

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, March 18, 1991

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

The prayer was offered by Father Hugo L. Blotsky, St. Alexius Medical Center, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1578.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1381, HB 1382, HB 1450, HB 1475, HB 1595.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1445.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1035, HB 1049, HB 1070, HB 1086, HB 1092, HB 1094, HB 1100, HB 1101, HB 1102, HB 1130, HB 1114, HB 1150, HB 1155, HB 1192, HB 1213, HB 1224, HB 1226, HB 1229, HB 1249, HB 1276, HB 1290, HB 1294, HB 1304, HB 1411, HB 1412, HB 1426, HB 1458, HB 1479, HB 1480, HB 1491, HB 1539, HB 1565.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills: SB 2170, SB 2345, SB 2359, SB 2363, SB 2388, SB 2391, SB 2400, SB 2424, SB 2460, SB 2495, SB 2511, SB 2517, SB 2521, SB 2558.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2170, SB 2345, SB 2359, SB 2363, SB 2388, SB 2391, SB 2400, SB 2424, SB 2460, SB 2495, SB 2511, SB 2517, SB 2521, SB 2558.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2492.

Page 1, line 11, overstrike "not to exceed"

Page 1, line 12, after "~~or~~" insert "of"

Page 1, line 13, after "~~license~~" insert "or for a longer period if determined appropriate by the board"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2028, SB 2067, SB 2100, SB 2335, SB 2340, SB 2372, SB 2385, SB 2389, SB 2447, SB 2472, SB 2498, SB 2542, SB 2557.

HOUSE AMENDMENTS TO ENGROSSED SB 2028

Page 1, line 12, replace "two" with "three" and replace "July" with "January"

Page 1, line 13, replace "1991" with "1992"

Page 1, line 14, replace "two" with "three"

Page 1, line 17, replace "2" with "1"

ReNUMBER accordingly

HOUSE AMENDMENTS TO SB 2067

Page 1, line 8, after "6." insert "a."

Page 2, after line 2, insert:

"b. Any political subdivision required to provide a tax credit under subdivision a, as a result of an annexation occurring after January 1, 1989, may upon approval of the county commissioners, provide a cash refund in lieu of the tax credit. The school district holding the unobligated cash balance shall, at the request of the county auditor, pay to the county treasurer the amount to be paid to those who own property within the annexed district. The treasurer shall issue the refund to the owner of the property, as shown on the county's assessment list at the time of payment. If there is a lien for unpaid taxes against any property, the treasurer shall first apply the tax credit toward any outstanding balance. Any amount remaining may then be paid to the property owner. The cash refunds must be calculated proportionately to the total taxable value of the annexed district during the last year taxes were levied."

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2100

Page 1, line 14, remove ", chapter 41-06,"

Page 1, line 16, replace the first comma with "and" and remove ", and bulk transfers"

Page 197, line 13, replace the first comma with "and" and remove ", and 41-06"

Page 197, line 16, remove "chapter 41-06 and" and replace "their" with "its"

Page 197, line 17, replace "those statutes" with "this section"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2335

Page 1, line 1, remove "create and enact a new section to chapter 27-08.1 of the"

Page 1, remove line 2

Page 1, line 3, remove "and to"

Page 2, remove lines 23 through 29

Page 3, remove lines 1 through 3

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2340

Page 1, line 8, overstrike "he" and insert immediately thereafter "the judge"

Page 1, line 10, overstrike "He" and insert immediately thereafter "The judge"

Page 3, line 2, overstrike "his" and insert immediately thereafter "the judge's"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2372

Page 2, line 6, replace "such" with "the third party"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2385

Page 1, line 21, overstrike the semicolon

Page 2, line 9, remove the overstrike over the overstruck period

Page 3, line 25, overstrike "his" and insert immediately thereafter "the prospective juror's"

Page 4, line 2, overstrike the first "his" and insert immediately thereafter "the" and overstrike the second "his" and insert immediately thereafter "the prospective juror's"

Page 4, line 3, overstrike "his" and insert immediately thereafter "the prospective juror's"

Page 4, line 8, overstrike "him" and insert immediately thereafter "the prospective juror"

Page 4, line 9, overstrike "he has done so" and insert immediately thereafter "fact"

Page 4, line 18, overstrike "his" and insert immediately thereafter "the prospective juror's"

Page 4, line 20, overstrike "any" and insert immediately thereafter "the"

Page 4, line 23, overstrike "his"

Page 4, line 24, overstrike "his"

Page 4, line 29, overstrike "his"

Page 5, line 2, overstrike "his"

Page 5, line 3, overstrike "he" and insert immediately thereafter "the prospective juror"

Page 5, line 9, after the second "a" insert "class B" and overstrike "and upon conviction may be"

Page 5, overstrike line 10

Page 5, line 11, overstrike "county jail for not more than thirty days, or both"

Page 6, line 17, overstrike "his or her" and insert immediately thereafter "that person's"

Page 6, line 25, after the underscored period insert "A written procedure by which persons' names are drawn for jury service must be available for public review."

Renumber accordingly

HOUSE AMENDMENTS TO SB 2389

Page 1, line 11, overstrike "a", remove "magistrate", overstrike "issuing", and after "warrant" insert "was issued by a magistrate who is learned in the law and who"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2447

Page 3, line 8, remove "district or county" and after "court" insert "of competent jurisdiction"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2472

Page 1, line 1, replace "15-38" with "15-36"

Page 1, line 4, replace "15-38" with "15-36"

Page 1, line 6, replace "teachers' professional practices" with "superintendent of public instruction"

Page 1, line 7, remove "commission" and replace "teachers' professional" with "superintendent of public instruction"

Page 1, line 8, remove "practices commission"

Page 1, line 9, replace "in a criminal action" with "of a felony or a class A misdemeanor"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2498

Page 1, line 3, remove "and" and after "14-02.4-18" insert ", and 34-14-02"

Page 1, line 4, after "practices" insert "and direct deposit of wages"

Page 6, after line 3, insert:

"SECTION 8. AMENDMENT. Section 34-14-02 of the North Dakota Century Code is amended and reenacted as follows:

34-14-02. Semimonthly or agreed payday - Direct deposit. Every employer shall pay all wages due to his employees at least twice each calendar month, or on regular agreed paydays designated in advance by the employer, in lawful money of the United States or with checks on banks convenient to the place of employment. If an employee participates in a direct deposit program, that employee's employer shall deposit the employee's wages into the financial institution of the employee's choice."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2542

Page 1, line 1, replace "sections 4 and" with "section"

Page 1, remove lines 4 through 22

Page 2, remove lines 1 through 27

Page 3, line 12, remove "if so requested by the parent"

Page 4, line 9, remove "An"

Page 4, remove lines 10 and 11

Page 4, line 12, remove "any state in the area of the apparent deficiency of the child."

Page 5, remove lines 19 through 21

Page 5, line 22, remove "thirtieth percentile."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2557

Page 1, line 22, remove the first underscored comma and remove " , in an authorized emergency"

Page 2, remove lines 1 and 2

Page 2, line 3, remove "is in use or all seatbelts are in use"

Renumber accordingly

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

MR. PRESIDENT: The House has passed unchanged: SCR 4007, SCR 4017, SCR 4019, SCR 4025, SCR 4029, SCR 4031, SCR 4032, SCR 4034, SCR 4035, SCR 4038, SCR 4039, SCR 4043, SCR 4047, SCR 4050, SCR 4051, SCR 4052.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2151, SB 2213, SB 2416, SB 2520, SB 2530, SB 2539, SCR 4036.

HOUSE AMENDMENTS TO SB 2151

Page 1, line 2, after "4-10.2-08" insert ", 4-10.2-09,"

Page 1, line 3, replace "designated handlers" with "first purchasers"

Page 1, line 11, overstrike "Designated handler" means any person who initially places"

Page 1, overstrike lines 12 and 13

Page 1, line 14, overstrike "commerce, or", remove "any person", and overstrike "who is engaged in the processing of"

Page 1, overstrike lines 15 through 19

Page 1, line 20, overstrike "packing", remove "sheds", overstrike ", or processing", remove "plants", and overstrike "within the state"

Page 1, line 21, overstrike "is not considered to be a designated handler." and insert immediately thereafter "First purchaser" means any person buying, accepting for shipment, or otherwise acquiring sunflower, safflower, rapeseed or canola, crambe, or flax, from a grower. The term includes a mortgagee, pledgee, lienor, or other person, public or private, having a claim against the grower where the actual or constructive possession of the oilseed is taken as part payment or in satisfaction of the mortgage, pledge, lien, or claim."

Page 1, line 22, replace "designated handler" with "the term"

Page 2, line 11, overstrike "designated handler" and insert immediately thereafter "first purchaser"

Page 2, line 13, overstrike "designated handler" and insert immediately thereafter "first purchaser"

Page 2, line 16, overstrike "designated handler" and insert immediately thereafter "first purchaser"

Page 2, line 19, overstrike "handler" and insert immediately thereafter "first purchaser"

- Page 2, line 21, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 2, line 24, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 2, line 25, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 2, line 28, remove "The first", overstrike "designated handler", and replace "in North Dakota" with "The first purchaser"
- Page 3, line 4, overstrike "designated"
- Page 3, line 5, overstrike "handler" and insert immediately thereafter "first purchaser"
- Page 3, line 6, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 3, line 9, overstrike "designated handler" and insert immediately thereafter "first purchaser"
- Page 3, after line 23, insert:

"SECTION 3. AMENDMENT. Section 4-10.2-09 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-10.2-09. Nonparticipating growers - Refunds. Any grower subject to the assessment provided in this chapter may, within sixty days following such assessment or final settlement, make application by personal letter to the council for a refund application blank. Upon the return of said blank, properly executed by the grower, accompanied by a record of the assessment by the designated handler first purchaser, the grower must be refunded the net amount of the assessment collected. If no request for refund has been made within the period prescribed above, then the grower is presumed to have agreed to such assessment. However, a grower, for any reason, having paid the assessment more than once on the same sunflower, safflower, rapeseed or canola, crambe, or flax, upon furnishing proof of this to the council, is entitled to a refund of the overpayment.

The council, to inform the grower, shall develop and disseminate information and instructions relating to the purpose of the sunflower, safflower, rapeseed or canola, crambe, and flax assessment and manner in which refunds may be claimed, and to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of sunflower, safflower, rapeseed or canola, crambe, and flax."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2213

- Page 2, line 3, replace "Ninety" with "Like period not to exceed ninety"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2416

- Page 2, line 6, remove "permitted by this section" and overstrike "must be electrically"
- Page 2, line 7, overstrike "controlled so that the lights will" and insert immediately thereafter "permitted by this section may" and overstrike "actuated when the vehicle is"
- Page 2, line 8, overstrike "brought to a stop" and insert immediately thereafter "operated"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2520

Page 1, line 13, overstrike "he" and insert immediately thereafter "the member"

Page 1, line 15, overstrike "his" and insert immediately thereafter "the member's"

Page 1, line 16, overstrike "his" and insert immediately thereafter "the member's"

Page 2, line 9, overstrike "his" and insert immediately thereafter "the member's"

Page 3, line 2, overstrike "him" and insert immediately thereafter "the county agent"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2530

Page 2, line 28, replace "exempt" with "out of service"

Page 3, line 1, replace "word "Exempt"'" with "words "Tracks out of service"'"

Page 3, line 3, after the period insert "The designation must be limited to use at crossings where track has been abandoned or its use discontinued."

5."

and after "notify" insert "the road authority and"

Page 3, line 5, replace "exempt" with "an out of service crossing"

Page 3, line 6, replace "word "Exempt"'" with "words "Tracks out of service"'"

Page 3, line 7, after the underscored period insert "The railway company shall remove the crossbucks."

Page 3, remove lines 8 through 13

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2539

Page 1, line 15, replace "there is no adjudication of violation and any" with "the"

Page 2, line 2, after the second period insert "A person making an election under this section forfeits any point reduction option under section 39-06.1-13."

Renumber accordingly

HOUSE AMENDMENTS TO SCR 4036

Page 1, line 2, after "organization" insert "or consolidation with Job Service North Dakota"

Page 2, line 3, after "organization" insert "or consolidation with Job Service North Dakota"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2423.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2357.

Page 2, line 18, after the period insert:

"One person from the city of Williston recommended by the Williston city council.

3."

Page 2, line 23, replace "3" with "4"

Page 2, line 25, replace "4" with "5"

Page 3, line 1, replace "5" with "6"

Page 3, line 5, replace "6" with "7"

Page 3, line 8, replace "7" with "8"

Page 3, line 9, replace "8" with "9"

ReNUMBER accordingly

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2506.

Page 2, line 26, after "form" insert "for a member of the United States armed forces or the United States merchant marine or for a qualified elector living outside the United States,"

Page 3, line 1, replace "marines" with "marine"

ReNUMBER accordingly

REPORTS OF STANDING COMMITTEES

HB 1119: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 18, after the underscored period insert "Any letter of credit made available under this subsection must also be available for bonds issued through private bonding companies."

ReNUMBER accordingly

HB 1256, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 19, remove "secretary of state may not approve a" and after "petition" insert "must be deemed insufficient"

Page 1, line 20, after "reason" insert "or reasons" and replace "as required" with "consistent with the reasons provided"

ReNUMBER accordingly

HB 1383, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to amend and reenact sections 11-18-14 and 35-21-01 of"

Page 1, remove line 3

Page 1, line 4, remove "of deeds and to release of liens"

Page 1, remove lines 6 through 19

Page 1, line 20, remove the underscore under "Aircraft repair and maintenance lien authorized. Any"

Page 1, remove the underscore under lines 21 and 22

Page 2, remove the underscore under lines 1 through 4

Page 2, line 5, remove the underscore under "Possession of aircraft."

Page 2, remove the underscore under lines 6 through 13

Page 2, line 14, remove the underscore under "the date the lien is recorded under section", replace "4" with "3", and remove the underscore under "of this Act."

Page 2, remove the underscore under line 15

Page 2, line 16, remove the underscore under "Recording of lien. The holder of a lien under this chapter"

Page 2, remove the underscore under line 17

Page 2, line 18, remove the underscore under "administration aircraft registry not later than the", replace "one hundred twentieth" with "ninetieth", and remove the underscore under "day"

Page 2, remove the underscore under lines 19 through 22

Page 2, line 23, remove the underscore under "under sections", replace "2" with "1", remove the underscore under "through", replace "7" with "6", and remove the underscore under "of this Act."

Page 2, remove the underscore under lines 24 through 28

Page 2, line 29, remove the underscore under "Notice to owner and lienholders."

Page 3, line 1, remove the underscore under "1. The holder of a lien under sections", replace "2" with "1", remove the underscore under "through", replace "7" with "6", and remove the underscore under "of this Act who"

Page 3, remove the underscore under lines 2 through 8

Page 3, line 9, remove the underscore under "lien under sections", replace "2" with "1", remove the underscore under "through", replace "7" with "6", and remove the underscore under "of this Act."

Page 3, remove the underscore under lines 10 through 12

Page 3, line 13, remove the underscore under "lien under sections", replace "2" with "1", remove the underscore under "through", replace "7" with "6", and remove the underscore under "of this Act to sell the"

Page 3, remove the underscore under lines 14 through 16

Page 3, line 17, remove the underscore under "Sale of aircraft authorized. If the holder of a lien under"

Page 3, line 18, remove the underscore under "sections", replace "2" with "1", remove the underscore under "through", replace "7" with "6", remove the underscore under "of this Act provides the notice required by section", replace "5" with "4", and remove the underscore under "of"

Page 3, remove the underscore under lines 19 through 25

Page 3, line 26, replace "Attorney's" with "Attorneys" and remove the underscore under "fees. The court in a suit brought under"

Page 3, line 27, remove the underscore under "sections", replace "2" with "1", remove the underscore under "through", replace "7" with "6", remove the underscore under "of this Act may award reasonable", replace "attorney's" with "attorneys", and remove the underscore under "fees to the"

Page 3, remove the underscore under line 28

Page 4, remove lines 1 through 9

Renumber accordingly

MOTION

SEN. WOGSLAND MOVED that SB 2574 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2574: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ page 1021 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2574 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2574: A BILL for an Act relating to the registration of persons convicted of offenses against children; 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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennesfos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2574 passed and the title was agreed to.

SB 2577: A BILL for an Act to amend and reenact section 54-17.4-04 of the North Dakota Century Code, relating to the geological survey's archives, core library, literature library, other facilities and repositories, and gift fund; and to provide an appropriation.

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 20 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Hanson, E.; Hanson, O.; Heinrich; Keller; Kelly; Kinnoin; Krauter; Lips; Mathern; Meyer; Mushik; O'Connell; Redlin; Satrom; Schoenwald; Tallackson; Tomac; Yockim

NAYS: Bowman; DeKrey; Evanson; Freborg; Goetz; Graba; Heigaard; Holmberg; Ingstad; Jerome; Kelsh; Krebsbach; Langley; Lindaas; Lindgren; Marks; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Robinson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper; Wogsland

SB 2577 lost.

SB 2579: A BILL for an Act to provide for disposition of excess assessments for escrow accounts on residential real estate mortgage loans; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Freborg; Graba; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Marks; Mathern; Maxson; Meyer; Mushik; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Stenehjem; Tallackson; Thane; Traynor; Yockim

NAYS: David; Dotzenrod; Evanson; Goetz; Hanson, E.; Hanson, O.; Heigaard; Jerome; Kinnoin; Lips; Moore; Mutch; Naaden; Nelson; Nething; Satrom; Solberg; Streibel; Tennefos; Tomac; Vosper; Wogsland

SB 2579 passed and the title was agreed to.

MOTIONS

SEN. YOCKIM MOVED that SB 2580 be amended as follows:

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 57-38 of the North Dakota Century Code, relating to a surtax based on income tax liability of individuals, estates, and trusts; to provide an appropriation; and to provide an effective date and an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

Surtax on income tax liability of individuals, estates, and trusts - Exception to withholding and estimated tax payments. A surtax is imposed on the income of every individual, estate, and trust that is required to file an income tax return under this chapter. The tax imposed by this section is equal to eighteen percent of the taxpayer's income tax liability as determined under section 57-38-29 or 57-38-30.3. Notwithstanding any other provision of this chapter, calculation of withholding amounts and payments of estimated taxes need not be made on the basis of the tax imposed under this section and are to be based only on tax liability as determined under section 57-38-29 or 57-38-30.3. No taxpayer may be assessed a penalty or interest solely because of this section becoming effective and resulting in withholding or payments of estimated taxes being below required amounts.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise

appropriated, the sum of \$22,000,000, or so much thereof as may be necessary, to the state water commission to be used to fund the Garrison Diversion Project, Devils Lake stabilization, the southwest water pipeline, the northwest area water supply project, and other major water projects of statewide or regional significance for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$22,000,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of foundation aid per-pupil payments for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 4. EFFECTIVE DATE - EXPIRATION DATE. Section 1 of this Act is effective for the first two taxable years beginning after December 31, 1990, and is thereafter ineffective."

Renumber accordingly

SEN. MOORE MOVED that Sen. Yockim's amendments to SB 2580 be amended as follows:

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 57-38 of the North Dakota Century Code, relating to a surtax based on income tax liability of individuals, estates, and trusts; to provide an appropriation; to provide an effective date and an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

Surtax on income tax liability of individuals, estates, and trusts - Exception to withholding and estimated tax payments. A surtax is imposed on the income of every individual, estate, and trust that is required to file an income tax return under this chapter. The tax imposed by this section is equal to eighteen percent of the taxpayer's income tax liability as determined under section 57-38-29 or 57-38-30.3. Notwithstanding any other provision of this chapter, calculation of withholding amounts and payments of estimated taxes need not be made on the basis of the tax imposed under this section and are to be based only on tax liability as determined under section 57-38-29 or 57-38-30.3. No taxpayer may be assessed a penalty or interest solely because of this section becoming effective and resulting in withholding or payments of estimated taxes being below required amounts.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the resources trust fund in the state treasury, not otherwise appropriated, the sum of \$44,000,000, or so much thereof as may be necessary, to the state water commission to be used to fund the Garrison diversion project, Devils Lake stabilization, the southwest water pipeline, the northwest area water supply project, and other major water projects of statewide or regional significance for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. EFFECTIVE DATE - EXPIRATION DATE. Section 1 of this Act is effective for taxable events occurring after April 30, 1991, and before July 1, 1993, and is thereafter ineffective.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SEN. MOORE MOVED that the proposed amendments be adopted, which motion lost.

SEN. HEIGAARD MOVED that the Senate vote on the proposed amendment to SB 2580 no later than 2:36 p.m., which motion prevailed.

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2580, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2580, the roll was called and there were 17 YEAS, 36 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelsh; Lindaas; Mathern; O'Connell; Robinson; Satrom; Tallackson; Vosper; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Marks; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor

The proposed amendments to SB 2580 lost.

MOTIONS

SEN. MEYER MOVED that SB 2580 be amended as follows:

Page 1, line 16, after "chapter" insert "except sales of alcoholic beverages and tobacco products subject to taxes at the rate provided in section 57-39.2-03.2"

Page 3, line 17, after "law" insert "but the tax imposed under this section does not apply to the storage, use, or consumption of alcoholic beverages and tobacco products subject to taxes at the rate provided in section 57-40.2-03.2"

Renumber accordingly

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

SEN. WOGSLAND MOVED that the Senate vote on SB 2580 no later than 2:55 p.m., which motion prevailed.

SECOND READING OF SENATE BILL

SB 2580: A BILL for an Act to create and enact a new section to chapter 57-39.2, a new section to chapter 57-40.2, a new section to chapter 57-40.3, and a new section to chapter 57-40.5 of the North Dakota Century Code, relating to a separate and additional sales, use, motor vehicle excise, and aircraft excise tax to fund water projects in this state; to amend and reenact section 57-39.2-08.2, relating to the bracket system for application of sales, use, motor vehicle excise, and aircraft excise taxes; to provide an appropriation; to provide an effective date and an expiration date; 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 21 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Heigaard; Jerome; Kelsh; Krebsbach; Langley; Lindaas; Lindgren; Mathern; Maxson; Naaden; Peterson; Satrom; Schoenwald; Streibel; Tallackson; Tennefos; Traynor; Vosper; Wogsland

NAYS: Bowman; David; DeKrey; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kinnoin; Krauter; Lips;

Marks; Meyer; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething;
O'Connell; Redlin; Robinson; Solberg; Stenehjem; Thane; Tomac; Yockim

SB 2580 lost.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1051, HB 1053, HB 1127, HB 1138, HB 1145, HB 1152, and HB 1157, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1051: Reps. Byerly; Bateman; Erickson
HB 1053: Reps. Clayburgh; Kelsch; Snyder
HB 1127: Reps. Whalen; Shide; Skjerven
HB 1138: Reps. Kretschmar; Brown; Grumbo
HB 1145: Reps. Kelsch; Kretschmar; Skar
HB 1152: Reps. Belter; Delzer; Hokana
HB 1157: Reps. Belter; Delzer; Hokana

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1165, HB 1167, HB 1234, HB 1313, and HB 1441, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1165: Reps. Clayburgh; Miller; Ring
HB 1167: Reps. Dorso; Carlisle; Huether
HB 1234: Reps. Gates; Kunkel; Aarsvold
HB 1313: Reps. Henegar; Brown; Hanson
HB 1441: Reps. Soukup; Carlisle; Skjerven

REQUEST

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

For all of the basketball fans in North Dakota, the state class B tournament was a thriller. The fan support was tremendous. The hospitality exhibited by the city of Minot was fantastic. The facilities on the campus of Minot State University were wonderful.

The Watford City Wolves came away the state champions, and I congratulate them. But the other teams fought hard and exhibited such great sportsmanship, I feel they are all champions. The Watford City Wolves have worked for, and dreamed of, this state championship for a long time. We will wear our championship with pride. Please join me in congratulating Coach Anderson, the Watford City Wolves, and all class B fans and maybe next year your team will have an opportunity to "Dance with the Wolves".

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 1603, HB 1609, HB 1610.

MOTION

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

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

REQUEST

SEN. WOGSLAND REQUESTED that the records show that the members of the Committee on Judiciary (Sens. Maxson, Marks, Meyer, Holmberg, Stenehjem, Solberg, DeKrey, and Traynor) are excused from voting on SB 2587, SB 2589, and SB 2576 as they are in a committee meeting, which request was granted.

CONSIDERATION OF AMENDMENTS

HB 1007: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 996 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1110: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ pages 996-997 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that HB 1255, HB 1261, and HB 1262 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1343: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ page 989 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that HB 1378, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1420: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ pages 998-999 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1556: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 999 be adopted and then be placed on the Fourteenth order with DO NOT PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that HB 1561 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3039: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ pages 999-1000 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTIONS

SEN. O. HANSON MOVED that the amendments to HB 1028 be amended as follows:

PROPOSED FLOOR AMENDMENT TO HOUSE BILL NO. 1028

Page 1022 of the Senate Journal, line 10, replace "first" with "second"

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

CONSIDERATION OF AMENDMENTS

HB 1028: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 1022 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion prevailed.

HB 1031: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ pages 1022-1023 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that HB 1243 and HB 1265 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1247: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 1025 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1292: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ pages 1025-1026 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTIONS

SEN. WOGSLAND MOVED that HB 1321 and HB 1516 be placed at the bottom of the Sixth order, which motion prevailed.

SEN. WOGSLAND MOVED that HB 1380, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1461: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 1028 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed on a verification vote.

HB 1483: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ page 1028 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1507: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 1028-1029 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HCR 3032: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 1031 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2587: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases or sales of game birds by the operator of a private shooting preserve.

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 2 YEAS, 43 NAYS, 8 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Ingstad; Mathern

NAYS: Bowman; David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

EXCUSED: DeKrey; Holmberg; Marks; Maxson; Meyer; Solberg; Stenehjem; Traynor

SB 2587 lost.

SB 2589: A BILL for an Act to create and enact a new section to chapter 23-01.1 and a new subsection to section 23-01.1-02 of the North Dakota Century Code, relating to publication of physicians' fee information; to amend and reenact section 23-01.1-04 of the North Dakota Century Code, relating to data acquired by the health care data committee; and to repeal section 23-01.1-03 of the North Dakota Century Code, relating to a directory of licensed physicians.

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 25 YEAS, 18 NAYS, 8 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Mathern; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; Freborg; Goetz; Hanson, O.; Krebsbach; Lindaas; Lindgren; Lips; Moore; Mutch; Nalewaja; Nelson; Nething; Peterson; Streibel; Tennefos; Vosper

EXCUSED: DeKrey; Holmberg; Marks; Maxson; Meyer; Solberg; Stenehjsem; Traynor

ABSENT AND NOT VOTING: Langley; Naaden

SB 2589 lost for want of a Constitutional majority.

MOTION

SEN. WOGSLAND MOVED that SCR 4010 and SCR 4015, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2576: A BILL for an Act to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against a person's driving record.

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 22 YEAS, 22 NAYS, 8 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Lindaas; Mathern; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland

NAYS: Bowman; David; Evanson; Freborg; Goetz; Hanson, O.; Ingstad; Krebsbach; Langley; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Streibel; Tennefos; Thane; Vosper

EXCUSED: DeKrey; Holmberg; Marks; Maxson; Meyer; Solberg; Stenehjsem; Traynor

ABSENT AND NOT VOTING: Yockim

SB 2576 lost for want of a Constitutional majority.

SB 2585: A BILL for an Act to amend and reenact section 51-07-22 of the North Dakota Century Code, relating to the resale of returned passenger motor vehicles; and to provide a penalty.

MOTIONS

SEN. MATHERN MOVED that SB 2585 be amended as follows:

Page 1, line 15, replace the first underscored comma with "that must be signed by the manufacturer and the purchaser and must be"

Renumber accordingly

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Heinrich; O'Connell; Vosper

ABSENT AND NOT VOTING: Meyer; Naaden

SB 2585 passed and the title was agreed to.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3007, HCR 3014, HCR 3023, HCR 3024, HCR 3045, HCR 3057.

MOTION

SEN. REDLIN MOVED that the Senate reconsider its action whereby HB 1484 failed to pass, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1484: A BILL for an Act to create and enact a new section to chapter 57-35, a new section to chapter 57-35.1, and a new section to chapter 57-35 2 of the North Dakota Century Code, relating to taxation of banks, trust companies, and building and loan associations; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 36 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Peterson; Redlin; Satrom; Solberg; Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Traynor; Yockim

NAYS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Langley; Marks; Mathern; Maxson; Robinson; Schoenwald; Tomac; Vosper; Wogsland

ABSENT AND NOT VOTING: Meyer; Naaden, O'Connell

HB 1484 passed and the title was agreed to.

MOTION

SEN. HOLMBERG MOVED that the Senate reconsider its action whereby SB 2589 failed to pass, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2589: A BILL for an Act to create and enact a new section to chapter 23-01.1 and a new subsection to section 23-01.1-02 of the North Dakota Century Code, relating to publication of physicians' fee information; to amend and reenact section 23-01.1-04 of the North Dakota Century Code, relating to data acquired by the health care data committee; and

to repeal section 23-01.1-03 of the North Dakota Century Code, relating to a directory of licensed physicians.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 29 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Goetz; Hanson, O.; Kinnoin; Krebsbach; Lindgren; Lips; Moore; Mutch; Nalewaja; Nelson; Nothing; Peterson; Solberg; Streibel; Tennefos; Traynor; Vosper

ABSENT AND NOT VOTING: Langley; Meyer; Naaden

SB 2589 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4057: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a basic care program.

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

SCR 4057 was declared adopted.

MOTION

SEN. MAXSON MOVED that the Senate reconsider its action whereby SB 2576 failed to pass, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2576: A BILL for an Act to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against a person's driving record.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 29 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tomac; Vosper; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Lindgren; Moore; Mutch; Nalewaja; Nelson; Nothing; Peterson; Solberg; Streibel; Tennefos; Thane; Traynor

ABSENT AND NOT VOTING: Langley; Meyer; Naaden

SB 2576 passed and the title was agreed to.

SECOND READING OF HOUSE BILLS

HB 1166: A BILL for an Act to prohibit false statements in political advertisements; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelsh; Kinnoin; Krauter; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Holmberg; Kelly; Krebsbach; Lindgren; Lips; Moore; Mutch; Nalewaja; Nelson; Nething; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Traynor; Vosper

ABSENT AND NOT VOTING: Langley; Meyer; Naaden; Tallackson

HB 1166 lost.

HB 1231: A BILL for an Act to create and enact a new subsection to section 10-04-05 and a new subdivision to subsection 1 of section 10-04-11 of the North Dakota Century Code, relating to securities exemptions and license revocation; and to amend and reenact paragraph 4 of subdivision b of subsection 9 of section 10-04-06, subsection 1 of section 10-04-10, subsection 4 of section 10-04-16.1, subsection 1 of section 10-04-17, subsections 4 and 5 of section 51-19-07, and subdivision e of subsection 2 of section 51-19-13 of the North Dakota Century Code, relating to the advertisement of securities, dealer indemnity bonds, use immunity for compelled testimony, civil statute of limitations, and franchise registration.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Naaden; Tallackson

HB 1231 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that the vote by which SB 2574, SB 2579, SB 2585, SB 2589, SB 2576, and SCR 4057 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2574, SB 2579, SB 2585, SB 2589, SB 2576, and SCR 4057 be messaged to the House immediately, which motion prevailed.

SEN. WOGSLAND 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, the Senate stand adjourned until 1:00 p.m., Tuesday, March 19, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2591: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2591 was placed on the Eleventh order on the calendar.

SCR 4006: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, replace "common schools trust" with "petroleum reserve"

Page 1, line 5, after "the" insert "petroleum reserve fund and the"

Page 1, line 8, after "measure" insert "creates a petroleum reserve fund and", after "of" insert "the state's share of", and after "revenues" insert ", without reduction of any revenue allocated by law to political subdivisions,"

Page 1, line 9, replace "common schools trust" with "petroleum reserve"

Page 1, line 10, replace ", with" with ". A portion of the" and after the second "the" insert "petroleum reserve fund and the"

Page 1, line 11, after "fund" insert "is"

Page 1, line 12, after "of" insert "the state's share of oil and gas gross"

Page 1, line 19, replace "general" with "primary"

Page 2, line 1, after "of" insert "the state's share of"

Page 2, line 3, after "allocated" insert ", without reduction of any oil and gas gross production tax revenue allocated by law to or for the benefit of political subdivisions,"

Page 2, line 4, replace "common schools trust" with "petroleum reserve" and after the second period insert "The state treasurer shall transfer sixty percent of the interest and income of the petroleum reserve fund from the most recently ended fiscal year to the general fund in the state treasury before August first of each year. The principal and the retained interest and income of the petroleum reserve fund may not be appropriated for any purpose."

Page 2, line 6, remove "in the state treasury, the interest income of which must be"

Page 2, line 7, replace "transferred to the state general fund on July" with ". The state treasurer shall transfer sixty percent of the interest and income of the foundation aid stabilization fund from the most recently ended fiscal year to the general fund in the state treasury before August"

Renumber accordingly

SCR 4027: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "to create and enact a new section to the Constitution of North Dakota, relating to payment of adjusted compensation to North Dakota veterans of United States military involvement in the Persian Gulf theatre or in the Grenada, Lebanon, or Panama areas of armed conflict as designated by the President of the United States and authorizing an

appropriation or issuance of bonds of the state to provide necessary funds.

STATEMENT OF INTENT

This measure allows the state to provide compensation to certain resident North Dakota veterans. The veterans entitled to compensation are those who were members of the regular active duty armed forces and who served in the Persian Gulf theatre or in the Grenada, Lebanon, or Panama areas of armed conflict or who died while on orders to or from the Persian Gulf theatre or in the Grenada, Lebanon, or Panama areas of armed conflict. This measure allows the Legislative Assembly to provide an appropriation or to provide for issuance of bonds of the state to provide necessary funds.

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

That the following proposed new section of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the next statewide election, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. A new section of the Constitution of North Dakota is created and enacted as follows:

The legislative assembly may provide for the payment of adjusted compensation to North Dakota residents who were members of the regular active duty armed forces and who served in the Persian Gulf theatre or in the Grenada, Lebanon, or Panama areas of armed conflict as designated by the President of the United States or to heirs of North Dakota residents who were members of the regular active duty armed forces and who died while on orders to or from the Persian Gulf theatre or in the Grenada, Lebanon, or Panama areas of armed conflict as designated by the President of the United States. The legislative assembly may provide a direct appropriation or provide for the issuance, sale, and delivery of bonds of the state of North Dakota in such principal amounts as determined by the legislative assembly to be necessary for the payment of adjusted compensation under this section. Adjusted compensation under this section may be paid at such rates, terms of service, and conditions as the legislative assembly provides."

Renumber accordingly

SCR 4063: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4063 was placed on the Eleventh order on the calendar.

SCR 4068: Committee on Agriculture (Sen. Kelsh, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4068 was placed on the Eleventh order on the calendar

SCR 4069: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends DO NOT PASS (6 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SCR 4069 was placed on the Eleventh order on the calendar

HB 1072: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, after "caddy" insert ", except for service described in subdivisions f and g of subsection 17"

Renumber accordingly

HB 1095, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace "and" with "or"

Renumber accordingly

HB 1139, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, after "commission" insert "; and to declare an emergency"

Page 10, after line 19, insert:

"SECTION 11. EMERGENCY. Sections 1 through 9 of this Act are declared to be an emergency measure."

Renumber accordingly

HB 1175: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS AND BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1175 was placed on the Tenth order.

HB 1176: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1176 was placed on the Fourteenth order on the calendar.

HB 1193, as engrossed: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 23, after the underscored period insert "The director may also contract to provide services, without cost to the state, for persons held by any of the jurisdictions mentioned in this section. An adult inmate considered for transfer to another jurisdiction who does not consent to the transfer or a juvenile delinquent considered for transfer to another jurisdiction whose parent or guardian does not consent to the transfer must be given notice of the pending transfer and a review of the proposed transfer to determine the need and justification for the transfer by a board consisting of an institutional staff member, a security or housing staff member, a member of the administrative staff, and a chairman who is designated by the director of corrections. The findings of the review board must be given to the adult inmate or in the case of a juvenile delinquent, the parent or guardian. In addition, in the case of an adult inmate, the findings must be presented to the pardon board, and in the case of a juvenile, to the designated juvenile court for approval of the requested transfer."

Page 4, line 4, replace "state farm" with "Missouri river correctional center"

Renumber accordingly

HB 1196, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1196 was placed on the Fourteenth order on the calendar.

HB 1227, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1227 was placed on the Fourteenth order on the calendar.

HB 1266, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 27, after "by" insert "a licensed architect or registered professional engineer on"

Page 3, line 20, remove "not required"

Page 3, line 21, replace "or the" with ", and are not subject to section 43-19.1-28."

Page 3, remove lines 22 and 23

Renumber accordingly

HB 1271, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1271 was placed on the Fourteenth order on the calendar.

HB 1285, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1285 was placed on the Fourteenth order on the calendar.

HB 1293: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1293 was placed on the Fourteenth order on the calendar.

HB 1327, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1327 was placed on the Fourteenth order on the calendar.

HB 1329, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, after the period insert "The summary must include a list of the species that may be harvested, the date that the season for each species opens and closes, the daily and possession limits for each species, any changes in regulations from the previous year, and any changes in units opened or closed to hunting or fishing from the previous year. The summary must also list the address and phone number of the game and fish department and state that a copy of the complete legal proclamation may be obtained from the department."

Renumber accordingly

HB 1389: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1389 was placed on the Tenth order.

HB 1404: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1404 was placed on the Fourteenth order on the calendar.

HB 1422: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1422 was placed on the Tenth order.

HB 1454: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1454 was placed on the Fourteenth order on the calendar.

HB 1489, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1489 was placed on the Tenth order.

HB 1500, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1500 was placed on the Fourteenth order on the calendar.

HB 1522, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1522 was placed on the Fourteenth order on the calendar.

HB 1525, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1525 was placed on the Fourteenth order on the calendar.

HB 1530, as engrossed: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1530 was placed on the Fourteenth order on the calendar.

HB 1538: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, after "~~ninety~~" insert "one hundred twenty", remove the overstrike over "~~days~~", and remove "~~six~~"

Page 1, line 8, remove "months"

ReNUMBER accordingly

HB 1552, as engrossed: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "commissioner" insert "; to amend and reenact subdivision c of subsection 19 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers and duties of the game and fish commissioner"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subdivision c of subsection 19 of section 20.1-02-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

c. Carrying out practices ~~which~~ that will alleviate depredations caused by predatory animals and big game animals."

Page 1, underscore lines 8 and 9

ReNUMBER accordingly

HB 1575, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and remove "subsection 2 of"

Page 1, line 2, remove the first "section" and remove the second "section"

Page 7, line 22, replace "Subsection 2 of section" with "Section"

Page 7, replace lines 25 through 29 with:

"57-43.1-02. Tax imposed on motor vehicle fuels - Tax reduced for certain alcohol-blended fuels.

1. Except as otherwise provided in this section, a tax of seventeen cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.
2. The tax imposed on gasoline sold which contains a minimum ten percent blend of a qualifying alcohol whose purity is at least ninety-nine percent alcohol is reduced in accordance with this subsection and ~~subsection 3~~. An alcohol is a qualifying alcohol if it is methanol produced from coal or if the taxpayer certifies that it is derived from agricultural products produced entirely in the United States. For qualifying alcohols, the tax is:
 - a. ~~From July 1, 1985, through June 30, 1987, eight cents per gallon [3.79 liters] less than the tax imposed under subsection-~~
 - b. ~~From July 1, 1987, through December 31, 1992~~ From July 1, 1987, through June 30, 1995, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
 - c. ~~b.~~ After December 31, 1992 June 30, 1995, at the same rate as the tax imposed under subsection 1.
3. ~~The tax reduction allowed on gasoline under this section does not apply to gasoline which contains qualifying alcohol manufactured or distilled outside this state, unless the state where the alcohol is manufactured or distilled provides a specific reduction, exemption, credit, or refund from that state's motor vehicle fuels tax for what would be a qualifying alcohol manufactured or distilled in this state. Qualifying alcohols manufactured or distilled in another state are eligible for the tax reduction allowed by this section, but only to the extent that state's specific reduction, exemption, credit, or refund allowance applies to qualifying alcohol manufactured or distilled in this state. The tax reduction allowed by this subsection qualifying alcohol manufactured or distilled in another state cannot exceed the amount specified in subsection 2.~~
4. ~~The dealer shall collect the tax imposed by this section from the consumer on all sales.~~
5. ~~4.~~ Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax."

Page 8, remove lines 1 through 10

Page 10, line 20, replace "state auditor a full financial statement, in such" with "budget section of the legislative council a statement, certified by a certified public accountant, as to whether or not the plant produced a profit from its operation in the preceding fiscal year, after deducting the payments received from this incentive program."

Page 10, remove lines 21 through 29

Page 11, remove lines 1 through 3

Page 11, line 5, replace "Subsections" with "Subsection" and remove "and 3"

Page 11, line 10, replace "subsections" with "subsection" and remove "and 3"

Renumber accordingly

HB 1584: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1584 was placed on the Fourteenth order on the calendar.

HB 1608: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1608 was placed on the Tenth order.

HCR 3015: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3015 was placed on the Tenth order.

HCR 3019: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3019 was placed on the Tenth order.

HCR 3020: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3020 was placed on the Tenth order.

HCR 3038, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove "exempt surface coal mining permits of"

Page 1, line 4, replace "five acres or less in size from the" with "reduce permitting" and replace "of" with "under"

Page 1, line 6, after "laws" insert "for surface coal mining operations of five acres or less in size"

Page 2, line 4, after the second comma insert "United States"

Page 2, line 5, remove "exempt surface coal mining permits"

Page 2, line 6, replace "of five acres or less in size from the" with "reduce permitting" and replace the second "of" with "under"

Page 2, line 8, after "laws" insert "for surface coal mining operations of five acres or less in size"

Renumber accordingly

HCR 3040: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3040 was placed on the Tenth order.

HCR 3041: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3041 was placed on the Fourteenth order on the calendar.

HCR 3049, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3049 was placed on the Tenth order.

- HCR 3050: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3050 was placed on the Tenth order.
- HCR 3052: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3052 was placed on the Tenth order.
- HCR 3056: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3056 was placed on the Fourteenth order on the calendar.
- HCR 3059: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3059 was placed on the Tenth order.
- HCR 3060: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3060 was placed on the Tenth order.
- HCR 3061: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3061 was placed on the Fourteenth order on the calendar.
- HCR 3065: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3065 was placed on the Tenth order.
- HCR 3066: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3066 was placed on the Fourteenth order on the calendar.
- HCR 3068, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3068 was placed on the Fourteenth order on the calendar.
- HCR 3069: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3069 was placed on the Tenth order.

FIRST READING OF HOUSE BILLS

- HB 1603: A BILL for an Act to amend and reenact sections 54-35-02.3 and 54-35-02.4 of the North Dakota Century Code, relating to the membership of the legislative council's committee on public employees retirement programs and its jurisdiction over workers' compensation and public employee and retiree health plans.
- Was read the first time and referred to the Committee on Political Subdivisions.
- HB 1609: A BILL for an Act relating to physician assistants prescribing medications.
- Was read the first time and referred to the Committee on Human Services and Veterans Affairs.
- HB 1610: A BILL for an Act to create and enact a new subsection to section 12.1-30-03 of the North Dakota Century Code and a new subsection to the new section to chapter 34-06 of the North Dakota Century Code as created by section 7 of House Bill No. 1046, as approved by the fifty-second legislative assembly, relating to businesses allowed to operate on Sunday; to amend and reenact subsections 32 and 33 of section 12.1-30-03 of the North Dakota Century Code, relating to businesses allowed to operate on Sunday and days of rest; and to declare an emergency.
- Was read the first time and referred to the Committee on Political Subdivisions.

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

MARION HOUN, Secretary