or a producing oil or gas well ceases production, whether or not such the material is incorporated in or becomes a part of the completed oil or gas well, or pipeline, for the amount due him that person for the performance of such the labor or the furnishing of such material or services, including without limitation transportation and mileage charges connected therewith, and interest from the date the same was due."~~

And renumber the lines, sections, and pages accordingly

SEN. LASHKOWITZ, Chairman

HB 1266 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1426 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 10, delete the words "and under any comprehensive health care insurance"

On page 2 of the engrossed bill, delete line 11

On page 2 of the engrossed bill, line 12, delete the words "subdivision and authorized by law"

On page 2 of the engrossed bill, line 13, after the period insert the words "Within the levy limitations set out in subsection 6 of section 57-15-28.1, the governing body of a county may levy a tax for comprehensive health care insurance employee benefit programs duly established by the governing body."

On page 3 of the engrossed bill, line 9, delete the word "and"

On page 3 of the engrossed bill, line 10, delete the words "comprehensive health care insurance"

On page 3 of the engrossed bill, after line 11, insert the following new subsection:

"6. A county levying a tax for comprehensive health care insurance employee benefit programs in accordance with section 52-09-08 may levy a tax not exceeding four mills."

And renumber the lines, sections, and pages accordingly

SEN. DOTZENROD, Chairman

HB 1426 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1578 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

In addition to the amendments to reengrossed House Bill No. 1578 adopted by the Senate as printed on pages 1577-1578 of the Senate Journal, reengrossed House Bill No. 1578 is amended as follows:

On page 1 of the reengrossed bill, line 3, delete the word "and"



On page 1 of the reengrossed bill, line 6, after the second word "program" insert the words "; and to provide an appropriation"

On page 5 of the reengrossed bill, line 33, delete the words "Initial scholarship awards. Notwithstanding the" and insert in lieu thereof the words "APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to the North Dakota student financial assistance program for the purpose of providing merit scholarships as provided in this Act for the biennium beginning July 1, 1987, and ending June 30, 1989. Notwithstanding the provisions in section 4 of this Act, the first merit scholarships must be awarded in July 1987 for the 1987-88 academic year."

On page 5 of the reengrossed bill, delete lines 34 and 35

And renumber the lines, sections, and pages accordingly

SEN. HEINRICH, Chairman

HB 1578 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HCR 3076 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 21, delete the word "would" and insert in lieu thereof the word "may"

On page 1, line 23, after the word "thus" insert the word "may"

And renumber the lines, sections, and pages accordingly

SEN. LASHKOWITZ, Chairman

HCR 3076 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4005 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. STROMME, Chairman

SCR 4005 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4012 has had the same under consideration and

recommends by a vote of 8 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. STROMME, Chairman

SCR 4012 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4019 has had the same under consideration and recommends by a vote of 9 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. STROMME, Chairman

SCR 4019 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4027 has had the same under consideration and recommends by a vote of 8 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. STROMME, Chairman

SCR 4027 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4037 has had the same under consideration and recommends by a vote of 7 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. STROMME, Chairman

SCR 4037 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred HB 1338 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 1338 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1532 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. HEINRICH, Chairman

HB 1532 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## MOTION

SEN. HEIGAARD MOVED that HB 1359, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1009: A BILL for an Act making an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs of the state of North Dakota; and to amend and reenact section 37-14-14 of the North Dakota Century Code, relating to use of the veterans' postwar 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, as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Shea

HB 1009 passed and the title was agreed to.

\*\*\*\*\*

HB 1247: A BILL for an Act to amend and reenact section 47-30.1-22, subsection 3 of section 47-30.1-24, sections 47-30.1-26 and 47-30.1-35 of the North Dakota Century Code, relating to abandoned property under the Uniform Unclaimed Property Act.

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

## ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;

Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja;  
Nelson; Nething; Olson; Peterson; Redlin; Reiten;  
Richard; Schoenwald; Stenehjøm; Streibel; Stromme;  
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;  
Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Satrom; Shea

HB 1247 passed and the title was agreed to.

\*\*\*\*\*

HB 1331: A BILL for an Act to provide for the time for compliance by counties and cities with certain laws enacted by the legislative assembly which fiscally affect counties and cities.

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 27 YEAS, 25 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Hilken; Kelly;  
Lashkowitz; Lodoen; Meyer, D.; Moore; Mutch; Naaden;  
Nelson; Nething; Peterson; Redlin; Reiten; Satrom;  
Stromme; Tallackson; Tennefos; Todd; Tweten; Vosper;  
Wogsland; Wright; Yockim

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Holmberg;  
Ingstad; Keller; Kelsh; Krauter; Langley; Lips;  
Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik;  
Nalewaja; Olson; Richard; Schoenwald; Stenehjøm;  
Streibel; Thane; Waldera

ABSENT AND NOT VOTING: Shea

HB 1331 passed and the title was agreed to.

\*\*\*\*\*

HB 1504: A BILL for an Act to require creditors or vendors, in all proceedings to foreclose a mortgage or cancel a contract for the sale of agricultural property, to advise the debtor of the existence of available state administered or sponsored assistance programs; and to provide an expiration date.

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

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 38 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; David; Freborg; Kelly; Mutch; Naaden; Nelson; Nothing; Olson; Peterson; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: Shea

HB 1504 passed and the title was agreed to.

\*\*\*\*\*

HB 1597: A BILL for an Act to create and enact a new subsection to section 39-04-02 of the North Dakota Century Code, relating to disclosure of certain information concerning registration of motor vehicle trailers; and to provide a penalty.

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

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Meyer, D.; Tweten; Wogsland

ABSENT AND NOT VOTING: Shea

HB 1597 passed and the title was agreed to.

\*\*\*\*\*

HB 1630: A BILL for an Act to amend and reenact subsections 1 and 10 of section 10-06-13 of the North Dakota Century Code, relating to deeds conveying farmland or ranchland to a corporation; and to provide a penalty.

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

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 27 YEAS, 25 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelsh; Krauter; Langley; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Redlin; Richard; Satrom; Stromme; Tallackson; Vosper; Waldera; Wogsland; Wright

NAYS: Adams; Bakewell; David; Freborg; Holmberg; Kelly; Lashkowitz; Lips; Lodoen; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Schoenwald; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Yockim

ABSENT AND NOT VOTING: Shea

HB 1630 passed and the title was agreed to.

\*\*\*\*\*

HB 1633: A BILL for an Act to provide for the establishment of a North Dakota venture capital corporation; to create and enact a new subsection to section 7-02-10, a new subsection to section 10-04-05, a new subsection to section 10-04-06, a new subdivision to subsection 1 of section 57-38-01.2, and a new subdivision to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to legal investments of savings and loan associations, exempt securities and transactions, and adjustments to taxable income for income tax purposes; to amend and reenact sections 6-03-38 and 6-09.2-01, subsection 1 of section 6-09.2-03, sections 6-09.2-04, 6-09.2-05, 6-09.2-07, 6-09.2-08, 6-09.2-09, 6-09.2-10, 6-09.2-11, and 10-30.1-05, subsection 14 of section 15-03-04 as amended by section 1 of House Bill No. 1031, as approved by the fiftieth legislative assembly, subsection 14 of section 21-10-07, and subsection 30 of section 26.1-05-19 of the North Dakota Century Code, relating to the industrial development revenue bond guarantee program, venture capital corporations, the board of university and school lands, and legal investments of banks, the state investment board, and insurance companies; and to repeal section 6-09.2-06 of the North Dakota Century Code, relating to the industrial development revenue bond fund.

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

NAYS: None

ABSENT AND NOT VOTING: Krauter; Shea

HB 1633 passed and the title was agreed to.

\*\*\*\*\*

HB 1634: A BILL for an Act to amend and reenact subsection 1 of section 54-07-01.2, sections 54-34-02, 54-34-03, 54-34-03.1, 54-34-04, 54-34-05.1, and 54-34-06 of the North Dakota Century Code, relating to the membership and duties of the economic development commission.

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 43 YEAS, 5 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; Redlin; Satrom; Waldera; Wogsland

ABSENT AND NOT VOTING: Meyer, W.; Mushik; Mutch; Shea; Stromme

HB 1634 passed and the title was agreed to.

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MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1207, HB 1241, and HB 1481 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1034, HB 1330, HB 1533

ROY GILBREATH, Chief Clerk

RECOGNITION

THE PRESIDENT PRO TEM ANNOUNCED that former Senator I.E. "Esky" Solberg was in the chamber and requested that the Senate recognize former Senator Solberg, and former Senator Solberg was thereupon introduced to the Senate.

SECOND READING OF HOUSE BILL

HB 1666: A BILL for an Act to create and enact a new subsection to section 10-04-06 of the North Dakota Century Code, relating to securities transactions exempt from registration requirements; and to amend and reenact subsection 5 of section 10-04-02 and subsections 5 and 9 of section 10-04-06 of the North Dakota Century Code, relating to the issuance and sale of securities.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None



ABSENT AND NOT VOTING: Shea

HB 1666 passed and the title was agreed to.

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#### MOTIONS

SEN. HEIGAARD MOVED that HB 1001 and HB 1002, which are on the Fourteenth order, be laid over five legislative days, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1665 be moved to the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1665: A BILL for an Act to establish a health care data committee as a standing committee of the state health council; and to provide a civil penalty.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 35 YEAS, 17 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Olson; Peterson; Redlin; Richard; Satrom; Schoenwald; Stenehjelm; Streibel; Stromme; Tallackson; Waldera; Wogsland; Wright; Yockim

NAYS: David; Freborg; Heigaard; Kelly; Lips; Lodoen; Mutch; Naaden; Nalewaja; Nelson; Nething; Reiten; Tennefos; Thane; Todd; Tweten; Vosper

ABSENT AND NOT VOTING: Shea

HB 1665 passed and the title was agreed to.

\*\*\*\*\*

HB 1011: A BILL for an Act making an appropriation for defraying the expenses of the securities commissioner 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; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heinrich; Satrom; Shea

HB 1011 passed and the title was agreed to.

\*\*\*\*\*

HB 1012: A BILL for an Act making an appropriation for defraying the expenses of the livestock sanitary board 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Satrom; Shea

HB 1012 passed and the title was agreed to.

\*\*\*\*\*

HB 1013: A BILL for an Act making an appropriation for defraying the expenses of the milk stabilization board 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, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: Moore

ABSENT AND NOT VOTING: Satrom; Shea

HB 1013 passed and the title was agreed to.

\*\*\*\*\*

HB 1024: A BILL for an Act making an appropriation for defraying the administrative costs of the teachers' fund for retirement 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Satrom; Shea

HB 1024 passed and the title was agreed to.

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HB 1052: A BILL for an Act to provide for peace officer standards, training, and licensing; to provide a penalty; to provide for transitional provisions; 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 41 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Freborg; Mutch; Naaden; Streibel; Tennefos; Tweten; Wright

ABSENT AND NOT VOTING: David; Satrom; Shea

HB 1052 passed and the title was agreed to.

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#### MOTION

SEN. MAIXNER MOVED that the vote by which HB 1665 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### SECOND READING OF HOUSE BILL

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

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Moore; Stromme

ABSENT AND NOT VOTING: Satrom; Shea

HB 1204 passed and the title was agreed to.

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#### MOTION

SEN. HEIGAARD MOVED that HB 1216 and HB 1303, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1222: A BILL for an Act making an appropriation to the North Dakota centennial commission for the purpose of making grants to centennial projects.

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: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Peterson; Redlin; Reiten; Richard; Schoenwald; Stenehjelm; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Streibel; Tennefos; Tweten; Vosper

ABSENT AND NOT VOTING: Satrom; Shea

HB 1222 passed and the title was agreed to.

\*\*\*\*\*

HB 1268: A BILL for an Act to amend and reenact section 11-33-20 of the North Dakota Century Code, relating to revocation, by a township, of county zoning authority previously ceded by the township.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 21 YEAS, 30 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Dotzenrod; Freborg; Heigaard; Hilken; Keller; Kelly; Krauter; Lashkowitz; Lips; Maixner; Meyer, J.; Moore; Naaden; Nelson; Richard; Streibel; Tallackson; Tweten; Vosper; Wogsland

NAYS: Axtman; Bakewell; David; Heinrich; Holmberg; Ingstad; Kelsh; Langley; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, W.; Mushik; Mutch; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Schoenwald; Stenehjem; Stromme; Tennefos; Thane; Todd; Waldera; Wright; Yockim

ABSENT AND NOT VOTING: Satrom; Shea

HB 1268 lost.

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#### MOTIONS

SEN. KELSH MOVED that HB 1278 be amended as follows:

On page 2, line 13, overstrike the word "fourteen" and insert immediately thereafter the word "thirty-five"

And renumber the lines, sections, and pages accordingly

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

SEN. KELSH MOVED that the rules be suspended and that HB 1278 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1278: A BILL for an Act to amend and reenact section 15-22-23, subsection 1 of section 15-28-03, and sections 15-28-04 and 15-28-07 of the North Dakota Century Code, relating to the date of school district elections.

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, 4 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; David; Meyer, W.; Moore

ABSENT AND NOT VOTING: Krauter; Shea

HB 1278 passed and the title was agreed to.

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## MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 1:30 p.m., which motion prevailed.

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

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report:

HB 1068

ROY GILBREATH, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Reengrossed HB 1068 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1246 of the Senate Journal.

For the Senate: Sens. Schoenwald, Hilken, Freborg (refused to sign)

For the House: Reps. Belter, Knell, O'Connell

Reengrossed HB 1068 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1680, HB 1681

ROY GILBREATH, Chief Clerk

## SECOND READING OF HOUSE BILLS

HB 1288: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to interest on overpayment of income taxes; 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller;

Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips;  
 Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;  
 Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja;  
 Nelson; Nething; Olson; Peterson; Redlin; Reiten;  
 Richard; Satrom; Schoenwald; Stenehjem; Streibel;  
 Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;  
 Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Shea

HB 1288 passed and the title was agreed to.

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HB 1340: A BILL for an Act to amend and reenact sections  
 58-07-01 and 58-08-01 of the North Dakota Century Code,  
 relating to compensation of township clerks and treasurers.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was  
 called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Shea

HB 1340 passed and the title was agreed to.

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HB 1342: A BILL for an Act to provide for the platting of  
 townsites; to amend and reenact sections 24-07-03 and  
 40-51.2-04 of the North Dakota Century Code, relating to  
 references to platting laws; to repeal chapter 40-50 of the  
 North Dakota Century Code, relating to the platting of  
 townsites and the correction and vacation of plats; and to  
 provide a penalty.

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



## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 35 YEAS, 17 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; Olson; Peterson; Richard; Satrom; Schoenwald; Stenehjem; Tallackson; Tennefos; Thane; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Ereborg; Heinrich; Lodoen; Mathern; Mutch; Naaden; Nelson; Nothing; Redlin; Reiten; Streibel; Stromme; Todd; Vosper

ABSENT AND NOT VOTING: Shea

HB 1342 passed and the title was agreed to.

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## MOTIONS

SEN. D. MEYER MOVED that HCR 3081 be returned to the Senate floor from the Committee on Agriculture, which motion prevailed.

SEN. D. MEYER MOVED that the rules be suspended, that HCR 3081 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.

Reps. Dalrymple, Kingsbury and Sen. Tallackson introduced:

## HOUSE CONCURRENT RESOLUTION NO. 3081

A concurrent resolution congratulating Tom Campbell on being named one of the nation's four outstanding young farmers of 1987 by the United States Jaycees.

WHEREAS, the United States Jaycees give awards to the nation's four outstanding young farmers based on criteria including progress in an agricultural career, extent of soil and water conservation practices, and contributions to the well-being of the state, community, and nation; and

WHEREAS, Tom Campbell farms 4,750 acres in wheat, barley, and potatoes near Grafton, North Dakota; and

WHEREAS, he is currently a one-third partner in Tri-Campbell, Inc., a potato brokerage firm, and has added to the value of his product by founding his own potato chip company called Grandma Campbell's Snacks; and

WHEREAS, he is active in the Red River Valley Potato Grower's Association, the Walsh County Farm Bureau, and the Walsh County Fair Board; and

WHEREAS, he was named the Outstanding North Dakota Farmer by the North Dakota Jaycees in October 1986; and

WHEREAS, he was one of four men chosen from a field of 41 state winners and was honored at the annual Outstanding Young Farmer Award Congress in Moline, Illinois, on the occasion of the 150th Anniversary of the John Deere Company; and

WHEREAS, he is the eleventh North Dakotan to receive this award;

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

That the Fiftieth Legislative Assembly of the state of North Dakota extends its sincere and hearty congratulations to Tom Campbell of Grafton, North Dakota, on being named one of the nation's four outstanding young farmers of 1987 by the United States Jaycees; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to Tom Campbell and to the Grafton Jaycees.

#### SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3081: A concurrent resolution congratulating Tom Campbell on being named one of the nation's four outstanding young farmers of 1987 by the United States Jaycees.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3081 was declared adopted on a voice vote.

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#### MOTION

SEN. MAIXNER MOVED that the Senate reconsider its action by which HB 1526 lost, which motion lost on a verification vote.

#### SECOND READING OF HOUSE BILLS

HB 1356: A BILL for an Act to create and enact a new section to chapter 16.1-07 of the North Dakota Century Code, relating to special write-in absentee ballots; to amend and reenact sections 4-22-17, 16.1-01-07, 16.1-04-03, 16.1-07-03, 16.1-07-04, 16.1-07-05, 16.1-11-06, 16.1-11-11, 16.1-11-17, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-11-30, 16.1-12-04, 16.1-12-05, 16.1-12-07, 16.1-12-09, 16.1-13-03, 46-06-03,

and 61-24-03 of the North Dakota Century Code, relating to preparation of absentee ballots and filing deadlines; 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 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

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

NAYS: Mutch

ABSENT AND NOT VOTING: Shea

HB 1356 passed and the title was agreed to.

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HB 1390: A BILL for an Act to amend and reenact section 32-12.1-05 of the North Dakota Century Code, relating to the purchase of liability insurance by political subdivisions; and to repeal section 32-12.1-06 of the North Dakota Century Code, relating to the certification of political subdivision insurance to the commissioner of insurance.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Shea

HB 1390 passed and the title was agreed to.

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HB 1408: A BILL for an Act to amend and reenact section 30.1-23-01 of the North Dakota Century Code, relating to collection of personal property of decedent by affidavit.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Richard

HB 1408 passed and the title was agreed to.

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HB 1411: A BILL for an Act to create and enact a new subsection to section 26.1-26-42 of the North Dakota Century Code, relating to the causes for suspension or revocation of insurance agents' licenses.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1411 passed and the title was agreed to.

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HB 1424: A BILL for an Act to create and enact section 15-40.2-08.1 of the North Dakota Century Code, relating to the payment of tuition for handicapped children placed outside their school districts of residence for purposes other than education; and to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to tuition payments for foster care students placed outside their school districts of residence.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1424 passed and the title was agreed to.

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#### DELIVERY OF ENROLLED RESOLUTIONS

THE PRESIDENT PRO TEM ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 2:10 p.m., March 25, 1987:

SCR 4017, SCR 4021, SCR 4042, SCR 4046, SCR 4057, SCR 4060, SCR 4065

#### SECOND READING OF HOUSE BILLS

HB 1454: A BILL for an Act to provide for freedom of choice for employees in selecting a dentist.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 19 YEAS, 34 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Kelsh; Lashkowitz; Maixner; Mathern; Meyer, J.; Mushik; Nething; Peterson; Redlin; Stenehjem; Tallackson; Tennefos; Thane; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Keller; Kelly; Krauter; Langley; Lips; Lodoen; Maxson; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Olson; Reiten; Richard; Satrom; Schoenwald; Shea; Streibel; Stromme; Todd; Tweten; Vosper

ABSENT AND NOT VOTING: None

HB 1454 lost.

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HB 1484: A BILL for an Act to amend and reenact section 58-08-05 of the North Dakota Century Code, relating to the annual statement prepared by a township treasurer.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 0 YEAS, 52 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: None

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

ABSENT AND NOT VOTING: Maixner

HB 1484 lost.

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HB 1525: A BILL for an Act to amend and reenact sections 15-45-02 and 15-45-03 of the North Dakota Century Code, relating to requirements for public kindergartens.

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 39 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; David; Freborg; Lodoen; Moore; Mutch; Naaden; Nelson; Streibel; Tennefos; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Nothing

HB 1525 passed and the title was agreed to.

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#### MOTION

SEN. SATROM MOVED that the Senate reconsider its action whereby HB 1331 passed, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1331: A BILL for an Act to provide for the time for compliance by counties and cities with certain laws enacted by the legislative assembly which fiscally affect counties and cities.

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 12 YEAS, 41 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; David; Lodoen; Meyer, D.; Nelson; Nothing; Peterson; Tennefos; Todd; Tweten; Vosper; Yockim

NAYS: Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Olson; Redlin; Reiten;

Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel;  
Stromme; Tallackson; Thane; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: None

HB 1331 lost.

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HB 1530: A BILL for an Act to amend and reenact section 57-60-02 of the North Dakota Century Code, relating to the imposition of taxes upon the operator of a coal conversion facility; and to declare an emergency.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

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

YEAS: Freborg; Lips; Meyer, J.

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

ABSENT AND NOT VOTING: None

HB 1530 lost.

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HB 1534: A BILL for an Act providing an appropriation to the superintendent of public instruction for the purpose of establishing programs offering school districts the funds to provide instructional courses by electronic media.

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 43 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.;



Moore; Mushik; Nalewaja; Peterson; Redlin; Reiten;  
Richard; Satrom; Schoenwald; Stenehjelm; Stromme;  
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;  
Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; David; Freborg; Mutch; Naaden; Nelson;  
Nething; Olson; Shea; Streibel

ABSENT AND NOT VOTING: None

HB 1534 passed and the title was agreed to.

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#### MOTIONS

SEN. HEIGAARD MOVED that HB 1560, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 3:15 p.m., which motion prevailed.

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

#### CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2548 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1728 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2548: A BILL for an Act to amend and reenact subsection 1 of section 25-04-13.1 of the North Dakota Century Code, relating to the superintendent of the Grafton state school acting as guardian of any resident.

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

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

NAYS: None

ABSENT AND NOT VOTING: Adams; Kelsh; Mushik; Olson;  
Reiten; Waldera; Yockim

SB 2548 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1004 as recommended by the Committee on Appropriations as printed on page 1720 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1004 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to HB 1019 as recommended by the Committee on Appropriations as printed on pages 1721-1722 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1019 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 1208 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1722 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1208 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 1272 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1722 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1272 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1289 as recommended by the Committee on Political Subdivisions as printed on page 1723 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1289 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LASHKOWITZ MOVED that the amendments to HB 1323 as recommended by the Committee on Judiciary as printed on pages 1723-1725 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1323 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1373 as recommended by the Committee on Political Subdivisions as printed on page 1725 of the Senate Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

HB 1373 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. D. MEYER MOVED that the amendments to HB 1450 as recommended by the Committee on State and Federal Government as printed on page 1726 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1450 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 1470 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1726-1727 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1470 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1615 as recommended by the Committee on Political Subdivisions as printed on page 1727 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS.

#### REQUEST

SEN. LIPS REQUESTED that the Senate divide the amendments to HB 1615, which request was granted.

Sen. Lips withdrew his request to divide the amendments, which was granted by the President Pro Tem.

The motion to adopt the amendments to HB 1615 prevailed.

HB 1615 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MESSAGE FROM THE HOUSE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2003, SB 2027, SB 2202, SB 2316, SB 2409, and SCR 4043 which the House has amended and subsequently passed:

## HOUSE AMENDMENTS TO ENGROSSED SB 2003

- On page 1 of the engrossed bill, line 17, delete the numerals "375,375" and insert in lieu thereof the numerals "354,171"
- On page 1 of the engrossed bill, line 19, delete the numerals "1,704,367" and insert in lieu thereof the numerals "1,683,163"
- On page 1 of the engrossed bill, line 21, delete the numerals "530,096" and insert in lieu thereof the numerals "508,892"

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Division of Independent Study

Reduces the general fund operating expense for reuse and resale supplies by \$21,204. Also retains Senate action of reinstatement of the principal's position.

## HOUSE AMENDMENTS TO ENGROSSED SB 2027

- On page 2 of the engrossed bill, after line 18, insert the following new section:

"SECTION 4. APPROPRIATION - NONGAME WILDLIFE. There is hereby appropriated out of any moneys in the nongame wildlife fund in the state treasury, not otherwise appropriated, the sum of \$25,000, and from federal funds the sum of \$25,000, or so much thereof as may be necessary, to the game and fish department for the biennium beginning July 1, 1987, and ending June 30, 1989, for the purposes of preservation, inventory, perpetuation, and conservation of nongame wildlife, natural areas, and nature preserves in this state."

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

The amendment adds a new section which appropriates a total of \$50,000, \$25,000 from the nongame wildlife fund and \$25,000 from federal funds, for preserving, inventorying, perpetuating, and conserving nongame wildlife, natural areas, and nature preserves in North Dakota.

## HOUSE AMENDMENTS TO SB 2202

- On page 1, line 6, delete the word "and" and insert in lieu thereof a comma
- On page 1, line 7, after the numerals "39-06.1-10" insert the words and numerals", and subdivision f of subsection 1 of section 39-09-02"

- On page 1, line 10, after the word "date" insert the words "; and to declare an emergency"
- On page 2, line 5, delete the words "sixty-five miles per hour" and insert in lieu thereof the words "a speed higher than fifty-five miles [88.51 kilometers] an hour as posted and designated by the commissioner pursuant to section 6 of this Act"
- On page 2, line 8, delete the words "Speed (mph)" and insert in lieu thereof the words "Miles per hour over lawful speed limit"
- On page 2, line 9, delete the numerals "66 - 70" and insert in lieu thereof the numerals "1 - 5" and delete the numeral "65" and insert in lieu thereof the word "limit"
- On page 2, line 10, delete the numerals "71 - 75" and insert in lieu thereof the numerals "6 - 10" and delete the numeral "70" and insert in lieu thereof the numeral and words "5 mph over limit"
- On page 2, line 11, delete the numerals "76 - 80" and insert in lieu thereof the numerals "11 - 15" and delete the numeral "75" and insert in lieu thereof the numeral and words "10 mph over limit"
- On page 2, line 12, delete the numerals "81 - 90" and insert in lieu thereof the numerals "16 - 25" and delete the numeral "80" and insert in lieu thereof the numeral and words "15 mph over limit"
- On page 2, line 13, delete the numerals "91 - 100" and insert in lieu thereof the numerals "26 - 35" and delete the numeral "90" and insert in lieu thereof the numeral and words "25 mph over limit"
- On page 2, line 14, delete the numeral and words "101 and over" and insert in lieu thereof the numeral "36 +" and delete the numeral "100" and insert in lieu thereof the numeral and words "35 mph over limit"
- On page 2, delete line 26
- On page 3, line 1, delete the words "sixty-five miles per hour" and insert in lieu thereof the words "a speed higher than fifty-five miles [88.51 kilometers] an hour as posted and designated by the commissioner pursuant to section 6 of this Act"
- On page 3, line 5, delete the words "Speed (mph)" and insert in lieu thereof the words "Miles per hour over lawful speed limit"

- On page 3, line 6, delete the numerals "71 - 75" and insert in lieu thereof the numerals "6 - 10"
- On page 3, line 7, delete the numerals "76 - 80" and insert in lieu thereof the numerals "11 - 15"
- On page 3, line 8, delete the numerals "81 - 90" and insert in lieu thereof the numerals "16 - 25"
- On page 3, line 9, delete the numerals "91 - 100" and insert in lieu thereof the numerals "26 - 35"
- On page 3, line 10, delete the numeral and words "101 and over" and insert in lieu thereof the numeral "36 +"
- On page 3, after line 10, insert the following new section:

"SECTION 5. AMENDMENT. Subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- f. Fifty-five miles [88.51 kilometers] an hour under other circumstances, unless otherwise permitted, restricted, or required by conditions, and except as provided in section 6 of this Act."

- On page 3, delete lines 14 through 19 and insert in lieu thereof the words, "If a speed higher than fifty-five miles [88.51] kilometers] an hour is permitted under federal law without loss of federal funds to this state, and unless otherwise permitted, restricted, or required by conditions, any higher speed so permitted and so designated and posted by the commissioner."

- On page 3, after line 24, insert the following new section:

"SECTION 8. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2316

- On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact three new sections to chapter 35-17 of the North Dakota Century Code, relating to agister's liens.

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

**SECTION 1.** A new section to chapter 35-17 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Agister's lien by filing - Priority of lien.** In addition to sections 35-17-01 and 35-17-02, any person to whom any horses, mules, cattle, or sheep are entrusted by the owner for the purpose of feeding, herding, pasturing, or ranching, upon filing the statement prescribed in section 2 of this Act, is entitled to a lien upon the horses, mules, cattle, or sheep for the amount that may be due for feeding, herding, pasturing, or ranching, effective from the date the person entitled to the lien comes into possession of the horses, mules, cattle, or sheep. An agister's lien has priority, as to the animals covered by the lien, over all other liens or encumbrances, except agricultural processors' or agricultural suppliers' liens. This section does not apply to stolen stock.

**SECTION 2.** A new section to chapter 35-17 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Procedure to obtain lien - Statement filed - Contents - Waiver.** Any person entitled to an agister's lien, within ninety days after taking possession of the horses, mules, cattle, or sheep, may file in the office of the register of deeds of the county in which the owner of the horses, mules, cattle, or sheep resides, a verified statement containing all of the following:

1. The number of and a description of the animals.
2. The name of the person for whom the horses, mules, cattle, or sheep are kept.
3. The price agreed upon for keeping the animals and, if no price was agreed upon, the reasonable value of the services.

If the statement is not filed within ninety days as required by this section, the person entitled to the lien under section 1 of this Act waives the lien.

**SECTION 3.** A new section to chapter 35-17 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Information to be filed by a lienholder with the secretary of state.** If the lienholder intends to impose liability for a lien under section 1 of this Act against a livestock buyer, the name of the lienholder must appear on the most current list or lists distributed by the secretary of state pursuant to subsection 4 of section 41-09-46. In order to

appear on the list or lists, lienholders must file with the secretary of state a form prescribed by him which contains all of the following information:

1. The name and address of the person for whom the livestock is kept.
2. The county of residence of the person for whom the livestock is kept.
3. The social security number of the person for whom the livestock is kept.
4. The name and address of the lienholder.
5. A description of the livestock and their number, if known, subject to the lien.
6. The county where the livestock are born or growing.
7. The signature of the debtor against whom the lien is filed.
8. The signature of the secured party or lienholder."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2409

On page 1 of the reengrossed bill, line 19, after the word "offering" insert the words "together with a current title opinion for the mineral interests certified by an attorney licensed to practice law in the state of North Dakota"

On page 2 of the reengrossed bill, line 11, delete the words ", and the person is required to accept"

On page 2 of the reengrossed bill, line 12, delete the words "the highest bid at the offering"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SCR 4043

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

On page 1, line 28, delete the word "the" and insert in lieu thereof the word "a"

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk



## CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1675 as recommended by the Committee on Education as printed on pages 1727-1728 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1675 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to HCR 3073 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1728 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HCR 3073 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4067: A concurrent resolution directing the Legislative Council to study the relationship between railroads and their tenants along railroad rights of way.

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

## REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the adoption of SCR 4067, which request was granted.

## ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 28 YEAS, 23 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lodoen; Meyer, D.; Meyer, W.; Moore; Mutch; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: Naaden; Reiten

SCR 4067 was declared adopted and the title was agreed to on a roll call vote.

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## MOTIONS

SEN. WRIGHT MOVED that HB 1548 be further amended as follows:

In addition to the amendments to engrossed House Bill No. 1548 adopted by the Senate as printed on pages 1576-1577 of the Senate Journal, engrossed House Bill No. 1548 is further amended as follows:

On page 5 of the engrossed bill, line 29, delete the word "This" and insert in lieu thereof the words "Sections 1, 2, 3, and 5 of this" and delete the word "becomes" and insert in lieu thereof the word "become"

On page 5 of the engrossed bill, line 30, after the numerals "1987" insert the words "and section 4 of this Act becomes effective on July 1, 1987"

And renumber the lines, sections, and pages accordingly

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

SEN. WRIGHT MOVED that the rules be suspended and that HB 1548 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1548: A BILL for an Act to amend and reenact sections 57-40.5-01, 57-40.5-02, and 57-40.5-03 of the North Dakota Century Code, relating to the definition of purchase price of aircraft, increasing the rate of tax, and removing the exemption for aircraft upon which aircraft excise tax has once been paid; 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, as amended, 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; Krauter; Langley; Lashkowitz; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maixner; Naaden; Reiten

HB 1548 passed, the title was agreed to, and the emergency clause carried.

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HB 1551: A BILL for an Act to amend and reenact section 5-01-07 of the North Dakota Century Code, relating to township beer or liquor licenses.

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; Krauter; Langley; Lashkowitz; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maixner; Naaden; Reiten

HB 1551 passed and the title was agreed to.

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

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 3 YEAS, 48 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Hilken; Meyer, D.; Meyer, W.

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

ABSENT AND NOT VOTING: Naaden; Reiten

HB 1567 lost.

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#### MOTION

SEN. HEIGAARD MOVED that HB 1572, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1576: A BILL for an Act to amend and reenact section 50-06.2-05 of the North Dakota Century Code, relating to the authority of the board of county commissioners to levy a tax for comprehensive human services programs.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 7 YEAS, 42 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Langley; Lips; Mathern; Meyer, J.; Olson; Stenehjem; Wright

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Lashkowitz; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja; Nelson; Nothing; Peterson; Redlin; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Naaden; Reiten; Richard

HB 1576 lost.

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HB 1577: A BILL for an Act to amend and reenact sections 6-08.1-02, 6-08.1-05, and 6-08.1-07 of the North Dakota Century Code, relating to law enforcement access to customer information retained by a financial institution.

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

#### ROLL CALL

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

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

Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;  
 Meyer, W.; Moore; Mushik; Mutch; Nalewaja; Nelson;  
 Nething; Olson; Peterson; Redlin; Satrom; Schoenwald;  
 Shea; Stenehjem; Streibel; Stromme; Tallackson;  
 Tennefos; Thane; Todd; Tweten; Vosper; Waldera;  
 Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Naaden; Reiten; Richard

HB 1577 passed and the title was agreed to.

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HB 1584: A BILL for an Act to provide financial assistance to family farmers.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 36 YEAS, 16 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; David; Freborg; Kelly; Lodoen;  
 Mutch; Naaden; Nelson; Nething; Olson; Peterson;  
 Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Reiten

HB 1584 passed and the title was agreed to.

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#### MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

SB 2093, SB 2095, SB 2119, SB 2134, SB 2141, SB 2185,  
 SB 2205, SB 2252, SB 2266, SB 2273, SB 2293, SB 2363,  
 SB 2412, SB 2415, SB 2450, SB 2455, SB 2467, SB 2516

ROY GILBREATH, Chief Clerk

## FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3086: A concurrent resolution urging the United States Secretary of Agriculture to adopt regulations that exempt agricultural lands cropped in any year between 1981 and 1985 from the swampbuster and sodbuster provisions of the Food Security Act of 1985 and which exempt any land farmed for three consecutive years from the swampbuster provision of the Food Security Act of 1985.

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

HCR 3088: A concurrent resolution urging the State Game and Fish Department to adopt a more conciliatory posture in dealing with the Lewis and Clark Mutual Aid Association and its members regarding lease from the State Game and Fish Department of certain lands owned by the United States Army Corps of Engineers.

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

## MOTIONS

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

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Thirteenth order of business, and at the conclusion of the Thirteenth order of business, be on the Sixteenth order of business, and at the conclusion of the Sixteenth order of business, and after the reading of SCR 4005, SCR 4012, SCR 4019, SCR 4027, SCR 4037, HB 1004, HB 1019, HB 1208, HB 1272, HB 1289, HB 1323, HB 1338, HB 1373, HB 1450, HB 1470, HB 1532, HB 1615, HB 1675, and HCR 3073, the Senate adjourn and convene at 10:00 a.m., Thursday, March 26, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary