

## JOURNAL OF THE SENATE

## Fifty-first Legislative Assembly

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Bismarck, March 1, 1989

The Senate convened at 1:00 p.m., with President Omdahl presiding.

The prayer was offered by Delmar Becker, Grace Bible Church, Mandan.

Governor of the universe, Governor of the world, Lawmaker of the world, our Lord Jesus Christ, we thank Thee that Thou art God. We thank Thee that Thou art Savior to everyone who will believe in You, who will receive You.

Now, Lord, impress upon the mind and heart of each of us that we are not here to do our own will, but we are here to do Thy business. Give us honesty to do Thy business according to Thy will, in Thy way, some of which Thou hast already made clear to us in writing. Any other way would not be for the good of all the people. You, Lord, know what is best for us. Give us here hearts that are obedient and eager to do Your business in Your way, that You may bless us and prosper us in it, for Thy glory. In Jesus' glorious name, we ask this. Amen.

The roll was called and all Senators were present, except Senators David, Lashkowitz, Maxson, and Redlin.

A quorum was declared by the President.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HB 1073, HB 1081, HB 1082, HB 1086, HB 1087, HB 1091, HB 1092, HB 1093, HB 1096, HB 1099, HB 1102, HB 1103, HB 1107, HB 1109, HB 1111, HB 1112, HB 1114, HB 1115, HB 1120, HB 1129, HB 1133, HB 1137, HB 1138, HB 1141, HB 1143, HB 1147, HB 1150, HB 1154.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HB 1156, HB 1162, HB 1168, HB 1174, HB 1176, HB 1179, HB 1180, HB 1203.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2028.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2003, SB 2005, SB 2505, SB 2523, SCR 4050.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1006, HB 1008, HB 1010, HB 1023, HB 1024, HB 1032, HB 1033, HB 1040, HB 1063, HB 1077, HB 1200, HB 1337, HB 1401, HB 1415, HB 1421, HB 1472, HB 1578, HB 1604, HB 1618, HCR 3060, HCR 3061, HCR 3064, HCR 3065, HCR 3066, HCR 3067, HCR 3068, HCR 3070, HCR 3072, HCR 3074, HCR 3075, HCR 3078, HCR 3079.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1001, HB 1004, HB 1007, HB 1011, HB 1012, HB 1013, HB 1022, HB 1586.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has failed to pass: SB 2066.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SB 2041, SB 2065, SB 2088, SB 2104, SB 2181, SB 2184, SB 2258, SB 2325.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SB 2069, SB 2115, SB 2186, SB 2196, SB 2197, SB 2202, SB 2217, SB 2221, SB 2225.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2211.

Page 3, line 6, after "advance" insert "except that the board may collect a share of a conservation reserve program payment paid by the federal government"

Page 3, line 8, after "years" insert "and any land accepted into the conservation reserve program may have a lease term that coincides with the term of the conservation reserve program contract if so provided in the lease"

Renumber accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2032, SB 2195, SB 2394.

#### HOUSE AMENDMENTS TO SB 2032

Page 1, line 2, after "of" insert "a" and remove "and local advisory"

Page 1, line 3, replace "councils" with "council"

Page 1, line 7, overstrike "and local advisory councils" and insert immediately thereafter "council"

Page 1, line 9, overstrike "and", remove "may appoint", and overstrike "local advisory councils,"

Page 1, line 13, overstrike "Such councils" and insert immediately thereafter "The council"

Page 1, line 16, overstrike "Such" and insert immediately thereafter "The" and overstrike "councils" and insert immediately thereafter "council"

Renumber accordingly

#### HOUSE AMENDMENTS TO SB 2195

Page 1, line 3, after "instruction" insert "; and to declare an emergency"

Page 1, after line 11, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HOUSE AMENDMENTS TO SB 2394

Page 1, line 1, replace "section" with "sections" and after "43-11-03" insert "and 43-11-04"

Page 1, line 9, after the period insert "A member may not be appointed to more than two consecutive three-year terms. A person may not be appointed to the board if that person's spouse is a board member, nor may a person be appointed to succeed that person's spouse on the board."

Page 1, after line 15, insert:

"SECTION 2. AMENDMENT. Section 43-11-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-11-04. Members of board - Executive director - Qualifications. Each member of the board ~~shall~~ must be a citizen of this state and a licensed cosmetologist who has had at least three years practical experience in the occupation. No two members of the board ~~shall~~ may be members of or affiliated with any school of cosmetology, nor ~~shall~~ may any two members of the board be graduates of the same school of cosmetology. A member, the executive director of the board, or an immediate family member of a board member or the executive director may not be affiliated with a manufacturer, wholesaler, or distributor of cosmetology supplies, or own a school of cosmetology."

Renumber accordingly

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Thirty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 703, line 2, after "to" insert ", and the emergency clause carried"

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

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirty-seventh Day and finds it to be correct.

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

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirty-eighth Day and finds it to be correct.

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

## REQUEST

SEN. MAIXNER REQUESTED that Senator Mathern's remarks be printed in the Journal, which request was granted.

SEN. MATHERN: Thank you, Mr. President, members of the Senate. I rise in sadness today as our colleague from District 21, Senator Lashkowitz, was not able to be here when the roll was called, which he so proudly was at so many times before. He asked that I report his situation to the Senate. I would summarize the conversation and visit that I had with him yesterday in four words: Love, Passion, Courage, and Faith.

Love, because he asked that we as Senators carry on our deliberations in the interest of our state, in the interest of the people. He wanted to be here so much. His love is for government and for serving by representing the needs of the people.

Passion was in his conversation, too. He is very much alive, I assure you. He was very concerned about an article that was recently written in the Spectrum paper at NDSU regarding his voting record. With passion he explained his positions on the issues and his intent to come back to the Senate to explain what his concerns were about that record.

We spoke, too, of courage, as he talked about going forward with potential surgery to bypass some obstructions to his heart. The courage was evident as he spoke about the possibility of death that loomed before him in terms of surgery, the possibilities, too, of death that loomed before him should he not have surgery. He spoke about those matters clearly with full awareness of the possibilities before him and with courage that he can move through those toward a fuller life.

He spoke, too, of faith, faith that both the activity of this body will continue in the interest of the people, but also in faith that his own personal circumstances are such that he can accept what is before him. He stated to me that he welcomes the members of the Senate and other persons to pray for his well-being. He has placed his life in the hands of the Lord and he will accept whatever comes to him.

I will miss Senator Lashkowitz in the days that he is gone. I know many of you will also. I ask that you remember him and that you occasionally send him a note. He is at St. Luke's Hospital in Fargo, in Intensive Care, and the indications are that he will be going in for surgery, probably later this week or early next week. We look forward to Senator Lashkowitz's return to this body. Thank you.

## MOTIONS

SEN. MAIXNER MOVED that the rules be suspended, that Senate Rule 507 be amended to read Fifty-third legislative day, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended, that Joint Rule 203 be amended to read Fortieth legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to HB 1201 as recommended by the Committee on Industry, Business and Labor as printed on pages 650-651 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

HB 1201 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to HB 1242 as recommended by the Committee on Transportation as printed on pages 793-794 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1242 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILLS

HB 1028: A BILL for an Act to create and enact a new section to chapter 57-61 of the North Dakota Century Code, relating to a separate and additional coal severance tax.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1028 passed and the title was agreed to.

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HB 1062: A BILL for an Act relating to records and information related to the legislative branch; and declaring an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Schoenwald

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1062 passed, the title was agreed to, and the emergency clause carried.

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HB 1095: A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-24 of the North Dakota Century Code, relating to the purchase of service credit for out-of-state teaching under the teachers' fund for retirement.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1095 passed and the title was agreed to.

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HB 1106: A BILL for an Act to amend and reenact section 25-02-04 of the North Dakota Century Code, relating to the qualifications of the superintendent of the state hospital.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: O'Connell

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1106 passed and the title was agreed to.

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HB 1117: A BILL for an Act to create and enact a new section to chapter 6-01 of the North Dakota Century Code, relating to the assessment of civil money penalties.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1117 passed and the title was agreed to.

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HB 1122: A BILL for an Act to amend and reenact subsections 1 and 4 of section 6-01-07.1, subsection 1 of section 6-03-69, subsection 1 of section 6-06-02, subdivision e of subsection 5 of section 6-06-06, subsection 2 of section 6-06-08, and subsection 2 of section 6-06-35 of the North Dakota Century Code, relating to department of banking and financial institutions records, report of examining committee of banks, and the powers of credit unions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1122 passed and the title was agreed to.

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HB 1144: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile registration fees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 8 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; O'Connell; Olson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Vosper; Waldera; Wogsland; Yockim

NAYS: Hilken; Moore; Nelson; Nething; Peterson; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1144 passed and the title was agreed to.

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HB 1146: A BILL for an Act to amend and reenact section 6-09.10-06 of the North Dakota Century Code, relating to the interest subsidy revolving loan fund maintained at the Bank of North Dakota.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1146 passed and the title was agreed to.

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HB 1152: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to validation of certificates of acknowledgment; and to amend and reenact section 44-08-06 of the North Dakota Century Code, relating to the requirements of notary seals.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips;



Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1152 passed and the title was agreed to.

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HB 1251: A BILL for an Act to amend and reenact section 57-15-27.1 of the North Dakota Century Code, relating to mill levy authority for townships and cities for maintenance of cemeteries; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Moore

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1251 passed and the title was agreed to.

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HB 1048: A BILL for an Act to amend and reenact section 15-34.2-14 of the North Dakota Century Code, relating to the age of schoolbus drivers.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 5 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Kinnoin; Meyer, D.; Meyer, J.; Meyer, W.; O'Connell

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1048 passed and the title was agreed to.

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HB 1053: A BILL for an Act to create and enact two new paragraphs to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to penalty point assessments for motor vehicle equipment violations; to amend and reenact sections 39-06.1-05, 39-06.1-09, paragraph 9 of subdivision a of subsection 3 of section 39-06.1-10, sections 39-07-09 and 39-21-09, and subsection 1 of section 39-21-46 of the North Dakota Century Code, relating to the disposition of traffic offenses, traffic offenses for which a person may be released upon a promise to appear, penalty point assessments, and motor vehicle equipment violations; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1053 passed and the title was agreed to.

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HB 1054: A BILL for an Act to amend and reenact sections 30.1-19-01, 30.1-19-02, subsection 1 of section 30.1-19-03, subsection 1 of section 30.1-19-07, and section 30.1-21-03 of the North Dakota Century Code, relating to notice to creditors with claims against decedents' estates.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Maxson; Redlin

HB 1054 passed and the title was agreed to.

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HB 1055: A BILL for an Act to amend and reenact section 29-17-12 of the North Dakota Century Code, relating to the number of jurors in felony cases.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Redlin

HB 1055 passed and the title was agreed to.

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HB 1059: A BILL for an Act to amend and reenact section 12.1-23-07 of the North Dakota Century Code, relating to the gradation of the offense of misapplication of entrusted property.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Redlin

HB 1059 passed and the title was agreed to.

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MOTION

SEN. MAIXNER MOVED that HB 1070, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1100: A BILL for an Act to amend and reenact sections 47-25.1-02, 47-25.1-03, and 47-25.1-07 of the North Dakota Century Code, relating to the Uniform Trade Secrets Act, and to amend and reenact section 9 of chapter 508 of the 1983 Session Laws of North Dakota, relating to the time of taking effect of the Uniform Trade Secrets Act.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Redlin

HB 1100 passed and the title was agreed to.

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HB 1118: A BILL for an Act to amend and reenact section 52-09-09 and subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to rates of contributions and primary insurance benefits under the old-age and survivor insurance system.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Redlin

HB 1118 passed and the title was agreed to.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Senate Messenger has informed the House that he was delivering SB 2028 to the House. He was requested to and did read the title

to SB 2028, Section 1 of the bill and the final vote by which it passed the Senate.

SB 2028 amends and changes the effect of sections of Chapter 57-38 of the North Dakota Century Code which were approved by the electorate at a special election in March 1987. Further, the number of affirmative votes which this bill received in the Senate was not two-thirds of the members-elect.

Pursuant to Senate Rule 315(4)(a) and House Rule 315(4)(a), which read substantially identical as follows:

4. The following questions require a two-thirds vote of the members-elect of the Senate (House):
  - a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and Senate (House) Rule 333.

SB 2028 does require a two-thirds vote of the members-elect of the Senate for approval.

Since SB 2028 did not receive a two-thirds vote of the members-elect of the Senate, it fails to meet the provisions of Senate Rule 315(4)(a).

It appears that SB 2028 was inadvertently messaged to the House, and because it has not been properly passed by the Senate, it cannot be accepted by the House.

#### MOTION

SEN. MAIXNER MOVED to accept the message from the House and that the motion to accept the message from the House be laid on the table, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1121: A BILL for an Act to amend and reenact sections 36-01-06, 36-01-08, 36-01-13, 36-01-14, 36-01-16, 36-01-17, 36-01-18, 36-01-22, 36-01-28, 36-01-29, 36-01-30, 36-07-01, 36-07-02, 36-07-03, 36-07-08, 36-07-09, 36-07-10, 36-07-11, 36-07-13, 36-14-04, 36-14-05, 36-14-06, 36-14-07, 36-14-10, 36-14-11, 36-14-12, 36-14-13, 36-14-20, 36-15-06, 36-15-14, and 36-15-22 of the North Dakota Century Code, relating to livestock sanitary board duties and authority, rendering plants, contagious and infectious diseases, and bovine tuberculosis and brucellosis; to repeal sections 36-01-09, 36-01-21, 36-01-23, 36-01-24, 36-01-25, 36-01-26, 36-01-27, 36-15-13, 36-15-15, 36-15-16, 36-15-17, and 36-15-18 of the North Dakota Century Code, relating to livestock sanitary board duties and authority and to bovine tuberculosis and brucellosis; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell;

Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea;  
Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd;  
Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heigaard; Lashkowitz; Redlin

HB 1121 passed and the title was agreed to.

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#### MOTIONS

SEN. MAIXNER MOVED that HB 1335 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Maixner's motion, HB 1335 was rereferred.

SEN. MAIXNER MOVED that HB 1331 and HB 1353 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Transportation, which motion prevailed. Pursuant to Sen. Maixner's motion, HB 1331 and HB 1353 were rereferred.

SEN. MAIXNER MOVED that HB 1312 and HB 1581 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Sen. Maixner's motion, HB 1312 and HB 1581 were rereferred.

SEN. MAIXNER MOVED that HCR 3021 and HCR 3004 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Agriculture, which motion prevailed. Pursuant to Sen. Maixner's motion, HCR 3021 and HCR 3004 were rereferred.

SEN. MAIXNER MOVED that HB 1295 and HB 1466 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Sen. Maixner's motion, HB 1295 and HB 1466 were rereferred.

SEN. MAIXNER MOVED that HB 1036, HB 1212, HB 1256, HB 1273, HB 1339, HB 1349, HB 1391, HB 1471, HB 1473, HB 1522, HB 1563, HB 1577, and HB 1623 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. Maixner's motion, HB 1036, HB 1212, HB 1256, HB 1273, HB 1339, HB 1349, HB 1391, HB 1471, HB 1473, HB 1522, HB 1563, HB 1577 and HB 1623 were rereferred.

SEN. MAIXNER MOVED that Sen. Streibel be recognized for a matter of personal explanation, which motion prevailed.

#### REQUEST

SEN. STREIBEL REQUESTED that his remarks be printed in the Journal, which request was granted.

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

Last week during my presentation of the highway department appropriation I was unceremoniously ruled out of order by the President of this body. In a

manner distinctly authoritative I was told that my presentation was not germane to the subject, when in fact it was precisely germane.

You ask, what prompts me to go back to last Tuesday, when parliamentary edicts as recently as last Thursday gave me ample cause to have concern for tactics which, to say the least, were heavy handed and autocratic.

It is this entire litany of suppressive antics, one following close upon the other, that give me cause for concern and prompt me to rise on this point of personal privilege.

Writings on the constitutional basis of our great republic are interwoven with admonishments that the rights of the minority voice to be heard must be protected and preserved above all else. Yes, even the voice of the least of them. What national political party prides itself as the advocate and champion of minorities, I submit it is the party of the Senate majority.

Ironic, is it not, that a minority member of the Senate should cause so much irritation to these same champions of minorities.

Twenty-four years ago this month, as Minority Leader in the House, I received my first taste of the wrath of an over-zealous majority. During the debate on House Bill No. 698, during the 1965 Session, I was denied a division of the question of a measure that was a complete rewrite of the tax laws.

House Bill No. 698 was captioned "The Tax Equalization and Simplification Act of 1965", its author, the present presiding officer of the Senate. The measure was so voluminous it took a freight cart to deliver one copy for each member of the House. There were no tax rates contained in the bill. Blank spaces appeared with rates to be filled in later. I referred to the measure as a "nullity" and requested that my remarks be printed in the Journal. That request was denied, the minority voice quashed, unheard of in North Dakota legislative annals.

So, twenty-four years later, what has changed? Not all that much. Except that we have a new tactic to suppress the minority voice. You merely establish a new rule which denies a Senate colleague from relinquishing debate time. It not only is unprecedented in the Legislative process of our state but, more alarmingly, adds weight to the heavy-handed tactics certain members of this body are determined to invoke at any cost, not the least of which is precious little tolerance for the voice of the minority.

Yours truly has served longer as a member of the majority and on occasion, for purposes of reminder and emphasis, would yield time to a member of the minority. Quite a contrast to the 1989 Senate.

World history speaks to the "Class System" and the struggle to eliminate or minimize its social, economic, and political injustice. I submit we have a class system of sorts in the North Dakota Senate. Before you take issue or challenge that supposition, ask yourself these questions.

What majority member of this body has been called to task by the Chairman of the Rules Committee for a violation of Senate rules?

What majority member has been called out of order by the President for delivering remarks not germane to the subject, when in fact they were documented to be precisely germane?

What majority member has been denied relinquishing time to a colleague?

What Senate rule allowed the relinquishing of time prior to Thursday and then dramatically called for its prohibition?

Following the parliamentary edict, issued in concert by the Chairman of the Rules Committee and the presiding officer of the Senate, it was ruled that I had spoken twice on the issue and I was summarily commanded to take my seat.

Yes, we do indeed have two classes of Senators, Senate Rule 306 clearly establishes that class system. Last Thursday, after I was told to sit down and denied relinquishment of time by a fellow Senator, the majority leader saw fit to chastise me about what he perceived to be my inconsistencies as contained in his partisan definition of "consistent".

I wasn't allowed to answer last Thursday, but today I will. Mr. Majority Leader, I don't for one minute believe that the success of this Fifty-first Assembly will be equated by how much we spend and tax. With farmers being denied their production loans, with salaried workers in small town North Dakota taking pay cuts, not eight and seven percent pay increases, and with small town merchants closing the shop doors, I personally think a different economic theorem should be applied at the state level, and it isn't the policy of tax and spend.

The freedom of deliberation, speech, and debate, in either house of the Legislature, is so essential to the rights of the people that it cannot be the foundation of any accusation or prosecution, action or complaint.

#### MOTIONS

SEN. MAIXNER MOVED that the absent members 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, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, and after the reading of SCR 4052, SCR 4055, SCR 4060, SCR 4049, HB 1519, HB 1108, HB 1485, HB 1394, HB 1088, HB 1243, HB 1601, HB 1105, HB 1066, HB 1451, HB 1270, HB 1644, HB 1590, HB 1275, HB 1204, and HCR 3002, the Senate stand adjourned until 1:00 p.m., Thursday, March 2, 1989, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2520 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:

Page 2, line 2, after "chapter" insert "39-03.1 or"

Renumber accordingly

SB 2520 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred SCR 4049 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.



SCR 4049 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred SCR 4052 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4052 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SCR 4055 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4055 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred SCR 4060 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4060 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred HB 1066 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1066 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred HB 1088 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1088 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1105 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1105 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HB 1108 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.

HB 1108 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred Engrossed HB 1177 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 5, after "bank" insert "; and to declare an emergency"

Page 2, line 18, after "district" insert "and any member-owned association, nonprofit corporation, or similar entity or organization established and organized primarily for operating a rural water distribution system"

Page 9, after line 7, insert:

"SECTION 15. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1177 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred Engrossed HB 1195 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:

Page 13, after line 17, insert:

"4. Notwithstanding subsection 4 of section 54-01.1-02, in any case in which a displacing agency acquires property for a program or project, any person who occupies that property on a rental basis, for a short term or a period subject to termination when the property is needed for the program or project, is eligible for advisory services to the extent determined by the displacing agency."

Renumber accordingly

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

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred Engrossed HB 1204 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1204 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred HB 1243 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1243 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1270 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1270 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred Engrossed HB 1275 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1275 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1394 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1394 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HB 1485 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1485 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1512 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:

Page 1, line 15, remove "director of the legislative council,"

Renumber accordingly

HB 1512 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HB 1519 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1519 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1590 has had the same under consideration and

recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1590 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Engrossed HB 1601 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1601 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1644 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1644 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred HCR 3001 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3001 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred HCR 3002 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

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

#### FIRST READING OF HOUSE BILLS

HB 1001: A BILL for an Act making an appropriation for defraying the expenses of various elected officials of the state of North Dakota and the livestock sanitary board; and to provide for transfers.  
Was read the first time and referred to the Committee on Appropriations.

HB 1004: A BILL for an Act to make an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget of the state of North Dakota; to amend and reenact section 54-14-08 of the North Dakota Century Code, relating to the withholding of amounts of state employees' compensation; and to provide for a transfer from the preplanning revolving fund and an exemption to the provisions of section 54-44.1-11.  
Was read the first time and referred to the Committee on Appropriations.

HB 1006: A BILL for an Act making an appropriation for defraying the expenses of the school for the deaf and the school for the blind of the state of North Dakota; and to declare an emergency.  
Was read the first time and referred to the Committee on Appropriations.

HB 1007: A BILL for an Act making an appropriation for defraying the expenses of the state library of the state of North Dakota.

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

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the radio communications department of the state of North Dakota and providing for a transfer from the state highway fund.

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

HB 1010: A BILL for an Act making an appropriation for defraying the expenses of the division of emergency management of the state of North Dakota.

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

HB 1011: A BILL for an Act making an appropriation for defraying the expenses of the adjutant general of the state of North Dakota and providing for an appropriation; transfer of funds from the national guard tuition trust fund; and to provide for a statement of legislative intent.

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

HB 1012: A BILL for an Act making an appropriation for defraying the expenses of the department of human services, making an appropriation and transfer from the lands and minerals trust fund to the common schools trust fund, and making an appropriation of excess revenues generated by human service centers; to establish a joint medicaid payment account; and to provide legislative intent statements relating to human service center operating expenses, chemical dependency treatment services, the Family Support Act of 1988, the guardianship project, and the use of child support incentive payments; and to declare an emergency.

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

HB 1013: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and soil conservation districts of the state of North Dakota.

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

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the game and fish department of the state of North Dakota; to amend and reenact subsection 22 of section 20.1-03-12 of the North Dakota Century Code, relating to motorboat license fees; and to declare an emergency.

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

HB 1023: A BILL for an Act making an appropriation for defraying the expenses of the parks and recreation department of the state of North Dakota and providing for a transfer from the snowmobile fund and the trail tax transfer fund.

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

HB 1024: A BILL for an Act making an appropriation for defraying the expenses of the various divisions of the state water commission of the state of North Dakota; and providing for an appropriation and transfer of funds from the resources trust fund.

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

HB 1032: A BILL for an Act to create and enact four new subdivisions to subsection 6 of section 28-32-01 and a new section to chapter 28-32 of the North Dakota Century Code, relating to what is excluded from a rule and not subject to the requirements of the Administrative Agencies Practice Act and to regulatory analysis of proposed rules; and to amend and reenact sections 28-32-02, 28-32-03, and 28-32-22 of the North Dakota Century Code, relating to administrative agency rulemaking procedures.

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

HB 1033: A BILL for an Act to create and enact two new subsections to section 54-44.3-12 of the North Dakota Century Code, relating to duties of the director of the state's central personnel division with respect to classification, compensation, and salary administration plans.

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

HB 1040: A BILL for an Act to create and enact a new section to chapter 23-27 of the North Dakota Century Code, relating to state assistance to licensed ambulance services.

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

HB 1063: A BILL for an Act providing an appropriation to the legislative assembly for improvements to the state capitol; providing an appropriation to the capitol grounds planning commission for defraying expenses; and declaring an emergency.

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

HB 1077: A BILL for an Act to establish the children's services coordinating committee; and to provide an appropriation.

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

HB 1200: A BILL for an Act to amend and reenact sections 4-14.1-01, 4-14.1-03, and 4-14.1-04 of the North Dakota Century Code, relating to the transfer of the agricultural products utilization commission to the agricultural experiment station.

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

HB 1337: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to establishing a public transportation fund to provide payments to political subdivisions and nonprofit corporations for the purpose of establishing and operating public transportation systems; and to provide a statement of legislative intent.

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

HB 1401: A BILL for an Act to provide for the establishment of a rehabilitation teacher program throughout the state to serve the blind and visually impaired.

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

HB 1415: A BILL for an Act to provide for severability of provisions relating to reductions of motor vehicle fuels taxes and special fuels taxes that contain a blend of qualifying alcohol; to create and enact a new section to chapter 57-43.1 of the North Dakota Century Code, relating to refundability of taxes; to amend and reenact subsection 4

of section 4-14.1-02 of the North Dakota Century Code, relating to the purposes of the agriculturally derived fuels tax fund; to repeal subsections 2 and 3 of section 57-43.1-02 and subsection 2 of section 57-43.2-02 of the North Dakota Century Code, relating to tax reduction for fuels that contain a blend of qualifying alcohol; to provide an appropriation; to provide an effective date; and to declare an emergency.

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

HB 1421: A BILL for an Act to create and enact four new sections to chapter 15-34.1 of the North Dakota Century Code, relating to home-based instruction, quality assurance, state aid for students in home-based schools, and supervision or administration by state-approved private or parochial schools; to amend and reenact sections 15-19-01, 15-34.1-03, and 15-34.1-04 of the North Dakota Century Code, relating to correspondence study by students receiving home-based instruction, exceptions from the compulsory school attendance laws, and prosecution for violation of compulsory school attendance laws; to repeal section 15-34.1-05 of the North Dakota Century Code, relating to penalties for violating the compulsory school attendance provisions; and to provide an expiration date.

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

HB 1472: A BILL for an Act to amend and reenact subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to deductions in foundation aid payments for schools that are not accredited.

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

HB 1578: A BILL for an Act to create a North Dakota leadership in educational administration center, establish a board of directors, and to provide for the powers and duties of the board of directors.

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

HB 1586: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by members of the legislative assembly in the public employees retirement system; to amend and reenact sections 15-39.1-10.3, 39-03.1-14.1, 54-52-01, 54-52-02, 54-52-17, and 54-52-17.2 of the North Dakota Century Code, relating to retirement plan provisions under the public employees retirement system and the teachers' fund for retirement; and to repeal sections 18-11-15.1, 39-03.1-08.1, 40-45-10.1, 40-46-09.2, and 54-52-17.3 of the North Dakota Century Code, relating to purchase of legislative service credit under the alternate firemen's relief association retirement plan, the highway patrolmen's system, city police pension plans, city employee pension plans, and the public employees retirement system.

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

HB 1604: A BILL for an Act to provide for a program of comprehensive health education to promote public health and public health awareness in the state.

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

HB 1618: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code to provide for a seven-year plan

for the system of higher education in this state and for procedures for review and implementation of that plan.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3060: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing level retirement benefits to all retirees under the Teachers' Fund for Retirement.

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

HCR 3061: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of restructuring the education system in this state.

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

HCR 3064: A concurrent resolution directing the Legislative Council to study the advantages and disadvantages of deregulating telecommunications.

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

HCR 3065: A concurrent resolution directing the Legislative Council to study the cost and utilization of office space and other facilities leased by state agencies and institutions.

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

HCR 3066: A concurrent resolution directing the Legislative Council, in cooperation with the members of the North Dakota Congressional Delegation, to study the adverse economic impact that changing conditions in marketing, processing, and retailing of agricultural products are having on producers of agricultural products and consumers.

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

HCR 3067: A concurrent resolution directing the Legislative Council to study whether the Commissioner of Insurance should employ a property and casualty actuary.

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

HCR 3068: A concurrent resolution directing the Legislative Council to study the nature, scope, and effect of efforts to prohibit the illicit diversion or use of controlled substances in this state.

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

HCR 3070: A concurrent resolution directing the Legislative Council to study the operation and effect of the state's open bottle law.

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

HCR 3072: A concurrent resolution directing the Legislative Council to study the duties and responsibilities of the Commissioner of Insurance, whether the commissioner should employ an actuary, and the role and limitations of the commissioner with regard to the regulation of insurance companies in this state; and to study the duties and responsibilities of the Commissioner of Labor and whether the commissioner should have a role in the programs of unemployment and workers' compensation.



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

HCR 3074: A concurrent resolution directing the Legislative Council to study Type I wetlands.

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

HCR 3075: A concurrent resolution directing the Legislative Council to study the functions and duties of the Game and Fish Department, the Parks and Recreation Department, and the Tourism Division of the Economic Development Commission with a view toward combining those agencies.

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

HCR 3078: A concurrent resolution directing the Legislative Council to study economic development efforts in this state.

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

HCR 3079: A concurrent resolution urging Congress to appropriate \$48 million for the Garrison Diversion Unit Project.

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

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

PATRICIA CONRAD, Secretary