

FRIDAY, MARCH 27, 1987

1857

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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FIFTY-SEVENTH DAY

Bismarck, March 27, 1987

The Senate convened at 9:00 a.m., with President Pro Tem Redlin presiding.

The prayer was offered by Rhonda Ames, Director of the Open Door Community Center, Bismarck.

Lord, give us a tender heart. Let us do loving things that surprise even ourselves. Let us stop daily to talk to people who need a good word; mend what is broken; touch what needs to be loved.

Make us more aware of the tiny surprises that are scattered like secrets around us. Let us notice such things as we have forgotten and persons of whom we have grown weary. May we see them in a new way so that we have a new word for them.

As we busily set out to do the large tasks, may we find time for small celebrations!

Oh, Christ, give us the grace to live out each day as though it was a gift. Oh, Spirit, surprise us often, then let us show our great surprise! Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators Satrom, Tallackson, Tennefos, and Vosper.

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-sixth Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

MESSAGES FROM THE HOUSE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2308 which the House has amended and subsequently failed to pass:

HOUSE AMENDMENTS TO ENGROSSED SB 2308

On page 1 of the engrossed bill, line 8, overstrike the word "shall" and insert immediately thereafter the word "may"

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 2173, SB 2191, SB 2244, SB 2328

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2050, SB 2172, SB 2220, SB 2224, SB 2317

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2028, SB 2035, SB 2039, SB 2277, SB 2294, SB 2303, SB 2307, SB 2365, SB 2536, SB 2546, and SB 2549 which the House has amended, and subsequently passed:

HOUSE AMENDMENTS TO ENGROSSED SB 2028

On page 1 of the engrossed bill, line 15, delete the numerals "2,858,803" and insert in lieu thereof the numerals "2,848,903"

On page 1 of the engrossed bill, line 16, delete the numerals "1,723,100" and insert in lieu thereof the numerals "1,692,550"

On page 1 of the engrossed bill, line 21, delete the numerals "2,007,346" and insert in lieu thereof the numerals "1,880,641"

On page 1 of the engrossed bill, line 22, delete the numerals "7,460,412" and insert in lieu thereof the numerals "7,293,257"

On page 1 of the engrossed bill, line 23, delete the numerals "3,161,829" and insert in lieu thereof the numerals "3,085,524"

On page 1 of the engrossed bill, line 24, delete the numerals "4,298,583" and insert in lieu thereof the numerals "4,207,733"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Parks and Recreation Department

An analysis of the total changes of \$167,155, of which \$90,850 is from the general fund, \$85,700 is from federal funds, and \$9,395 in other funds is as follows:

<u>Description</u>	<u>Total Increase (Decrease)</u>	<u>General Fund</u>	<u>Estimated Income</u>
<u>Salaries and wages</u>			
Reduce salaries associated with:			
Eliminating Little Missouri Breaks State Park expansion	\$ (7,150)	\$ (7,150)	
Closure of Streeter State Park	(2,750)	(2,750)	
<u>Operating expenses</u>			
Reduce operating expenses associated with:			
Eliminating Little Missouri Breaks State Park expansion	(4,300)		\$ (4,300)
Closure of Streeter State Park	(1,250)	(250)	(1,000)
Reduce administrative division operating expenses	(25,000)	(25,000)	
<u>Grants</u>			
Delete funding for the Turtle River Park day use	(59,400)	(29,700)	(29,700)
Delete Forest Service acquisition - 640 acres in Turtle Mountains	(112,000)	(56,000)	(56,000)
Add funding to provide a total of \$400,000 for the Van Hook Breakwater project	44,695	30,000	14,695
Total increase (decrease)	<u>\$ (167,155)</u>	<u>\$ (90,850)</u>	<u>\$ (76,305)</u>

HOUSE AMENDMENTS TO ENGROSSED SB 2035

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 declaring a wetlands policy; and to amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to the composition of and duties of the Garrison overview committee."

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

SECTION 1. Legislative policy and intent. It is the policy of the legislative assembly that water is one of North Dakota's most important natural resources, and the protection, development, and management of North Dakota's water resources is essential for the long-term public health, safety, general welfare, and economic security of North Dakota and its citizens.

The legislative assembly finds that agriculture is the most important industry in North Dakota and that agricultural concerns must be accommodated in the protection of wetlands. Wetlands can be a hindrance to farming practices. Even though property taxes are generally paid on such lands, wetlands provide limited economic return to the landowner. Wetland policies can obstruct water development and water management projects, and can affect other developments.

The legislative assembly finds that the primary reason wetlands are considered important is because wetlands provide the habitat base for the production and maintenance of waterfowl. The legislative assembly also finds that wetlands can moderate the water flow and have value as natural flood control mechanisms, can aid in water purification by trapping, filtering, and storing sediment and other pollutants and by recycling nutrients, and can serve as ground water recharge and discharge areas. Wetlands also function as nursery areas for numerous aquatic animal species and are habitat for a wide variety of plant and animal species, and provide vital habitat for resident wildlife. Wetlands also can provide scientific, aesthetic, and recreational benefits. The legislative assembly therefore concludes that wetlands should be protected and preserved.

In view of the legislative findings and conclusions of the importance of wetlands, water development and management, and agriculture in North Dakota, it is hereby declared to be the wetlands policy of this state that:

1. Water development and wetland preservation activities should be balanced to protect and accommodate agriculture, water, and wetland interests and objectives.
2. Programs protecting and preserving wetlands should provide adequate compensation to the landowner and must provide periodic reevaluation of compensation to the landowner. Annual payments are encouraged as an option for landowners.

3. Land, wetland, or water acquisition for waterfowl production areas, wildlife refuges, or other wildlife, waterfowl, or wetland protection purposes should not be acquired through the exercise of the right of eminent domain.
4. When land is removed from the tax base to protect wetlands, replacement payments must be made by the entity which purchases the land so that the amount of money that would otherwise be received in taxes if such land was not removed from the tax base is not diminished.

SECTION 2. AMENDMENT. Section 54-35-02.7 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-35-02.7. Garrison diversion overview committee - Duties. The legislative council shall create a legislative council committee entitled the Garrison diversion overview committee. The committee shall consist of the majority and minority leaders and their assistants from the house and senate, the speaker of the house, the president pro tempore of the senate selected at the end of the immediately preceding legislative session, and the chairmen of the house and senate standing committees on natural resources, the chairmen of the house and senate standing committees on agriculture, and a former chairman of the upper Mississippi River basin citizens advisory committee. If a member of the committee legislator named in this section is unable to serve on the committee, the chairman of the legislative council may appoint another member of the legislative assembly to fill the vacancy. The committee shall be responsible for legislative overview of the Garrison diversion project and related matters; and for any necessary discussions with adjacent states on water-related topics. Staff services for the committee shall be provided by the legislative council staff. The committee shall report to the legislative council in the same manner as do other interim legislative council committees."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2039
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 establish a children's services coordinating committee to develop a plan for a coordinated delivery of services to children and adolescents; to provide a continuing appropriation; and to provide an expiration date."

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

SECTION 1. Children's services coordinating committee - Membership - Meetings. The children's services coordinating committee consists of the governor or a designee of the governor; the attorney general or a designee of the attorney general; the superintendent of public instruction; the executive director of the department of human services; the state health officer; the director of job service North Dakota; the director of institutions; the director of vocational education; the chairman of the governor's committee on children and youth; the executive director of the Indian affairs commission; and a designee of the chief justice. The governor or the governor's designee shall act as chairman of the children's services coordinating committee. The children's services coordinating committee shall meet at least once each month and may establish subcommittees as it deems necessary to carry out its purposes.

SECTION 2. Support services. Each executive branch agency, department, and office shall provide at the request of the governor any support services required for the children's services coordinating committee. The governor may appoint one person who is employed by an executive branch agency, department, or office represented on the children's services coordinating committee as secretary and reporter of the children's services coordinating committee.

SECTION 3. Plan for coordinated delivery of services to children and adolescents. The children's services coordinating committee shall develop a plan for a coordinated delivery of services to children and adolescents, including children and adolescents who are abused, neglected, emotionally disturbed, mentally ill, runaways, homeless, dependent upon alcohol or drugs, delinquent, deprived, or unruly. The children's services coordinating committee shall submit the plan to the legislative council at the first meeting of the legislative council occurring after November 10, 1988. The plan shall include:

1. A clarification of the policies and procedures which address the appropriate role and responsibilities of each state, regional, and local agency, department, institution, and office in the delivery of educational, mental health, protective, rehabilitative, and related social services to children and adolescents;
2. Definitions and definitive criteria for identification of children and adolescents who are at risk and in need of educational, mental health, protective, rehabilitative, and related social services;

3. A description of governmental services authorized for children and adolescents, a description of additional services specifically recommended for authorization, and an inventory of available nongovernmental resources.
4. Recommendations for specific new mechanisms to improve coordination of public and private services for children and adolescents and their families, including the development of regional children's services coordinating committees;
5. Training methods and standards for the training of personnel serving children and adolescents, including identification of existing training resources and cross-training in matters of sexual abuse, substance abuse, child and family treatment, and prevention;
6. Data collection systems for the effective evaluation and oversight of services to children and adolescents;
7. Mechanisms to facilitate coordination with the state board of higher education to address the need for training of professionals in the various disciplines which evaluate and treat children and adolescents at risk;
8. Policies and procedures developed in cooperation with and with input from parent groups of local school districts for the coordination of state activities with public school programs directed toward children and adolescents at risk and their families;
9. Policies and procedures for the coordination of other state activities with public school programs directed toward the prevention of child abuse and neglect, drug and alcohol abuse, adolescent pregnancy, and suicide prevention; and
10. Any additional matters that may be necessary or appropriate, including recommendations to the legislative assembly for changes in law.

SECTION 4. Duty to review alternatives. The children's services coordinating committee shall review and consider the recommendations contained in the final report of the governor's commission on children and adolescents at risk and such other sources and model programs as the committee may find to be useful.

SECTION 5. Authority to accept and expend grants, gifts, and services - Continuing appropriation. The children's services coordinating committee may apply for and accept any funds, grants, gifts, or services made available for the purpose of planning programs for services for children and adolescents by any federal agency or department or any private agency or individual. Funds received by the children's services coordinating committee pursuant to this section must be deposited in the state treasury in a special fund designated as the children's services coordinating committee fund. There is hereby appropriated out of the children's services coordinating committee fund any moneys that may become available through grants or gifts to the children's services coordinating committee for the purpose of carrying out the provisions of this Act. No expenditure of such moneys may be undertaken without prior approval of the budget section of the legislative council.

SECTION 6. EXPIRATION DATE. This Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2277

On page 6 of the engrossed bill, line 12, delete the underscored period and insert in lieu thereof an underscored semicolon

On page 6 of the engrossed bill, line 14, delete the underscored period and insert in lieu thereof the word "; and"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2294

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 two new sections to chapter 43-13 of the North Dakota Century Code, relating to the practice of optometry, certification and notification requirements, and standard of care for optometrists; to amend and reenact section 43-13-01 of the North Dakota Century Code, relating to definitions; and to repeal section 43-13-13.1 of the North Dakota Century Code, relating to the authority of the board of optometry."

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

SECTION 1. AMENDMENT. Section 43-13-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-13-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. Optometry shall be defined as "Board" means the North Dakota state board of optometry.
2. "Optometry" means a primary health care profession whose practitioners are engaged in the refraction evaluation of disorders of the human eye and the examination, diagnosis, and treatment thereof, together with its appendages, without the use of surgery, and by using such objective or subjective techniques as are necessary to enable recognition of disease for medical referral. Included within the definition shall be the application of ocular diagnostic pharmaceutical agents as authorized by this chapter, and the determination and interpretation of any visual, muscular, neurological or anatomical anomaly of the eye, which may be aided, relieved or corrected through visual training procedures or through the use of lenses, prisms, filters, or combinations thereof held either in contact with the eye, or in frames or mountings. Any person so engaged in visual training procedures or who employs or prescribes lenses, prisms, filters, or combinations thereof held either in contact with the eye, or in frames or mountings, to aid, relieve or correct any visual anomaly, or holds himself out as being able to do so, shall be deemed to be engaged in the practice of optometry and must have a certificate of registration, as herein provided by this chapter.
- 2- The word "board" shall mean the North Dakota state board of optometry.
3. The term "practicing "Diagnosis and treatment" means the determination, interpretation, and treatment of any visual, muscular, neurological, or anatomical anomaly of the eye which may be aided, relieved, or corrected through visual training procedures or through the use of lenses, prisms, filters, ophthalmic instruments, pharmaceutical agents, or combinations thereof, held either in contact with the eye, or in frames or mountings, as further authorized by this chapter. Laser therapy and the use of invasive surgery are not permitted under this chapter, except superficial foreign bodies may be removed and primary care procedures may be performed. The treatment of glaucoma is not permitted under this chapter.
4. "Pharmaceutical agent" means diagnostic pharmaceutical agents or therapeutic

pharmaceutical agents. The term does not include pharmaceutical agents that have no documented use in the treatment of ocular-related disorders or diseases, oral cortico-steroids, and controlled substances, as defined in chapter 19-03.1. As used in this subsection:

- a. "Diagnostic pharmaceutical agents" means pharmaceutical agents administered for the evaluation and diagnosis of disorders of the human eye including anesthetics, mydriatics, myotics, cycloplegics, diagnostic dyes, diagnostic stains, and pharmaceutical agents to evaluate abnormal pupil responses.
- b. "Therapeutic pharmaceutical agents" means topically administered and prescribed pharmaceutical agents for treatment of ocular-related disorders or disease, locally administered pharmaceutical agents for primary eye care procedures, oral anti-infective agents, oral antihistaminic agents, and oral analgesics for the treatment of ocular-related disorders or diseases. The dispensing of therapeutic pharmaceutical agents is not permitted under this chapter.

5. "Practicing optometry" shall mean means:

- a. Displaying a sign or in any way advertising as an optometrist.
- b. Employing any means for the measurement of the powers of vision or the adaptation of lenses for the aid thereof.
- c. Engaging in any manner in the practice of optometry.

SECTION 2. Two new sections to chapter 43-13 of the North Dakota Century Code are hereby created and enacted to read as follows:

Practice of optometry - Certification requirements - Notification.

1. Any person engaged in visual training procedures or who employs or prescribes lenses, prisms, filters, ophthalmic instruments, or combinations thereof, held either in contact with the eye, or in frames or mounting, to aid, relieve, or correct any visual or ocular anomaly, or holds oneself out as being able to do so, is deemed to be engaged in the practice of optometry.

2. Before any optometrist may prescribe and administer pharmaceutical agents in the treatment and management of ocular diseases, the optometrist must first be certified or qualify for certification in the use of diagnostic pharmaceutical agents. For additional certification to prescribe and administer pharmaceutical agents in the treatment and management of ocular disease, the board shall require at least seventy-six hours of didactic instruction and twenty-four hours of clinical application of pharmaceutical agents for the treatment and management of ocular diseases. The course for therapeutic certification must be provided by an institution accredited by a regional or professional accrediting organization that is recognized and approved by the United States department of education or the council on postsecondary accreditation.
3. The board shall notify the board of pharmacy in writing, and on an annual basis or when other optometrists are certified, of the specific optometrists certified by the board in the use of pharmaceutical agents.

Standard of care - When consultation with physician required.

1. An optometrist certified by the board in the use of pharmaceutical agents as provided in this chapter must be held to the same standard of care in the use of such agents as are physicians licensed by the state board of medical examiners.
2. Any optometrist authorized by the board to use pharmaceutical agents must consult with a physician duly licensed to practice medicine when any diseased or pathological conditions of the eye do not respond to treatment. The consultation must be documented in the patient's record.

SECTION 3. REPEAL. Section 43-13-13.1 of the 1985 Supplement to the North Dakota Century Code is hereby repealed."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2303

On page 1 of the engrossed bill, line 3, delete the words "to create and enact a new subsection to section" and insert in lieu thereof the words "and to provide a penalty"

- On page 1 of the engrossed bill, delete lines 4 and 5
- On page 1 of the engrossed bill, line 6, delete the words "expiration date"
- On page 1 of the engrossed bill, delete lines 9 through 25
- On page 1 of the engrossed bill, line 26, after the word "liability" insert the words "- Penalty for false reports"
- On page 2 of the engrossed bill, line 2, delete the words "pursuant to section 1 of this Act" and insert in lieu thereof the words "who are unable to protect their own interests"
- On page 2 of the engrossed bill, line 4, after the period insert the words "Any person who willfully makes a false report, or provides false information that causes a report to be made, pursuant to this section is guilty of a class A misdemeanor."
- On page 2 of the engrossed bill, delete lines 5 and 6
- And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2307

- On page 1 of the engrossed bill, line 26, after the word "In" insert the words "order to comply with the reasonable accessibility requirement of subsection 2 of section 16.1-04-02, in"
- On page 2 of the engrossed bill, line 2, delete the words "or to the elector's automobile"
- On page 2 of the engrossed bill, line 9, after the underscored period insert the following: "In order to comply with the reasonable accessibility requirement of subsection 2 of section 16.1-04-02, if a polling place cannot be made accessible, an alternate accessible site within reasonable proximity may also be provided for voting. The board of county commissioners shall publicize the location of alternate polling places if provided. Parking facilities at polling places must be accessible to the elderly and the handicapped and must be clearly marked."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2365

- On page 1 of the engrossed bill, line 4, after the word "violence" insert the words "; and to provide a penalty"
- On page 1 of the engrossed bill, line 25, delete the word "shall" and insert in lieu thereof the word "may"

On page 4 of the engrossed bill, line 5, delete the words "Limitation of liability. No peace officer may be held" and insert in lieu thereof the words "Penalty. A person who willfully violates a court order issued pursuant to section 4 of this Act is guilty of a class B misdemeanor."

On page 4 of the engrossed bill, delete lines 6 through 10

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2536

On page 1, line 18, delete the word "all"

On page 1, line 19, delete the word "uniform"

On page 1, line 20, after the word "action" insert the words ", subject to the approval of the budget section of the legislative council"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2546

On page 1, line 4, after the word "committees" insert the words "; and to declare an emergency"

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

"SECTION 3. 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 SB 2549

On page 1, line 15, after the word "from" insert the words "a federally bonded warehouse, or" and after the word "zone" insert an underscored comma

On page 2, line 30, after the word "through" insert the words "a federally bonded warehouse, or"

On page 2, line 31, after the word "zone" insert an underscored comma

On page 2, line 33, after the word "from" insert the words "the federally bonded warehouse,"

On page 2, line 34, after the word "zone" insert an underscored comma

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1011, HB 1012, HB 1013, HB 1024, HB 1204, HB 1222,
HB 1288, HB 1340, HB 1342, HB 1356, HB 1390, HB 1408,
HB 1411, HB 1525, HB 1534, HB 1551, HB 1577, HB 1584,
HB 1665

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1268, HB 1454, HB 1484, HB 1530, HB 1567, HB 1576

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HCR 3081

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

SB 2548, SCR 4067

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1009, HB 1052, HB 1247, HB 1278, HB 1424, HB 1504,
HB 1548, HB 1597, HB 1630, HB 1633, HB 1634, HB 1666

PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1064 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 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 provide for the adoption of the water's edge combination approach to unitary taxation for corporate income tax purposes; and to provide an effective date.

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

SECTION 1. Definitions. For purposes of this Act:

1. "Affiliated corporation" means a corporation which is a member of a group of two or more corporations more than fifty percent of the voting stock of each member of which is directly or indirectly owned by a common owner or by common owners, either corporate or noncorporate, or by one or more of the member corporations of the group.
2. "Affiliated group" includes all affiliated corporations and their parent.
3. "Combined report" means an accounting method which reflects the activities and income of an affiliated group which conducts a unitary business within and without this state.
4. "Functionally related income" means income which arises out of, is used in, or is otherwise connected with, a taxpayer's unitary business operation, but does not include the gross-up of foreign taxes computed for the foreign tax credit.
5. "Multinational corporation" means a corporation that conducts a unitary business through subsidiary or affiliated corporations at least one of which is incorporated in a country foreign to that of the parent.
6. "Tax haven corporation" means any corporation which is incorporated in a country that either does not impose an income tax or imposes an income tax at a rate lower than ninety percent of the federal tax rate on the federally defined income tax base and either of the following apply:
 - a. Fifty percent or more of either the corporation's sales or purchases or payments of income or expenses, exclusive of payments for intangible property, or payments of eighty percent or more of all expenses are made directly or indirectly to one or more members of a water's edge group.
 - b. The corporation performs no significant economic activity.

It is presumed that a tax haven corporation is a member of the combinable unitary group.

7. a. "Threshold level of business activity in the United States" means either of the following:
 - (1) Activity in excess of twenty percent of a business's averaged apportioned activities.
 - (2) Defined activities in this country in an amount of at least ten million dollars.
- b. For purposes of this subsection "averaged apportioned activities" means an equally weighted average of a business's property, payroll, and sales and "defined activities in this country" means any one or more of the following:
 - (1) Property.
 - (2) Payroll.
 - (3) Sales.
 - (4) Purchases assignable to locations in the United States under the laws of this state.
8. "Unitary business or combinable unitary group" means either a multicorporate or a monocorporate business among the components of which there is a flow of value. A flow of value may be evidenced by functional integration, centralization of management, or economies of scale.
9. "United States corporation" means any corporation incorporated in the United States.
10. "Water's edge combination" or "water's edge combined group" includes those of the following corporations which are a part of a unitary business:
 - a. Corporations included or includable in a consolidated return for federal corporate income tax purposes.
 - b. United States possession corporations.
 - c. Any corporation incorporated in any United States possession or territory.

- d. Domestic international sales corporations or foreign sales corporations.
 - e. Tax haven corporations.
 - f. Foreign corporations having at least a threshold level of business activity in the United States.
 - g. United States corporations, not included in subdivision a, more than fifty percent of the voting stock of which is owned or controlled, directly or indirectly, by another United States corporation.
11. "Worldwide combination" or "worldwide combined reporting" means the use of a combined report with respect to an affiliated group irrespective of the country or countries in which any member of the affiliated group is incorporated or conducts business activities.

SECTION 2. Conditions for employment of water's edge combination. No multinational corporation or any affiliate of a multinational corporation is required to file a worldwide combined report if the following conditions are met:

- 1. It includes in its apportionable net income the functionally related income of those entities which are members of the water's edge combined group.
- 2. It consents to the taking of depositions by or on behalf of this state and agrees to accept subpoenas issued by this state for the purpose of the state's obtaining information which the state considers to be necessary for determining or verifying the corporation's taxable income.
- 3. It consents to the introduction into evidence, as a part of a judicial proceeding, of the record of any final court determination in another state involving the same taxpayer or unitary business.
- 4. It complies with reasonable discovery efforts aimed at obtaining information necessary to determine or verify its taxable income.
- 5. It consents to the introduction into evidence, without being contested as to its relevancy, tax information pertaining to the examination of multinational operations, including underlying

data obtained from the internal revenue service or a foreign government.

6. It consents to retain for a period of six years the following information for possible use by state tax auditors:
 - a. Documents and information which are necessary to audit issues involving United States versus foreign attribution of income, for example, as provided in section 482, subpart F, and sections 861, 863, 902, and 904 of the Internal Revenue Code.
 - b. Documents identifying key employees and officers who have knowledge of and access to company pricing and costing policies, including the titles and addresses of those employees and officers.
 - c. Documents and correspondence pertaining to the sourcing of income between United States and foreign jurisdictions and the determination of foreign tax liability, including documents submitted to or obtained from the internal revenue service, foreign countries, and competent authority.
 - d. United States tax forms 5471, 5472, and 5473 or equivalent replacement forms filed with the internal revenue service.
 - e. The same information requested in United States tax forms 5471, 5472, and 5473 or equivalent replacement forms insofar as it applies to United States corporations of which fifty percent or more of the voting stock is directly or indirectly owned or controlled.
 - f. All state corporate tax returns filed by each corporation in each state.
7. It files a spreadsheet with the state tax return that fully discloses the income reported to each state, the state tax liability, and the method used for apportioning or allocating income to the various states, and any other information as provided for by rules as may be necessary to determine properly the amount of taxes due to each state and to identify the water's edge corporate group and those of its affiliates of which more than fifty percent of the voting stock is directly or indirectly owned or controlled by

a common owner or owners, either corporate or noncorporate, or by one or more of the member corporations of the group.

SECTION 3. Use of worldwide combination. Notwithstanding the provisions of section 2 of this Act which limit the unitary method to the water's edge if the conditions of that section are met, this state may use worldwide combination in the following circumstances:

1. If any corporation fails to comply with the disclosure, spreadsheet filing requirements or this state's legal and procedural requirements.
2. If water's edge combination, after necessary and appropriate adjustments, fails to prevent the evasion of taxes or to clearly reflect income.
3. If the taxpayer does not provide relevant information on the operations of a foreign-based parent within a reasonable period of time or if the government of the foreign country does not allow the states to have access to such information.

SECTION 4. Presumptions and burden of proof.

1. A corporation and its affiliates shall be presumed to be a part of a unitary business as asserted by the state tax commissioner if it fails to comply with the spreadsheet disclosure requirements or with reasonable requests for information concerning itself or its relationships with controlled affiliates which information is necessary to perform an audit similar in manner to those authorized under sections 482 and 861 or under subpart F of the Internal Revenue Code.
2. A taxpayer has the burden of proof in seeking to refute a contention by the state that a unitary business exists within the water's edge combination defined in section 1 of this Act.

SECTION 5. Antidiscrimination. A domestic corporation may establish that the inclusion of dividends from foreign corporations in its apportionable income under this Act results in discriminatory taxation if it proves by clear and convincing evidence that in the country in which the foreign corporation is incorporated all of the following apply:

1. The country does not tax dividend income received by its own corporations from foreign corporations.
2. The country does not tax any other income received by its own corporations from foreign corporations.
3. The country does not impose a higher effective tax rate than does the United States on comparably defined net income.
4. The country does not grant foreign tax credits comparable to those granted by the United States.

Proof of discriminatory taxation entitles the domestic corporation to eliminate those dividends from its apportionable net income.

SECTION 6. Regulations. The state tax commissioner may issue rules for the efficient enforcement of this Act.

SECTION 7. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1988."

And renumber the lines, sections, and pages accordingly

SEN. SATROM, Chairman

HB 1064 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 1072 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 11, after the third word "an" insert the word "obviously"

And renumber the lines, sections, and pages accordingly

SEN. LASHKOWITZ, Chairman

HB 1072 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 1547 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 NOT PASS:

On page 1 of the engrossed bill, line 6, delete the words "county or" and delete the words "by resolution or"

- On page 1 of the engrossed bill, line 7, delete the words "allow the county or municipal judge to"
- On page 1 of the engrossed bill, line 9, delete the words "county or"
- On page 1 of the engrossed bill, line 11, delete the words "county or"
- On page 1 of the engrossed bill, line 14, delete the words "or resolution"
- On page 1 of the engrossed bill, line 15, delete the words "county judge or" and delete the word "may" and insert in lieu thereof the word "shall"
- On page 1 of the engrossed bill, line 17, after the word "deferred" insert the words ", unless the defendant is indigent and unable to pay the fee"
- On page 1 of the engrossed bill, line 18, delete the words "counties and"

And renumber the lines, sections, and pages accordingly

SEN. DOTZENROD, Chairman

HB 1547 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred HCR 3085 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. W. MEYER, Chairman

HCR 3085 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred HCR 3086 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. W. MEYER, Chairman

HCR 3086 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

SEN. HEIGAARD MOVED that HB 1450 be moved to the foot of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1373: A BILL for an Act to create and enact a new section to chapter 23-10 of the North Dakota Century Code, relating to

a requirement for a procedure to respond to emergencies and complaints in certain mobile home parks.

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

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

NAYS: None

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Meyer, D.; Meyer, W.; Satrom; Tallackson; Tennefos; Vosper

HB 1373 passed and the title was agreed to.

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

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 18 YEAS, 24 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: David; Heinrich; Hilken; Langley; Lashkowitz; Lips; Lodoen; Meyer, D.; Meyer, J.; Naaden; Nalewaja; Nelson; Peterson; Redlin; Richard; Schoenwald; Shea; Wright

NAYS: Dotzenrod; Freborg; Heigaard; Holmberg; Ingstad; Krauter; Maixner; Mathern; Maxson; Moore; Mushik; Mutch; Nething; Olson; Reiten; Stenehjem; Streibel; Stromme; Thane; Todd; Tweten; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Meyer, W.; Satrom; Tallackson; Tennefos; Vosper

HB 1470 lost.

SIGNING OF BILLS AND RESOLUTIONS

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

HB 1207, HB 1241, HB 1481

PERRY GROTEBERG, Secretary

MESSAGE TO THE HOUSE

SENATE CHAMBER

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

HB 1207, HB 1241, HB 1481

PERRY GROTEBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

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

SB 2020, SB 2090, SB 2137, SB 2143, SB 2218, SB 2219,
SB 2225, SB 2235, SB 2281, SB 2354, SB 2376, SB 2381,
SB 2403, SCR 4062, SCR 4063, SCR 4068

PERRY GROTEBERG, 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 2020, SB 2090, SB 2137, SB 2143, SB 2218, SB 2219,
SB 2225, SB 2235, SB 2281, SB 2354, SB 2376, SB 2381,
SB 2403, SCR 4062, SCR 4063, SCR 4068

PERRY GROTEBERG, Secretary

SECOND READING OF HOUSE BILLS

HB 1615: A BILL for an Act to create and enact chapter 40-22.1 of the North Dakota Century Code, relating to city levy of special assessment taxes for improvements by special assessment for promotion of business activity and new business development.

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 35 YEAS, 6 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Stromme; Thane; Todd; Tweten; Waldera; Wogsland; Wright

NAYS: David; Mutch; Naaden; Nelson; Streibel; Yockim

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Krauter; Meyer, W.; Satrom; Tallackson; Tennefos; Vosper

HB 1615 passed and the title was agreed to.

HB 1675: A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to a school district mill levy for asbestos abatement.

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

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

NAYS: None

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Krauter; Meyer, W.; Satrom; Tallackson; Tennefos; Vosper

HB 1675 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3073: A concurrent resolution directing the Legislative Council to study services to deaf and hearing impaired children and adults, to examine the role of the North Dakota School for the Deaf in the provision of educational and rehabilitative services to the deaf, and to determine alternative methods of educating and rehabilitating the deaf in communities throughout the state.

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

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

HCR 3073 was declared adopted and the title was agreed to on a voice vote.

MOTIONS

SEN. HEIGAARD MOVED that HB 1085 and HB 1636, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1628 be placed immediately following HB 1110 on the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1110: A BILL for an Act to amend and reenact section 54-34-03 of the North Dakota Century Code, relating to economic development commission membership.

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, 40 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: None

NAYS: David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Heigaard; Keller; Kelly; Kelsh; Krauter; Meyer, W.; Satrom; Tallackson; Tennefos; Vosper

HB 1110 lost.

HB 1628: A BILL for an Act to establish a legislative council committee on economic development and job creation.

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 5 YEAS, 37 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Nalewaja; Nelson; Nething; Olson; Shea

NAYS: David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Peterson; Redlin; Reiten; Richard; Schoenwald; Stenehjem; Streibel; Stromme; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Meyer, W.; Satrom; Tallackson; Tennefos; Vosper

HB 1628 lost.

HB 1216: A BILL for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of revenue-producing parking lots at the university of North Dakota; to provide an appropriation; and to declare an emergency.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 42 YEAS, 0 NAYS, 11 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Meyer, W.; Satrom; Tallackson; Tennefos; Vosper

HB 1216 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

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

SEN. HEIGAARD MOVED that HB 1338 and HB 1560, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1457: A BILL for an Act to amend and reenact sections 5-01-08.1 and 5-01-08.2 of the North Dakota Century Code, relating to misrepresentation of age by minors purchasing alcoholic beverages.

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, 0 NAYS, 12 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Meyer, W.; Richard; Satrom; Tallackson; Tennefos; Vosper

HB 1457 passed and the title was agreed to.

HB 1532: A BILL for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to payment of tuition for special education students between the ages of eighteen and twenty-one.

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, 43 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: None

NAYS: David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Krauter; Langley;

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

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Meyer, W.; Satrom; Tallackson; Vosper

HB 1532 lost.

HB 1569: A BILL for an Act to create and enact a new section to chapter 4-22 of the North Dakota Century Code, relating to immunity from civil liability for soil conservation district supervisors.

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 2 YEAS, 41 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Hilken

NAYS: David; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Meyer, W.; Satrom; Tallackson; Vosper

HB 1569 lost.

HB 1572: A BILL for an Act to amend and reenact sections 57-02-08.4 and 57-02-08.5 of the North Dakota Century Code, relating to suspension of conditional property tax exemptions for owners of wetlands if adequate funds are not available for payments by the state to political subdivisions to offset lost property tax revenue from exempt wetlands; 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 42 YEAS, 0 NAYS, 11 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Meyer, D.; Meyer, W.; Satrom; Tallackson; Vosper

HB 1572 passed and the title was agreed to.

HB 1593: A BILL for an Act to amend and reenact sections 15-52-02, 15-52-03, 15-52-04, 15-52-07, 15-52-16, 15-52-20, 15-52-29, and subsection 1 of section 15-52-30 of the North Dakota Century Code, relating to control and operation of the state medical center, members and terms of the medical center advisory council, duties of the council, use of center facilities by political subdivisions, qualifications of loan applicants, loan conditions, training and scholarships for psychiatric personnel, and authorized contracts or agreements; and to repeal section 15-52-06 of the North Dakota Century Code, relating to fees and charges of the medical center.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 42 YEAS, 0 NAYS, 11 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Meyer, D.; Meyer, W.; Satrom; Tallackson; Vosper

HB 1593 passed and the title was agreed to.

HB 1606: A BILL for an Act to amend and reenact section 27-20-16 of the North Dakota Century Code, relating to the detention of delinquent, unruly, and deprived children.

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, 0 NAYS, 12 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; David; Keller; Kelly; Kelsh; Meyer, D.; Meyer, W.; Satrom; Tallackson; Vosper

HB 1606 passed and the title was agreed to.

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

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 38 YEAS, 4 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem;

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Streibel; Stromme; Tennefos; Thane; Tweten; Waldera;
Wogsland; Wright; Yockim

NAYS: Dotzenrod; Krauter; Langley; Todd

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller;
Kelly; Kelsh; Meyer, D.; Meyer, W.; Satrom; Tallackson;
Vosper

HB 1621 passed and the title was agreed to.

HB 1623: A BILL for an Act to amend and reenact section 32-18-01
of the North Dakota Century Code, relating to cancellation
of contracts for deed involving agricultural property.

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, 40 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: None

NAYS: David; Dotzenrod; Freborg; Heigaard; Heinrich;
Hilken; Holmberg; Ingstad; Krauter; Langley;
Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson;
Meyer, J.; Moore; Mutch; Naaden; Nalewaja; Nelson;
Nething; Olson; Peterson; Redlin; Reiten; Richard;
Schoenwald; Shea; Stenehjerm; Streibel; Stromme;
Tennefos; Thane; Todd; Tweten; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller;
Kelly; Kelsh; Meyer, D.; Meyer, W.; Mushik; Satrom;
Tallackson; Vosper; Waldera

HB 1623 lost.

HB 1629: A BILL for an Act to provide for regulation of
long-term care insurance; and to amend and reenact section
26.1-36-37 of the North Dakota Century Code, relating to
nursing home policies.

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, 0 NAYS, 12 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Adams; Axtman; Bakewell; Keller; Kelly; Kelsh; Meyer, D.; Meyer, W.; Mushik; Satrom; Tallackson; Vosper

HB 1629 passed and the title was agreed to.

**MESSAGE FROM THE HOUSE
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 1041, HB 1042, HB 1151, HB 1171, HB 1598

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. HEIGAARD MOVED that the Senate stand in recess until 10:45 a.m., which motion prevailed.

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

SEN. HEIGAARD MOVED that the record show Sens. W. Meyer, Axtman, Keller, Kelsh, Bakewell, Vosper, Kelly, and Adams were absent from the Senate because of a committee hearing of the **Committee on Agriculture** of which they are members, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2553 as recommended by the **Committee on Industry, Business and Labor** as printed on page 1816 of the Senate Journal be adopted, and when so adopted, recommends the same **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2553: A BILL for an Act to amend and reenact sections 23-09-01, 23-09-16, and 23-09-17 of the North Dakota Century Code, relating to hotels, lodgings, restaurants, and boardinghouses and to limited restaurant licenses.

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 30 YEAS, 18 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Redlin; Reiten; Richard; Schoenwald; Shea; Stromme; Thane; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Dotzenrod; Freborg; Kelly; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Tennefos; Todd; Wright

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Satrom; Tallackson; Vosper

SB 2553 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. STROMME MOVED that the amendments to SCR 4055 as recommended by the Committee on Joint Constitutional Revision as printed on page 1817 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4055: A concurrent resolution for the amendment of section 4 of article III of the Constitution of the State of North Dakota, relating to the required number of signatures for a referendum petition referring appropriation measures for support and maintenance of state departments and institutions and tax measures that change tax rates.

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

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were 21 YEAS, 27 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Langley; Lashkowitz; Lips; Mathern; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Schoenwald; Shea; Thane; Tweten; Wogsland

NAYS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Keller; Kelly; Lodoen; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Stromme; Tennefos; Todd; Waldera; Wright; Yockim

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Satrom;
Tallackson; Vosper

SCR 4055 was declared lost on a roll call vote.

MOTION

SEN. HEIGAARD MOVED that HB 1033 and HB 1557, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1156 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1820 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1156: A BILL for an Act to create and enact a new subsection to section 50-06-05.1 and two new sections to chapter 50-09 of the North Dakota Century Code, relating to special needs adoptions, foster care children, and rulemaking authority; to amend and reenact sections 50-09-01, 50-09-06, 50-09-09, 50-09-21, and subsection 1 of section 50-11-00.1 of the North Dakota Century Code, relating to aid to dependent children and foster care for children; and to repeal sections 50-09-10, 50-09-10.1, 50-09-11, 50-09-12, and 50-09-19 of the North Dakota Century Code, relating to aid to dependent children.

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, 0 NAYS, 4 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; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, D.; Satrom; Tallackson; Vosper

HB 1156 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1174 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1820-1821 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1174: A BILL for an Act to provide for transfer of funds from the nursing scholarship loan fund to the board of nursing; to amend and reenact sections 43-12-26.1 and 43-12-27 of the North Dakota Century Code, relating to definitions and duties of the board of nursing in granting scholarship loans to nursing students; and to repeal sections 43-12-28, 43-12-29, 43-12-30, 43-12-31, 43-12-32, and 43-12-35 relating to qualifications of candidates, use of scholarship loans, scholarship loan payments, note requirements, collections, note cancellations, and the creation of a permanent nurses' scholarship loan 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 49 YEAS, 0 NAYS, 4 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; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, D.; Satrom; Tallackson; Vosper

HB 1174 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1183 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1821 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1183: A BILL for an Act to amend and reenact subsection 1 of section 50-10.1-03, and sections 50-10.1-05 and 50-10.1-06 of the North Dakota Century Code, relating to the duties of long-term care ombudsmen.

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 44 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Freborg; Peterson

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Satrom; Tallackson; Vosper

HB 1183 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1329 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1821-1822 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1329: A BILL for an Act to amend and reenact section 26.1-36-07 of the North Dakota Century Code, relating to required group health insurance coverage for adopted children.

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, 0 NAYS, 4 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;
Nething; Olson; Peterson; Redlin; Reiten; Richard;
Schoenwald; Shea; Stenehjerm; Streibel; Stromme;
Tennefos; Thane; Todd; Tweten; Waldera; Wogsland;
Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, D.; Satrom; Tallackson;
Vosper

HB 1329 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1448 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1822 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that HB 1448, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

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

SB 2020, SB 2090, SB 2137, SB 2143, SB 2218, SB 2219,
SB 2225, SB 2235, SB 2281, SB 2354, SB 2376, SB 2381,
SB 2403, SCR 4062, SCR 4063, SCR 4068

ROY GILBREATH, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to HB 1506 as recommended by the Committee on Industry, Business and Labor as printed on page 1823 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. REITEN MOVED that HB 1506, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HCR 3028 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1826 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3028: A concurrent resolution urging the United States District Court for the District of North Dakota to recognize the good faith efforts of the state of North Dakota in attempting to comply with the district court's order concerning the deinstitutionalization of developmentally disabled persons and to modify the order to allow the state to emphasize the individual needs of developmentally disabled persons rather than institution population levels.

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

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

HCR 3028 was declared adopted and the title was agreed to on a voice vote.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HCR 3057 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1827 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3057: A concurrent resolution directing the Legislative Council to study the financing, type, and potential location of group or residential child treatment facilities needed for foster care or educational placements.

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

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

HCR 3057 was declared adopted and the title was agreed to on a voice vote.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HCR 3080 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1827 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS and BE PLACED ON THE CONSENT CALENDAR, which motion prevailed.

HCR 3080 was placed on the consent calendar.

SEN. J. MEYER MOVED that the amendments to HCR 3084 as recommended by the Committee on Human Services and Veterans Affairs as

printed on page 1828 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS and BE PLACED ON THE CONSENT CALENDAR, which motion prevailed.

HCR 3084 was placed on the consent calendar.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. KRAUTER MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1129, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1129:

Sens. D. Meyer, Maixner, Moore

SEN. LASHKOWITZ MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1167, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1167:

Sens. J. Meyer, Stenehjem, Holmberg

SEN. SATROM MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1274, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1274:

Sens. Maixner, Richard, Wright

SEN. SATROM MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1337, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1337:

Sens. Satrom, Dotzenrod, Moore

SEN. SATROM MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1369, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1369:

Sens. Satrom, Dotzenrod, Moore

SEN. LASHKOWITZ MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1535, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1535:

Sens. J. Meyer, Stenehjem, Nalewaja

SEN. KRAUTER MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1601, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1601:

Sens. Richard, D. Meyer, David

MOTION

SEN. HEIGAARD MOVED that SB 2044, SB 2056, SB 2080, SB 2184, SB 2314, SB 2378, SB 2391, SB 2444, SB 2445, SB 2458, SB 2484, SB 2490, SB 2510, SB 2520, SB 2526, and SCR 4026 be moved to the head of the Twelfth order on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to SB 2044 as printed on pages 1684-1685 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to create and enact a new section to chapter 15-27.1 of the North Dakota Century Code, relating to the reorganization, annexation, or dissolution of nonoperating school districts; and to amend and reenact section 15-27.4-01 of the North Dakota Century Code, relating to the dissolution of school districts not operating schools and attachment of their territory to school districts operating schools.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 43 YEAS, 3 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh;

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

NAYS: Maixner; Moore; Mutch

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.;
Naaden; Satrom; Stenehjøm; Tallackson

SB 2044 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LASHKOWITZ MOVED that the Senate do not concur in the House amendments to SB 2056 as printed on page 1680 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2056:

Sens. Maxson, Nalewaja, Stenehjøm

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HILKEN MOVED that the Senate do not concur in the House amendments to SB 2080 as printed on page 1685 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2080:

Sens. Schoenwald, Nething, Wright

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do concur in the House amendments to SB 2184 as printed on pages 1685-1687 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to establish a state surface mining and reclamation bond fund.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Maixner; Meyer, D.; Naaden; Satrom; Stenehjelm; Tallackson

SB 2184 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House amendments to SB 2314 as printed on page 1755 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2314:

Sens. Mathern, Maxson, Peterson

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2378 as printed on page 1682 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2378:

Sens. Krauter, Schoenwald, Nething

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to SB 2444 as printed on page 1616 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2444: A BILL for an Act to amend and reenact subsection 74 of section 40-05-01 of the North Dakota Century Code, relating to the powers of municipalities in administering community development block grant transactions.

Which has been read.

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.; Naaden; Satrom; Stenehjelm; Tallackson

SB 2444 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to SB 2445 as printed on page 1617 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2445: A BILL for an Act to amend and reenact subsection 18 of section 11-11-14 of the North Dakota Century Code, relating to the power of a board of county commissioners in administering community development block grant transactions.

Which has been read.

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: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik;

Mutch; Nalewaja; Nelson; Nething; Olson; Peterson;
Redlin; Reiten; Richard; Schoenwald; Shea; Streibel;
Stromme; Tennefos; Thane; Todd; Tweten; Vosper;
Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.;
Naaden; Satrom; Stenehjem; Tallackson

SB 2445 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LASHKOWITZ MOVED that the Senate do concur in the House amendments to SB 2458 as printed on page 1617 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2458: A BILL for an Act to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to court costs.

Which has been read.

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.;
Naaden; Satrom; Stenehjem; Tallackson

SB 2458 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LASHKOWITZ MOVED that the Senate do concur in the House amendments to SB 2490 as printed on page 1638 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2490: A BILL for an Act to authorize court ordered mediation in certain contested child custody, support, or visitation proceedings.

Which has been read.

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.; Naaden; Satrom; Stenehjøm; Tallackson

SB 2490 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House amendments to SB 2510 as printed on page 1617 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2510:

Sens. Heinrich, Maxson, Stenehjøm

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do not concur in the House amendments to SB 2520 as printed on pages 1617-1618 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2520:

Sens. Kelsh, Peterson, Kelly

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to SB 2526 as printed on page 1638 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2526: A BILL for an Act to create and enact a new section to chapter 23-24 and a new subsection to section 23-24-01 of the North Dakota Century Code, relating to withdrawing from a vector control district and the definition of potential or emergency health hazards; and to amend and reenact subsection 4 of section 23-24-01, sections 23-24-03, 23-24-04, and 23-24-05, and subsection 1 of section 23-24-08 of the North Dakota Century Code, relating to the definition of public health vectors, orders modifying the boundaries of vector control districts, the expansion of vector control districts, boards of commissioners of vector control districts.

Which has been read.

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.; Naaden; Satrom; Stenehjelm; Tallackson

SB 2526 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2391 as printed on pages 1756-1757 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2391: A BILL for an Act to create and enact a new subsection to section 26.1-36-32 of the North Dakota Century Code, relating to standards for medicare supplement policies; and to amend and reenact subsection 4 of section 26.1-36-31 and

section 26.1-36-37 of the North Dakota Century Code, relating to the definition of medicare supplement policy and limitations on preexisting conditions in nursing home policies.

Which has been read.

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.; Naaden; Satrom; Stenehjelm; Tallackson

SB 2391 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to SB 2484 as printed on page 1757 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2484: A BILL for an Act to amend and reenact section 26.1-26-31.1 of the North Dakota Century Code, relating to continuing education requirements of insurance agents.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Streibel; Stromme;

Tennefos; Thane; Todd; Tweten; Vosper; Waldera;
Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.;
Naaden; Nalewaja; Satrom; Stenehjøm; Tallackson

SB 2484 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LASHKOWITZ MOVED that the Senate do not concur in the House amendments to SCR 4026 as printed on pages 1758-1759 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SCR 4026:

Sens. J. Meyer, Holmberg, Stenehjøm

MOTION

SEN. HEIGAARD MOVED that HB 1638, HB 1661, and HCR 3078, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1648: A BILL for an Act to amend and reenact subsection 2 of section 11-10.1-01 of the North Dakota Century Code, relating to the qualifications of the county director of tax equalization.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: None

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ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.;
Naaden; Nalewaja; Satrom; Stenehjem; Tallackson

HB 1648 passed and the title was agreed to.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

HB 1129: Sens. D. Meyer, Maixner, Moore
HB 1167: Sens. J. Meyer, Stenehjem, Holmberg
HB 1274: Sens. Maixner, Richard, Wright
HB 1337: Sens. Satrom, Dotzenrod, Moore
HB 1369: Sens. Satrom, Dotzenrod, Moore
HB 1535: Sens. J. Meyer, Stenehjem, Nalewaja
HB 1601: Sens. Richard, D. Meyer, David

PERRY GROTEBERG, Secretary

SECOND READING OF HOUSE BILL

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

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 2 YEAS, 43 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Kelsh; Mushik

NAYS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mutch; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogslund; Wright; Yockim

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.;
Naaden; Nalewaja; Satrom; Stenehjem; Tallackson

HB 1669 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3027: A concurrent resolution urging the State Board of Higher Education to implement changes in higher education in North Dakota.

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

The question being on the final adoption of the resolution.

HCR 3027 was declared adopted and the title was agreed to on a verification vote.

HCR 3035: A concurrent resolution recommending that the State Board of Higher Education take remedial action concerning problems created by the instructional staff at the state institutions of higher education who have difficulty speaking English.

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

The question being on the final adoption of the resolution.

HCR 3035 was declared adopted and the title was agreed to on a voice vote.

HCR 3046: A concurrent resolution directing the Legislative Council to study the potential benefits to be derived from offering courses through the use of electronic media, including satellite dishes, cable television, video cassettes, and video and telephone audiosystems.

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

The question being on the final adoption of the resolution.

HCR 3046 was declared lost on a voice vote.

HCR 3065: A concurrent resolution directing the Legislative Council to study the retail gasoline market in this state.

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

The question being on the final adoption of the resolution.

HCR 3065 was declared lost on a voice vote.

REQUEST

SEN. HILKEN REQUESTED a verification vote, which request was granted.

HCR 3065 was declared lost on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3067: A concurrent resolution directing the Legislative Council to study the research services provided in this state by various entities to determine how resources can be most efficiently used to enhance and preserve the delivery of research information available to farmers and agribusinesses in this state.

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

The question being on the final adoption of the resolution.

HCR 3067 was declared adopted and the title was agreed to on a voice vote.

HCR 3068: A concurrent resolution directing the Legislative Council to study corporal punishment in schools.

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

REQUESTS

SEN. WOGSLAND REQUESTED a verification vote, which request was granted.

SEN. NETHING REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 25 YEAS, 19 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Schoenwald; Stromme; Thane; Todd; Wogsland

NAYS: Adams; David; Freborg; Kelly; Lodoen; Moore; Mutch; Nelson; Nething; Olson; Peterson; Reiten; Shea; Streibel; Tennefos; Tweten; Vosper; Wright; Yockim

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, D.;
Naaden; Nalewaja; Satrom; Stenehjelm; Tallackson;
Waldera

HCR 3068 was declared adopted and the title was agreed to on a roll call vote.

HCR 3071: A concurrent resolution directing the Legislative Council to study the effects of hospital and health care advertising and competition on the costs of and access to health care.

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

The question being on the final adoption of the resolution.

REQUEST

SEN. WOGSLAND REQUESTED a verification vote, which request was granted.

HCR 3071 was declared lost on a verification vote.

COMMUNICATION

Doctor of the Day Schedule

March 30: John Hawronsky, M.D., Minot
Family Practice
March 31: John Hawronsky, M.D., Minot
Family Practice
April 1: Clayton Jensen, M.D., Fargo
Family Practice

MOTIONS

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Sixteenth order of business, and at the conclusion of the Sixteenth order of business, and after the reading of HB 1448, HB 1506, HCR 3080, HCR 3084, HCR 3085, and HCR 3086, the Senate adjourn and convene at 9:00 a.m., Monday, March 30, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary