

## JOURNAL OF THE SENATE

## Fifty-first Legislative Assembly

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Bismarck, March 22, 1989

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

The prayer was offered by Rev. Kerwin Sletto, Calvary Free Lutheran Church, Bismarck.

Heavenly Father, we thank You for this day and the opportunity of life that You have given us. We thank You for the privilege of living in this state and in this country. We thank You for the many blessings that You have granted us. Help us, O Lord, to live and walk in accordance with Your will for we know that we cannot be blessed apart from You.

I pray that You would guide these legislators in the decisions that they need to make. Grant them the wisdom and understanding that they need. We pray that You would be with Governor Sinner, Lt. Governor Omdahl, House Speaker Kretschmar, and all the officials of our government as they serve our state.

Be at work in our lives today and every day. To You be the glory and the honor and praise, forever and ever. In Jesus' name. Amen.

The roll was called and all Senators were present, except Senators Lashkowitz, Richard, Shea, Tallackson, Vosper, and Waldera.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3020, HCR 3025, HCR 3028, HCR 3029, HCR 3036, HCR 3048, HCR 3055, HCR 3064, HCR 3065, HCR 3066, HCR 3073, HCR 3074, HCR 3078, HCR 3079.

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

MR. SPEAKER: The Senate has failed to pass: HB 1301, HB 1450, HB 1561, HB 1569, HB 1597, HB 1610, HB 1623, HB 1638, HCR 3007, HCR 3047, HCR 3061, HCR 3072, HCR 3075.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1390.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1381, HB 1540, HB 1631.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1018, HB 1083, HB 1110, HB 1169, HB 1238, HB 1272, HB 1324, HB 1330, HB 1357, HB 1362, HB 1427, HB 1493, HB 1515, HB 1522, HB 1544, HB 1545, HB 1562, HB 1565, HB 1576, HB 1577, HB 1595, HB 1596, HB 1622, HB 1652, HB 1654.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1304 and subsequently passed the same.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1364, HB 1586, HB 1642.

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 1666, HCR 3005, HCR 3084, HCR 3085.

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

MR. PRESIDENT: The House has passed unchanged: SB 2268, SCR 4048, SCR 4049, SCR 4050, SCR 4052, SCR 4053, SCR 4054, SCR 4056, SCR 4057, SCR 4058, SCR 4060.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2042, SB 2045, SB 2093, SB 2141, SB 2418, SB 2508.

#### HOUSE AMENDMENTS TO SB 2042

Page 5, line 22, replace "or may be appropriately" with "zoned or" and remove "or useful in"

Page 5, remove lines 23 and 24

Page 5, line 25, remove "enterprises and is otherwise suitable"

Page 13, line 3, after "commission" insert "unless the planning commission requests the governing body to submit the plan for review and recommendation by the planning commission"

Re-number accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SB 2045

Page 1, line 15, after the second comma insert "twenty-five cents for the issuance of each of the first one thousand resident hunting, fishing, or fur-bearer licenses issued each year and"

Page 1, line 16, after "license" insert "issued in excess of the first one thousand licenses issued each year"

Page 1, line 19, remove "A county auditor who receives less than"

Page 1, remove lines 20 through 22

Page 2, remove lines 1 through 6

Re-number accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SB 2093

Page 1, line 1, replace "section" with "sections 26.1-01-03.1 and" and remove ", subsection 9 of"

Page 1, line 2, remove "section 26.1-04-03, and subsection 1 of section 26.1-04-13"

Page 1, line 4, remove "and to penalties for prohibited practices"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 26.1-01-03.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-01-03.1. Cease and desist authority - Hearing - Failure to appear. The commissioner may issue an order to cease and desist when it appears that any person is engaged in an act or practice which violates or may lead to a violation of this title. The commissioner shall provide written notice to the person named in the order stating the time and place of the hearing on the matter and setting forth the alleged violation. A hearing must be held not later than ten days after the issuance of the order unless a delay is requested by all persons named in the order. The commissioner shall, within thirty days after the issuance of the cease and desist order, issue an order vacating the cease and desist order or making the cease and desist order permanent, as the facts require. The failure of any named person to appear at any proper hearing under this section after receiving notice of the hearing will cause that person to be in default and the allegations contained in the cease and desist order may be deemed to be true and may be used against the person at the hearing. If no civil monetary penalty is otherwise provided by law, the offender is, after hearing by the commissioner, subject to payment of an administrative monetary penalty of up to ten thousand dollars."

Page 1, remove lines 19 through 21

Page 2, remove lines 1 through 28

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 15

ReNUMBER accordingly

#### HOUSE AMENDMENTS TO SB 2141

Page 1, line 1, replace "section" with "sections 57-40.4-02 and"

Page 1, line 2, after "to" insert "motor vehicle excise tax refunds and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 57-40.4-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.4-02. Procedure for refunding. Any person entitled to a refund of motor vehicle excise tax, may make application for ~~such~~ the refund to the ~~tax commissioner registrar~~ in the manner prescribed by the ~~commissioner registrar~~. Upon the presentation of proof satisfactory to the ~~commissioner registrar~~, ~~he~~ the registrar shall authorize the refund to be made from moneys appropriated for that purpose. No refund ~~shall~~ may be authorized by the ~~commissioner registrar~~ until ~~he~~ the registrar is fully satisfied through the production of necessary purchase agreements, tax receipts, and other documents and information that the refund is warranted. Payment of the

refund ~~shall~~ must be made by warrant prepared by the office of management and budget; after approval of the voucher by the office of the budget registrar."

Renumber accordingly

HOUSE AMENDMENTS TO SB 2418

Page 1, line 11, replace "or" with an underscored semicolon

Page 1, line 12, after "contracts" insert "; or bids for other portions of the project"

Page 2, line 2, replace "or" with an underscored semicolon

Page 2, line 3, after "contracts" insert "; or bids for other portions of the project"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2508

Page 1, line 2, remove "subsection 1 of section"

Page 1, line 3, remove "4-35-14, subsection 16 of section 4-35-15,"

Page 1, line 5, after "pesticides" insert "by commercial applicators"

Page 1, line 14, remove the overstrike over "~~or~~"

Page 1, line 15, remove the overstrike over "~~supervises the use of~~"

Page 3, remove lines 7 through 20

Page 3, line 27, remove the overstrike over "~~The provisions of this chapter relating to licenses and~~"

Page 3, remove the overstrike over lines 28 and 29

Page 4, line 1, remove the overstrike over "~~a~~", after "certified" insert "private", and remove the overstrike over "~~applicator, unless the pesticide labeling requires that~~"

Page 4, remove the overstrike over lines 2 and 3

Page 4, line 4, remove the overstrike over "~~supervision of a~~", after "certified" insert "private", and remove the overstrike over "~~applicator if it is applied by a~~"

Page 4, remove the overstrike over line 5

Page 4, line 6, after "certified" insert "private" and remove the overstrike over "~~applicator who is available if and when needed, even~~"

Page 4, line 7, remove the overstrike over "~~though such~~", after "certified" insert "private", and remove the overstrike over "~~applicator is not physically present at the~~"

Page 4, remove the overstrike over line 8

Page 4, line 9, remove the overstrike over "3."

Reumber accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SB 2121, SB 2178, SB 2463, SCR 4041, SCR 4047.

HOUSE AMENDMENTS TO SB 2121

Page 2, replace lines 3 through 15 with:

"3. After notice and opportunity for a hearing the unemployment compensation division shall make a determination as to the personal liability under this section. A hearing must be requested within twelve days from the date of mailing of the notice. The determination is final unless the person found to be personally liable requests review by the bureau within fifteen days after mailing of the notice of determination to the person's last known address."

Reumber accordingly

HOUSE AMENDMENTS TO SB 2178

Page 2, line 6, overstrike the period and insert immediately thereafter "; and"

Page 4, line 9, replace "disclose" with "discloses"

Page 4, line 26, replace the underscored period with "; and"

Reumber accordingly

HOUSE AMENDMENTS TO SB 2463

Page 1, line 11, after the second comma insert "Golden Valley,"

Reumber accordingly

HOUSE AMENDMENTS TO SCR 4041

Page 1, line 4, after "persons" insert "and disabled persons"

Page 1, line 8, after "elderly" insert "or disabled"

Page 1, line 11, after "elderly" insert "or disabled"

Page 1, line 14, after "elderly" insert "and disabled"

Page 1, line 17, after "elderly" insert "and the disabled"

Page 1, line 21, after "elderly" insert "and disabled"

Page 2, line 1, after "elderly" insert "and disabled persons"

Page 2, line 19, after "elderly" insert "and disabled"

Page 2, line 27, after "elderly" insert "and disabled"

Reumber accordingly

## HOUSE AMENDMENTS TO SCR 4047

Page 1, line 2, replace "public assistance" with "various human services"

Page 1, line 4, after "to" insert "low income"

Page 1, line 5, after "individuals" insert ", and to study the financial and other impacts on the state of implementing recently enacted federal Medicare catastrophic coverage legislation"

Page 1, line 23, after the semicolon insert "and"

Page 1, after line 23, insert:

"WHEREAS, the recently enacted federal Medicare Catastrophic Coverage Act of 1988, which is designed to provide catastrophic medical coverage for the elderly, the poor, and disabled, also places additional requirements upon states, including that states, under their Medicaid plans, pay Medicare premiums for certain low income persons, provide Medicaid coverage for pregnant women and infants, and provide protection for some assets of persons whose spouses are in nursing homes and covered by Medicaid; and

WHEREAS, the Medicare Catastrophic Coverage Act of 1988 significantly changes the benefit structure of the Medicare program and alters the program's financing in a manner that may place substantial cost burdens on states;"

Page 2, line 8, after "individuals" insert ", and study the financial and other impacts on the state of implementing the federal Medicare Catastrophic Coverage Act of 1988"

Renumber accordingly

## 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 Fifty-third Day and finds it to be correct.

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

## SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4017: A concurrent resolution for the amendment of section 21 of article X of the Constitution of North Dakota, relating to use of coal severance taxes deposited in the permanent coal development trust fund; and to provide an effective date.

## ROLL CALL

The question being on the final adoption of the amended resolution, 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; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; 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; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Lashkowitz; Richard; Shea; Vosper

SCR 4017 was declared adopted on a roll call vote.

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SCR 4026: A concurrent resolution directing the Legislative Council to study the feasibility of appointing county officials who are elected under existing law in counties of relatively small population.

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO PASS.

SCR 4026 was declared adopted on a voice vote.

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MOTIONS

SEN. STROMME MOVED that the amendments be removed from SCR 4040, which motion prevailed.

SEN. STROMME MOVED that the rules be suspended, that SCR 4040 be deemed properly engrossed and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4040: A concurrent resolution for the amendment of section 12 of article V of the Constitution of North Dakota, relating to the office of the state treasurer.

ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 26 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Keller; Kelsh; Kinnoin; Krauter; Langley; Lips; Maixner; Mathern; Meyer, J.; Meyer, W.; O'Connell; Robinson; Schoenwald; Stromme; Tallackson; Waldera; Wogsland

NAYS: David; Freborg; Hilken; Holmberg; Ingstad; Krebsbach; Lodoen; Maxson; Meyer, D.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Satrom; Stenehjelm; Streibel; Tennefos; Thane; Todd; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

SCR 4040 was declared lost on a roll call vote.

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SCR 4020: A concurrent resolution for the amendment of section 18 of article X of the Constitution of North Dakota, relating to the authority of the state, counties, and cities to loan, give credit, or make donations to individuals, associations, or corporations and to own stock in associations or corporations.

ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 39 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: David; Heigaard; Kinnoin; Langley; Meyer, D.; Meyer, J.; Meyer, W.; Stenehjelm; Tallackson

NAYS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Streibel; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Stromme; Vosper

SCR 4020 was declared lost on a roll call vote.

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SCR 4062: A concurrent resolution urging Congress to make the federal highway trust fund permanent and to provide for use of the fund for purposes for which the fund was established.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

SCR 4062 was declared adopted on a voice vote.

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SCR 4063: A concurrent resolution directing the Legislative Council to study the legal status and policies for use of the receipts, disbursements, and transfers of motor vehicle license, registration, and fuels tax revenues.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

SCR 4063 was declared adopted on a voice vote.

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SECOND READING OF SENATE BILL

SB 2525: A BILL for an Act to require market value rental for leases of certain real property owned by the state.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 43 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Freborg; Kinnoin; Moore; Nelson; Streibel; Todd

NAYS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Olson; Peterson;

Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Stromme; Tallackson; Tennefos; Thane; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

SB 2525 lost.

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MOTIONS

SEN. MAIXNER MOVED that the vote by which SCR 4017, SCR 4026, SCR 4062, and SCR 4063 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SEN. MAIXNER MOVED that the rules be suspended and that SCR 4017, SCR 4026, SCR 4062, and SCR 4063 be messaged to the House immediately, which motion prevailed.

SEN. MAIXNER MOVED that HB 1024 be moved to the bottom of the calendar, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4062, SCR 4063.

SECOND READING OF HOUSE BILLS

HB 1052: A BILL for an Act to create and enact four new sections to chapter 12.1-32 of the North Dakota Century Code, relating to suspended execution and deferred imposition of sentence and lengths of periods of probation, release, discharge, or termination of probation, records and statistical data regarding suspended execution and deferred imposition of sentence, and when a probationer is deemed an escapee; to amend and reenact sections 12-59-18, 12.1-32-02, 12.1-32-07, subsection 4 of section 12.1-32-09, sections 12.1-32-14, 29-26-22, 39-06-30, 39-06-42, 39-07-11, subdivision e of subsection 4 of section 39-08-01, sections 40-05-06, 40-18-13, and 62.1-02-01 of the North Dakota Century Code, relating to references to suspended execution or suspended imposition of sentence, sentencing alternatives in criminal cases, and restoration of property; and to repeal chapter 12-53 and section 12.1-32-06 of the North Dakota Century Code, relating to suspended sentences and incidents and conditions of probation.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

HB 1052 passed and the title was agreed to.

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HB 1089: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the board of directors for nonprofit health service corporations.

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 31 YEAS, 18 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Langley; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Redlin; Robinson; Schoenwald; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Krebsbach; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Satrom; Stenehjerm; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

HB 1089 passed and the title was agreed to.

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HB 1155: A BILL for an Act to create and enact seven new sections to chapter 26.1-40 of the North Dakota Century Code, relating to uninsured and underinsured motorist coverage on motor vehicle liability insurance policies; and to repeal sections 26.1-40-13, 26.1-40-14, and 26.1-40-15 of the North Dakota Century Code, relating to uninsured and underinsured motorist coverage.

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, 2 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Maxson; Meyer, D.

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

HB 1155 passed and the title was agreed to.

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HB 1181: A BILL for an Act to amend and reenact sections 6-09.11-01, 6-09.11-03, 6-09.11-04, 6-09.11-06, 6-09.11-07, and 6-09.11-09 of the North Dakota Century Code, relating to financial assistance for family farmers; and to declare 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

HB 1181 passed, the title was agreed to, and the emergency clause carried.

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HB 1207: A BILL for an Act to create and enact two new sections to chapter 43-06 of the North Dakota Century Code, relating to powers of the state board of chiropractic examiners; to amend and reenact sections 43-06-01, 43-06-02, 43-06-03, 43-06-04, 43-06-08, 43-06-09, 43-06-10, 43-06-10.1, 43-06-11, 43-06-12, 43-06-13, 43-06-15, 43-06-16, and 43-06-19 of the North Dakota Century Code, relating to regulation of the practice of chiropractic; and to repeal section 43-06-14 of the North Dakota Century Code, relating to recording of licenses to practice chiropractic with registers of deeds.

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 45 YEAS, 3 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: David; Mutch; Nething

ABSENT AND NOT VOTING: Lashkowitz; Mushik; Richard; Shea; Vosper

HB 1207 passed and the title was agreed to.

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MOTIONS

SEN. MAIXNER MOVED that HB 1075 be moved to the head of the calendar, which motion prevailed.

SEN. DOTZENROD MOVED that HB 1075 be amended as follows:

Page 1, line 4, after the semicolon insert "to provide an appropriation;"

Page 1, line 10, after "obtained" insert "after January 1, 1980," and after "foreclosure" insert "or deed in lieu of foreclosure"

Page 3, after line 8, insert:

"SECTION 7. Appropriation. There is hereby appropriated to the board of university and school lands, as a standing and continuing appropriation from the lease rentals of property subject to valuation under this Act, the funds necessary to make the payments required by this Act."

Renumber accordingly

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

SEN. DOTZENROD MOVED that the rules be suspended, that HB 1075 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to provide for payments to political subdivisions from the board of university and school lands in lieu of property taxes for property obtained by the state of North Dakota as a result of foreclosure of a mortgage to the Bank of North Dakota; to provide an appropriation; 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

HB 1075 passed and the title was agreed to.

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#### MOTION

SEN. KELSH MOVED that HB 1402 be moved to follow after HB 1235 on the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1210: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 and subsections 1 and 3 of section 53-06.1-14 of the North Dakota Century Code, relating to the amount of gaming license 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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Redlin; Richard; Shea; Vosper; Waldera

HB 1210 passed and the title was agreed to.

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HB 1213: A BILL for an Act to create and enact chapter 51-23 of the North Dakota Century Code, relating to the regulation of certain commodities transactions; to provide a penalty; and to declare 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, 2 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: David; Mutch

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

HB 1213 passed, the title was agreed to, and the emergency clause carried.

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HB 1235: A BILL for an Act to create and enact a new section to chapter 19-02, a new section to chapter 19-02.1, a new section to chapter 19-08, and a new section to chapter 19-17 of the North Dakota Century Code, relating to the sale and use of certain home-prepared foods; and to amend and reenact sections 23-05-01 and 23-14-06 of the North Dakota Century Code, relating to the sale and use of certain home-prepared foods.

## 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 45 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Lips; Satrom; Schoenwald; Todd

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

HB 1235 passed and the title was agreed to.

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HB 1402: A BILL for an Act to create and enact a new section to chapter 19-02, a new section to chapter 19-02.1, a new section to chapter 19-08, and a new section to chapter 19-17 of the North Dakota Century Code, relating to the sale and use of home-prepared foods.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 39 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Freborg; Ingstad; Keller; Meyer, J.; Moore; Mutch; Naaden; Nelson; Olson

NAYS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, W.; Mushik; Nalewaja; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Tallackson; Vosper

HB 1402 lost.

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#### MOTIONS

SEN. NALEWAJA MOVED that HB 1276 be further amended as follows:

In lieu of the amendments to engrossed House Bill No. 1276 adopted by the Senate as printed on pages 1196-1197 of the Senate Journal, engrossed House Bill No. 1276 is amended as follows:

Page 1, line 4, after "16.1-01-09" insert "and section 44-10-01" and after "petitions" insert "and removal from office"

Page 1, line 22, after "recall" insert "for misconduct, malfeasance, crime in office, neglect of duty in office, habitual drunkenness, or gross incompetency"

Page 2, after line 26, insert:

"SECTION 3. AMENDMENT. Section 44-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-10-01. Additional proceedings - Removal from office. In addition to the proceedings mentioned in chapter 32-13 and chapters 44-02, 44-08, and 44-11, and apart and distinct from any other criminal action or proceedings, the provisions of this chapter are adopted to obtain a judgment of removal from office."

ReNUMBER accordingly

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

SEN. NALEWAJA MOVED that the rules be suspended, that HB 1276 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1276: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to recall of elected officials of political subdivisions; and to amend and reenact subsection 4 of section 16.1-01-09, sections 44-02-04 and 44-10-01 of the North Dakota Century Code, relating to recall petitions and vacancies in or removal from office.

#### 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogslund; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

HB 1276 passed and the title was agreed to.

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#### MOTION

SEN. MAIXNER MOVED that the Senate stand in recess until 2:45 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with the President presiding.

#### CONSIDERATION OF AMENDMENTS

SEN. W. MEYER MOVED that the amendments to HB 1281 as recommended by the Committee on Agriculture as printed on pages 1238-1239 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1281 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1295 as recommended by the Committee on Political Subdivisions as printed on page 1239 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1295 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to HB 1302 as recommended by the Committee on Natural Resources as printed on page 1239 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1302 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1368 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1240 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1368 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1369 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1240-1241 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1369 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. W. MEYER MOVED that the amendments to HB 1527 as recommended by the Committee on Agriculture as printed on page 1241 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1527 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. W. MEYER MOVED that the amendments to HB 1626 as recommended by the Committee on Agriculture as printed on pages 1241-1242 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1626 was rereferred to the Committee on Appropriations.

#### MOTION

SEN. MAIXNER MOVED that HB 1641, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to HB 1657 as recommended by the Committee on Transportation as printed on page 1245 of the Senate Journal be

adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1657 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. W. MEYER MOVED that the amendments to SB 2528 as recommended by the Committee on Agriculture as printed on pages 1233-1234 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2528 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to HB 1041 as recommended by the Committee on Education as printed on pages 1264-1265 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1041 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1076 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1236-1237 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1076 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1205 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1265-1266 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1205 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to HB 1455 as recommended by the Committee on Education as printed on page 1267 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1455 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to HB 1462 as recommended by the Committee on Judiciary as printed on pages 1267-1268 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1462 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1481 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1268 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1481 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1494 as recommended by the Committee on Political Subdivisions as printed on pages 1268-1269 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1494 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to HB 1526 as recommended by the Committee on Judiciary as printed on page 1269 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1526 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to HB 1564 as recommended by the Committee on Judiciary as printed on page 1269 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1564 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1599 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1269-1271 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

#### MOTION

SEN. NALEWAJA MOVED that the rules be suspended, that HB 1599 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1599: A BILL for an Act to create and enact a new chapter to title 25 of the North Dakota Century Code, relating to licensing of residential treatment centers for children; to amend and reenact section 50-11-01.3 of the North Dakota Century Code, relating to the use of public funds for foster care; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Nothing; O'Connell; Olson; Peterson; Redlin; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Richard; Satrom; Shea; Vosper  
HB 1599 passed, the title was agreed to, and the emergency clause carried.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The Speaker has signed and your signature is respectfully  
requested: HB 1304.

#### CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1640 as recommended by the  
Committee on Education as printed on pages 1271-1272 of the Senate Journal be  
adopted, and when so amended, recommends the same DO PASS, which motion  
prevailed.

HB 1640 was placed on the Fourteenth order of business on the calendar for  
the succeeding legislative day.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

- HCR 3003: A concurrent resolution directing the Legislative Council to study  
the budgeting, auditing, and management of the reimbursement system for  
the Department of Human Services' developmental disabilities program;  
to study the budgeting, auditing, and management of the existing  
reimbursement system for private providers of mental health services;  
to review plans to expand the state's partnership with private mental  
health providers; and urging the Appropriations Committees of the  
Fifty-first Legislative Assembly to consider areas of concern relating  
to the budget for reimbursement of developmental disability providers  
and private providers of mental health services.
- HCR 3009: A concurrent resolution directing the Legislative Council to study  
the methodology for considering property costs in setting rates for  
nursing home care in North Dakota.
- HCR 3023: A concurrent resolution directing the Legislative Council to study  
the feasibility and desirability of developing a comprehensive,  
statewide delivery system for adult vocational and technical education  
and industrial training.
- HCR 3032: A concurrent resolution directing the Legislative Council to study  
the feasibility and desirability of providing a county option for state  
funding of the clerk of district court.
- HCR 3035: A concurrent resolution directing the Legislative Council to study  
the primary election process.
- HCR 3037: A concurrent resolution directing the Legislative Council to study  
the role of agricultural education in the public schools in this state.
- HCR 3049: A concurrent resolution directing the Legislative Council to study  
the feasibility and desirability of consolidating the various  
agricultural loan programs administered by the Bank of North Dakota.
- HCR 3059: A concurrent resolution directing the Legislative Council to study  
the health care insurance needs of uninsured and underinsured persons.

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.

HCR 3069: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting an alternative method of delivery of special education and related services to developmentally disabled students in this state.

The question being on the final adoption of the resolutions, which have been read.

The resolutions were declared adopted on a voice vote.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2047 as printed on page 1085 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to provide procedures for appeals from the decisions of local governing bodies; to amend and reenact sections 4-16-09, 4-22-39, 11-11-41, 11-11-43, 11-28-19, 11-33-12, 11-33.2-09, 11-35-01, 15-27.3-07, 21-05-07, 24-07-22, 40-02-06.1, 40-05-02.2, 40-26-01, 40-39-10, subsection 5 of section 40-58-18, sections 40-62-04, 57-25-03, 57-28-12, 58-02-23, 58-03-15, 61-07-33, 61-12-18, 61-12-19, 61-12-23, 61-16.1-51, 61-16.1-53, 61-16.1-54, 61-21-17, 61-21-18, 61-21-43.1, 61-21-67, 61-24-17, and 61-32-07 of the North Dakota Century Code, relating to appeals from various local boards, commissions, and districts; and to repeal sections 61-16.1-55, 61-16.1-56, and 61-16.1-57 of the North Dakota Century Code, relating to appeals from water resource board decisions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Redlin; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Richard; Satrom; Shea; Tallackson; Vosper

SB 2047 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2049 as printed on page 1054 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2049: A BILL for an Act to create and enact sections 23-07-02.1 and 23-07-02.2 of the North Dakota Century Code, relating to the reporting of cases of human immunodeficiency virus infection; to amend and reenact sections 23-07-02 and 23-07-21 of the North Dakota Century Code, relating to reportable diseases and penalties; and to provide a penalty.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Redlin; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Richard; Satrom; Shea; Tallackson; Vosper

SB 2049 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to SB 2059 as printed on page 1054 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2059: A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to the adoption of rules by the department of human services to resolve complaints and conduct reviews concerning investigations of reports of child abuse or neglect.

## ROLL CALL

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

YEAS: Axtman; David; 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; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Naaden; Richard; Satrom; Shea; Tallackson; Vosper

SB 2059 passed and the title was agreed to.

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MOTION

SEN. MAIXNER MOVED that the Senate stand in recess for ten minutes, which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with the President presiding.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do not concur in the House amendments to SB 2072 as printed on page 1054 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 APPOINTED as a Conference Committee on SB 2072: Sens. Mathern, Kelsh, Stenehjem.

MOTION

SEN. MAIXNER MOVED that SB 2097, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2119 as printed on page 1009 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2119: A BILL for an Act to amend and reenact section 52-06-23 of the North Dakota Century Code, relating to subpoenas for unemployment compensation purposes; and to provide a penalty.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

SB 2119 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to SB 2146 as printed on page 1086 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to amend and reenact subsection 3 of section 50-25.1-02, subsection 1 of section 50-25.1-03, sections 50-25.1-03.1, 50-25.1-04, 50-25.1-05, subsection 9 of section 50-25.1-11, and section 50-25.1-13 of the North Dakota Century Code, relating to child abuse and neglect; and to provide a penalty.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald; Stenhjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

SB 2146 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2175 as printed on page 1128 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2175: A BILL for an Act to create and enact section 10-04-10.3 of the North Dakota Century Code, relating to post-registration requirements for registered dealers, salesmen, investment advisers, and investment adviser representatives; and to amend and reenact subdivision e of subsection 1 and subsection 3 of section 10-04-11 of the North Dakota Century Code, relating to suspension or revocation of dealer's, salesman's, investment adviser's, and investment adviser representative's registration.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald;

Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd;  
Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

SB 2175 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to SB 2203 as printed on pages 1128-1129 of the Senate Journal, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to temporary suspension of a pharmacy permit or a certificate of registration of a pharmacist; to repeal section 43-15-28 of the North Dakota Century Code, relating to cancellation of certificate of registration; and to declare an emergency.

#### ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper; Wogsland

SB 2203 passed, the title was agreed to, and the emergency clause carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do not concur in the House amendments to SB 2213 as printed on pages 1151-1152 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 APPOINTED as a Conference Committee on SB 2213: Sens. Hilken, O'Connell, Krebsbach.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to SB 2219 as printed on page 1054 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2219: A BILL for an Act to create and enact a new section to chapter 43-41 of the North Dakota Century Code, relating to the inactive status of nonresident social workers; and to amend and reenact section 43-41-05, subsection 6 of section 43-41-09, sections 43-41-10, and 43-41-11 of the North Dakota Century Code, relating to registration with the board of social work examiners, licensure fees for social workers, authority of the board of social work examiners to issue probationary licenses, and disciplinary hearings by the board of social work examiners.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Maixner; Naaden; Richard; Shea; Vosper

SB 2219 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2246 as printed on page 1129 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to create and enact section 10-04-10.3 of the North Dakota Century Code, relating to postregistration requirements for registered dealers, salesmen, investment advisers, and investment adviser representatives; and to amend and reenact section 10-04-02, subsection 1 of section 10-04-03, sections 10-04-10, 10-04-10.1, 10-04-10.2, 10-04-11, and 10-04-12 of the North Dakota Century Code, relating to registration requirements for investment advisers and investment adviser representatives, and suspension or revocation of dealer's, salesman's, investment adviser's, and investment adviser representative's registration.

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Naaden; Richard; Shea; Vosper

SB 2246 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do not concur in the House amendments to SB 2278 as printed on pages 1129-1130 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 APPOINTED as a Conference Committee on SB 2278: Sens. O'Connell, Kelsh, Peterson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2356 as printed on page 1086 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to create and enact two new sections to chapter 14-09 of the North Dakota Century Code, relating to modification of support obligations for children after majority and the duration of support obligations.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Naaden; Richard; Shea; Vosper

SB 2356 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do concur in the House amendments to SB 2363 as printed on page 1114 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2363: A BILL for an Act to provide for custody by the Bank of North Dakota of certain securities; and to amend and reenact sections 6-05-04, 6-05-05, 6-05-27, 7-07-03, 7-07-04, 7-07-12, 39-16-10, 39-16.1-15, subsection 1 of section 39-16.1-17, and subsection 1 of section 39-16.1-19 of the North Dakota Century Code, relating to the Bank of North Dakota acting as the custodian of securities that must be deposited with the state.

## ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

SB 2363 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do concur in the House amendments to SB 2486 as printed on page 1130 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2486: A BILL for an Act to amend and reenact section 55-06-01 of the North Dakota Century Code, relating to the Yellowstone-Missouri-Fort Union commission; and to declare an emergency.

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Naaden; Richard; Shea; Vosper

SB 2486 passed, the title was agreed to, and the emergency clause carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to SB 2493 as printed on page 1152 of the Senate Journal, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2493: A BILL for an Act to create and enact two new sections to chapter 15-03 of the North Dakota Century Code; and to amend and reenact section 15-03-04 of the North Dakota Century Code, relating to investments and calculation and distribution of investment income of the board of university and school lands.

#### ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

SB 2493 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House amendments to SB 2514 as printed on page 1130 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 APPOINTED as a Conference Committee on SB 2514: Sens. J. Meyer, Maxson, Nalewaja.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to SCR 4030 as printed on page 1130 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution directing the Legislative Council to study child care issues and needs, including the feasibility and cost of providing child care support to low income working families.

The question being on the final adoption of the amended resolution, which has been read.

SCR 4030 was declared adopted on a voice vote.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House amendments to SB 2192 as printed on page 1249 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 APPOINTED as a Conference Committee on SB 2192: Sens. Maxson, Holmberg, Stenehjelm.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House amendments to SB 2193 as printed on pages 1249-1250 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 APPOINTED as a Conference Committee on SB 2193: Sens. Maxson, Stenehjelm, Holmberg.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. HILKEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1351, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1351: Sens. Hilken, Schoenwald, Nething.

## MOTION

SEN. MAIXNER MOVED that HB 1292 be moved to the bottom of the calendar, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1298: A BILL for an Act to amend and reenact subsections 3 and 4 of section 19-02.1-14.1 of the North Dakota Century Code, relating to selecting and dispensing generic drugs.

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Robinson; Satrom; Stenehjem; Streibel;  
Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Maxson; Redlin; Richard; Schoenwald;  
Shea; Vosper

HB 1298 passed and the title was agreed to.

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HB 1323: A BILL for an Act to amend and reenact section 16.1-12-02 of the  
North Dakota Century Code, relating to petition requirements of  
independent candidates.

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Robinson; Satrom; Stenehjem; Streibel;  
Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Maxson; Redlin; Richard; Schoenwald;  
Shea; Vosper

HB 1323 passed and the title was agreed to.

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HB 1387: A BILL for an Act to amend and reenact section 20.1-01-31 of the  
North Dakota Century Code, relating to interference with rights of  
hunters.

#### 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 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Stenehjem; Streibel; Stromme; Tallackson;  
Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Maxson; Redlin; Richard;  
Schoenwald; Shea; Vosper

HB 1387 passed and the title was agreed to.

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HB 1498: A BILL for an Act to create and enact a new section to chapter 35-03 of the North Dakota Century Code, relating to loans insured or guaranteed by the United States veterans' administration.

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Robinson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Maxson; Redlin; Richard; Schoenwald; Shea; Vosper

HB 1498 passed and the title was agreed to.

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MOTIONS

SEN. HOLMBERG MOVED that HB 1543 be further amended as follows:

In addition to the amendments to engrossed House Bill No. 1543 adopted by the Senate as printed on page 1199 of the Senate Journal, engrossed House Bill No. 1543 is further amended as follows:

Page 2, line 16, after "as" insert "all", after "polls" insert "in the county, city, or legislative district", and after "completed" insert a comma

Renumber accordingly

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

SEN. HOLMBERG MOVED that the rules be suspended, that HB 1543 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1543: A BILL for an Act to create and enact a new section to chapter 16.1-07 of the North Dakota Century Code, relating to the counting of absentee ballots.

## 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 36 YEAS, 10 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Nelson; O'Connell; Olson; Robinson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Ingstad; Moore; Mutch; Naaden; Nething; Peterson; Tennefos; Todd

ABSENT AND NOT VOTING: Lashkowitz; Maxson; Redlin; Richard; Schoenwald; Shea; Vosper

HB 1543 passed and the title was agreed to.

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## MOTION

SEN. MAIXNER MOVED that HB 1434 be moved to the top of the calendar, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1434: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to the use of corporal punishment by school district employees; and to amend and reenact subsection 1 of section 12.1-05-05 of the North Dakota Century Code, relating to the use of force by persons responsible for minors.

## 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 33 YEAS, 15 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Mushik; Nalewaja; O'Connell; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Keller; Kinnoin; Maxson; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Stenehjem; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Richard; Shea; Vosper

HB 1434 passed and the title was agreed to.

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HB 1580: A BILL for an Act to amend and reenact section 39-09.1-03 of the North Dakota Century Code, relating to the exemption of wages.

## 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

HB 1580 passed and the title was agreed to.

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## MOTIONS

SEN. NALEWAJA MOVED that HB 1584 be further amended as follows:

Page 3, line 14, replace "he" with "that person"

Page 7, line 18, overstrike "him" and insert immediately thereafter "that person"

Renumber accordingly

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

SEN. NALEWAJA MOVED that the rules be suspended, that HB 1584 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1584: A BILL for an Act to amend and reenact sections 23-06-27, 55-03-01.1, 55-03-02, 55-03-03, 55-03-04, and 55-03-07 of the North Dakota Century Code, relating to the unlawful opening of places of burial and the protection of cultural resources; to repeal section 55-03-05 of the North Dakota Century Code, relating to the unrestricted exploration for and excavation of cultural resources by a landowner; and to declare 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Redlin; Robinson; Satrom; Schoenwald;

Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd;  
Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea; Vosper

HB 1584 passed, the title was agreed to, and the emergency clause carried.

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#### 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, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of SCR 4021, SCR 4019, SCR 4069, SCR 4066, HB 1327, HB 1384, HB 1407, HB 1521, HB 1484, HB 1499, HB 1030, and HCR 3005, the Senate stand adjourned until 12:30 p.m., Thursday, March 23, 1989, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2518 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 18, after the underscored comma insert "for taxable years beginning after December 31, 1988."

Page 1, line 20, replace "fifteen" with "ten"

Renumber accordingly

SB 2518 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 SB 2524 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 4, after line 6, insert:

"d. For energy conversion facilities."

Renumber accordingly

SB 2524 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4019 has had the same

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

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

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4021 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4021 was placed on the Eleventh 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 rereferred SCR 4066 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 and BE PLACED ON THE CONSENT CALENDAR.

SCR 4066 was placed on the Tenth 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 SCR 4069 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 and BE PLACED ON THE CONSENT CALENDAR.

SCR 4069 was placed on the Tenth 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 1016 has had the same under consideration and recommends by a vote of 13 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 2, remove "; and to amend and reenact section 18-04-05"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "departments"

Page 1, line 8, replace "general fund" with "insurance tax distribution fund"

Page 1, remove lines 13 through 22

Page 2, remove lines 1 through 28

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### INSURANCE TAX TO FIRE DEPARTMENTS

This amendment provides that the \$2.6 million 1989-91 biennium appropriation for the insurance premiums to fire department payments is to be funded from the insurance tax distribution fund rather than the state general fund.

The insurance tax distribution fund is created in engrossed Senate Bill No. 2436 which has passed both the Senate and House. Senate Bill No. 2436 provides that the insurance tax distribution fund receives \$2.6 million annually from insurance premium tax collections beginning in fiscal year 1991. Payments to the fire departments are made from the special fund each September 1 beginning in September 1990.

The amendments remove Section 2 of engrossed House Bill No. 1016 because the amendments contained in Section 2 are no longer necessary because of the passage of Senate Bill No. 2436.

HB 1016 was placed on the Sixth 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 1022 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 18, replace "2,389,625" with "2,124,625"

Page 2, line 4, replace "20,809,401" with "20,544,401"

Page 3, line 4, replace "twelve" with "nine"

Page 3, line 5, replace "twenty-two" with "twenty"

Page 3, line 6, replace "6.71" with "6.1" and replace "thirty" with "twenty-one"

Page 3, line 7, after the period insert "Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, thirty dollars." and remove the overstrike over "~~it is the intent of the legislative assembly that the~~"

Page 3, remove the overstrike over line 8

Page 3, line 9, after "amendment" insert "and 1989 amendments" and remove the overstrike over "~~to this subsection; be used for providing matching funds~~"

Page 3, line 10, remove the overstrike over "~~for construction and installation of boat launching facilities~~" and replace "Each" with "fish cleaning and comfort stations, boating enforcement, boating safety education, and boat registration administration"

Page 3, remove line 11

Page 3, line 12, remove "canoes, sixty dollars"

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 720 - GAME AND FISH

The amendment decreases the three-year boat license fee increase called for by the House amendments and changes the categories of boat length upon which

the fees are based. The first category remains at boats under 16 feet, the middle category is boats between 16 feet and 20 feet rather than 16 feet to 22 feet. The third category is boats longer than 20 feet rather than 22 feet. A comparison of the three-year boat license fees under current law to the bill as amended by the House and the bill as it reflects the above amendments (Senate version) is as follows:

BOAT LENGTH	PRESENT FEE	HOUSE VERSION	SENATE VERSION
Less than 16 feet	\$ 6.00	\$ 12.00	\$ 9.00
Between 16 and 22 feet (House version)	15.00	30.00	
Between 16 and 20 feet (Senate version)	15.00		21.00
22 feet and longer (House)	15.00	60.00	
20 feet and longer (Senate)	15.00		30.00

The estimated income and grants lines are decreased by \$265,000 due to decreasing the fees from the levels included in the House amendment. The bill as amended by the above amendment (Senate version) provides \$205,000 from the fee increases over present law. The House increases provided \$470,000 of additional revenue.

The amendment also provides for specific language to be in the law regarding for what the motorboat license fee increases can be used.

HB 1022 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred Engrossed HB 1030 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1030 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1040 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be referred to the Committee on Appropriations:

Page 1, line 19, remove "in a manner determined by the health services"

Page 1, line 20, remove "branch to be fair and equitable or the health services branch,"

Renumber accordingly

HB 1040 was placed on the Sixth 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 1078 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, BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

Page 1, line 9, overstrike "him" and insert immediately thereafter "that person"

Page 1, line 14, overstrike "him" and insert immediately thereafter "that person" and overstrike "his" and insert immediately thereafter "that person's"

Renumber accordingly

HB 1078 was placed on the Sixth 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 1128 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 1, remove "to create and enact a new section to chapter 65-05 of the"

Page 1, remove line 2

Page 1, line 3, remove "benefits by social security benefits; and"

Page 1, remove lines 15 through 20

Page 3, line 24, replace ", and" with "at the rate of ten dollars per week for each child. Effective July 1, 1989, this rate must be paid to each eligible employee regardless of the date of injury."

Page 3, remove lines 25 through 29

Page 4, remove lines 1 through 4

Page 5, remove lines 28 and 29

Page 6, remove lines 1 through 10

Renumber accordingly

HB 1128 was placed on the Sixth 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 1185 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 8, line 16, remove "promote or oppose referendums or initiatives, or"

Page 8, line 17, after "of" insert "or in opposition to"

Page 8, line 18, after the underscored period insert "However, any funds expended to promote or oppose an initiative or referendum must be

reported to the attorney general on a form approved and, at intervals prescribed, by the attorney general." and after "shorts" insert "1 after January 1, 1990,"

Renumber accordingly

HB 1185 was placed on the Sixth 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 1191 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 7, line 4, after the underscored period insert "The bureau shall establish, by administrative rule, an hourly rate to compensate a worker's attorney from the date the bureau has notified the worker to identify a rehabilitation plan under section 65-05.1-04. The bureau may establish, by administrative rule, absolute maximum fees for such representation."

Page 7, line 26, replace "to" with "will remain permanently and totally disabled without an additional award of training beyond two years."

Page 7, remove lines 27 and 28

Page 8, remove lines 1 and 2

Renumber accordingly

HB 1191 was placed on the Sixth 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 1196 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 and be rereferred to the Committee on Appropriations:

Page 1, line 5, remove "6-06-08.1,"

Page 1, line 12, after the semicolon insert "to repeal section 6-06-08.1 of the North Dakota Century Code, relating to additional assessments of credit unions;"

Page 1, line 22, remove "6-06-08.1,"

Page 10, line 16, after "unions" insert ". However, credit unions may only be required to pay eighty percent of the credit unions' portion of the budget from July 1, 1989, to June 30, 1990, and ninety percent of the credit unions' portion of the budget from July 1, 1990, to June 30, 1991. Credit unions shall pay one hundred percent of the credit unions' portion of the budget after June 30, 1991"

Page 11, remove lines 7 through 29

Page 12, remove lines 1 through 5

Page 19, after line 2, insert:

"SECTION 20. REPEAL. Section 6-06-08.1 of the North Dakota Century Code is hereby repealed."

Renumber accordingly

HB 1196 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 1229 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 1, line 1, after "Act" insert "to create and enact a new section to chapter 25-06 and a new section to chapter 25-07 of the North Dakota Century Code, relating to the appointment of the superintendents, budgets, staff, and reporting structure of the school for the blind and the school for the deaf;"

Page 1, line 6, after "instruction" insert "and institutions under the control of the director of institutions"

Page 1, line 13, after "district" insert " , the department of corrections and rehabilitation, ""

Page 1, line 15, after "board" insert " , the department of corrections and rehabilitation, ""

Page 2, line 8, after "board" insert " , the department of corrections and rehabilitation, ""

Page 2, line 12, after "board" insert " , the department of corrections and rehabilitation, ""

Page 2, line 16, after "board" insert " , the department of corrections and rehabilitation, ""

Page 3, line 2, after "district" insert " , the department of corrections and rehabilitation, ""

Page 3, line 9, after "board" insert " , the department of corrections and rehabilitation, ""

Page 3, line 13, after "board" insert " , the department of corrections and rehabilitation, ""

Page 4, after line 21, insert:

"SECTION 4. A new section to chapter 25-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

School for the blind - Appointment of superintendent, budget, staff, and reporting structure. The superintendent of the school for the blind is appointed by and reports to the superintendent of public

instruction. The school for the blind must have a separate budget and separate staff from the department of public instruction."

Page 5, line 17, after "blindness" insert "and other handicaps"

Page 6, after line 28, insert:

"SECTION 10. A new section to chapter 25-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

School for the deaf - Appointment of superintendent, budget, staff, and reporting structure. The superintendent of the school for the deaf is appointed by and reports to the superintendent of public instruction. The school for the deaf must have a separate budget and separate staff from the department of public instruction."

Page 7, line 6, overstrike "penitentiary,"

Page 7, line 7, overstrike the first "the", remove "state developmental center", and overstrike ", the North Dakota"

Page 7, line 8, overstrike "industrial school, and san haven" and insert immediately thereafter "department of corrections and rehabilitation and state radio communications"

Page 7, line 15, after "shall" insert "report to the superintendent and must"

Page 7, line 18, after the period insert "The state library is an autonomous agency and retains a budget and staff separate from that of the superintendent of public instruction."

Page 9, line 16, replace "1990" with "1991"

Renumber accordingly

HB 1229 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 Engrossed HB 1327 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1327 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 1360 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 NOT PASS:

Page 1, line 10, replace "Lawful" with "Unless conducted under chapter 53-04.1, "lawful"

Renumber accordingly

HB 1360 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 rereferred HB 1379 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 13, after the period insert "An esthetician does not include a professional make-up artist trained in facial make-up application by a cosmetics company."

Renumber accordingly

HB 1379 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1384 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1384 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1407 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 1407 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 rereferred HB 1466 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 1, line 1, replace "subsection" with "subsections" and after "1" insert "and 2"

Page 1, line 5, replace "Subsection" with "Subsections" and after "1" insert "and 2"

Page 2, line 5, replace "or a county in which the debtor uses the" with "and in the office of the secretary of state"

Page 2, line 6, remove "equipment in the debtor's farming operations"

Page 2, after line 9, insert:

- "2. A filing, other than a filing made pursuant to subdivision c of subsection 1, which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this chapter and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement. A filing made pursuant to subdivision c

of subsection 1 in an improper county is nevertheless effective if the creditor perceived the place in which the creditor filed to be the debtor's county of residence and the creditor filed in the office of the secretary of state."

Renumber accordingly

HB 1466 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred Engrossed HB 1483 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 10, replace "assessment taxes" with "assessments"

Renumber accordingly

HB 1483 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1484 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1484 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 1489 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 16, remove "No more than seven and"

Page 1, remove lines 17 through 19

Page 2, line 14, replace "and" with an underscored comma

Page 2, line 16, after "eighty-five" insert ", and whose commissions from new business each year do not exceed ten thousand dollars"

Renumber accordingly

HB 1489 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred Engrossed HB 1499 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1499 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1521 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1521 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1581 has had the same under consideration and recommends by a vote of 7 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 3, line 1, replace "inclusive of" with "as approved by the board;"

Page 3, remove lines 2 and 3

Page 6, line 8, replace the comma with "as approved by the board;"

Page 6, remove lines 9 and 10

Renumber accordingly

HB 1581 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred Engrossed HB 1647 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 64-03 of the North Dakota Century Code, relating to the requirement that meters purchased for use on petroleum delivery vehicles be capable of printing receipts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 64-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

1. After June 30, 1989, a new, used, or rebuilt meter purchased for use on, and by July 1, 1994, a meter used on, a bulk petroleum delivery vehicle which dispenses more than twenty-five thousand gallons of gasoline, distillates, or propane annually and has a capacity of less than five thousand gallons, must be capable of printing delivery receipts.
2. A bulk petroleum dealer shall provide to the customer, upon request, a delivery receipt showing the quantity of product delivered to the customer and, by July 1, 1994, the receipt must be a metered receipt. The dealer shall maintain records of all fuel deliveries."

Renumber accordingly

HB 1647 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred HCR 3005 has had the same under consideration and recommends by a vote of 9 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3005 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILL

HB 1666: A BILL for an Act to create and enact chapter 39-06.2 of the North Dakota Century Code, relating to commercial driver's licensing, testing for and issuance of a commercial driver's license, employer and employee responsibilities, suspension or revocation of a commercial driver's license, and classification of commercial motor vehicles; to amend and reenact section 39-06-14, subsection 3 of section 39-06-17, subsections 4 and 7 of section 39-06-32, and subsections 1, 2, 3, and 4 of section 39-20-07 of the North Dakota Century Code, relating to classification of drivers' licenses, a restricted operator's license or permit, refusal of a chemical test in another state, and blood alcohol concentration and its applicability to chapter 39-06.2; and to provide an effective date and application of this Act to existing operators' licenses.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3084: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of constructing a barge terminal in this state on the Missouri River to allow and encourage the shipment of Canadian grain through North Dakota.

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

HCR 3085: A concurrent resolution directing the Legislative Council to study the price level the State Forester should establish for seeds and planting stock from the state nursery.

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

HCR 3005: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of North Dakota, relating to the effective date of legislation.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

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

PATRICIA CONRAD, Secretary