

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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THIRTY-EIGHTH DAY

Bismarck, March 2, 1987

The Senate convened at 1:00 p.m., with President Pro Tem Redlin presiding.

The prayer was offered by Joanne Spears, Religious Society of Friends, Bismarck.

God, we give thanks for moments when we can stop in the midst of our busy lives and set aside the demands of time and energy which are constantly being made on each member of this Senate. We pray that we will not forget our need to take time to consider - time to listen for the deeper wisdom in each situation which we meet daily. Give us strength to meet the temptation to let the busyness of our many duties blot out time for reflection. Keep us from becoming uncollected and swept into open channels where our decisions are made for reasons other than allowing You to rule our lives and provide leadership in our daily work.

God, help each of us to seek time for consideration, that we might be wise in guiding our own lives, the lives of our families, and the life of this state. And, in seeking time for reflection, we pray that each member of this Senate will be strengthened in the spirit of wisdom and understanding needed to discern truth.

God, lay upon each of us the burden of the needs of the people of this state and especially of those who are suffering so that we may see their needs and be made more ready to minister to them with the powers at our command. Give us each a taste of the pleasure in our work on behalf of our citizens.

Give us the grace to work diligently, but short of heart attacks and illness, in the cause of sound government.

We pray for those who are ill. We ask that your servant, Ruth Meiers, be aware of Your presence, Your love, and Your concern for her. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators W. Meyer and Tennefos.

A quorum was declared by the President Pro Tem.

## CORRECTION AND REVISION OF THE JOURNAL

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

SEN. J. MEYER, Chairman

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

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

SCR 4017, SCR 4026, SCR 4032, SCR 4033, SCR 4034, SCR 4050,  
SCR 4051, SCR 4053

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

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

HB 1029, HB 1040, HB 1050, HB 1059, HB 1069, HB 1074,  
HB 1100, HB 1105, HB 1111, HB 1112, HB 1113, HB 1114,  
HB 1120, HB 1124, HB 1132, HB 1143, HB 1146, HB 1153,  
HB 1155, HB 1173, HB 1182, HB 1190, HB 1224, HB 1226,  
HB 1260, HB 1261, HB 1290, HB 1399, HB 1519

PERRY GROTEBERG, Secretary

## REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1068 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:

On page 1 of the engrossed bill, line 11, delete the numeral "24" and insert in lieu thereof the numeral "36"

And renumber the lines, sections, and pages accordingly

SEN. HILKEN, Chairman

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

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred HB 1099 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 17, delete the second period and insert in lieu thereof the word ", or"

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

HB 1099 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HB 1365 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 20, after the period insert the following: "In determining the location of the water treatment plant or plants, the commission shall only consider alternatives which will provide treated water to all potential using entities at a cost to those entities which does not exceed the cost of water from a single treatment facility. Any existing water treatment facility which is to be used in the final pipeline design must be made available in operable condition to the state at a cost which does not exceed the actual maintenance and operation costs of that system."

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

HB 1365 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1397 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:

On page 1 of the engrossed bill, line 9, delete the words "If, because" and insert in lieu thereof the word "The"

On page 1 of the engrossed bill, delete lines 10 through 12

On page 1 of the engrossed bill, line 13, delete the words "case, the"

On page 1 of the engrossed bill, line 23, delete the word "Also" and insert in lieu thereof the words "In order for any action to be considered maintenance of a ditch in accordance with this section"

On page 1 of the engrossed bill, line 25, delete the words "must have a side" and insert in lieu thereof the words "may not alter the side slope of the ditch to a slope steeper than the existing side slope"

On page 1 of the engrossed bill, line 26, delete the words "slope that is not steeper than a four-to-one ratio"

On page 2 of the engrossed bill, line 4, delete the words "apply to a drain or a lateral drain that is" and insert in lieu thereof the words "relieve any person from compliance with any requirements for a drainage permit which are required by statute or rule"

On page 2 of the engrossed bill, line 5, delete the words "established under chapter 61-21"

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

HB 1397 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1594 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the numerals "40-62-01," insert the numerals "40-62-02, 40-62-03, 40-62-04, 40-62-05,"

On page 1, line 19, after the word "walkway" insert the words ", whether open or enclosed,"

On page 1, line 20, after the word "street" insert the words "and all corridors, passageways, methods of ingress and egress, and other appurtenances necessary for an integrated and connected system"

On page 1, after line 20, insert the following new sections:

"SECTION 2. AMENDMENT. Section 40-62-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-62-02. Determination of necessity. The resolution determining the necessity of the improvement shall designate the portions of streets to be included within the mall or crossed by skyways and shall state the reason or reasons why such designation is deemed necessary. It is recognized by state policy that such necessity may exist in a city of substantial size for one or more of the following reasons:

1. Increases in population and in automobile usage and parking may create conditions of traffic congestion in the central business district during part or all of normal business hours which

may be alleviated by a pedestrian mall or skyways.

2. Continued unlimited use of the designated street or streets may constitute a hazard to the safety of pedestrians and may impede necessary movement of police and fire equipment, ambulances, and other emergency vehicles.
3. Certain streets may be improved to their maximum width for sidewalk and roadway purposes, and may be incapable of further widening without taking buildings and improvements or substantially impeding the movements of pedestrians using the facilities of the central business district.
4. Orderly plans for urban renewal, rehabilitation, and redevelopment may require or may be facilitated by such an improvement.
5. Pedestrian use may be the highest and best use of such the designated streets, and the limitation of the use thereof by vehicles may be in the best interest of the city and of the optimum benefit to the properties in the improvement district, if:
  - a. Reasonably convenient alternate routes exist for vehicles going through the central business district to other parts of the city and the state;
  - b. The designated streets are not federal, state, or county highways, or, if they are, the making of the improvement is conditioned upon the relocation of such highways in the manner provided by law; and
  - c. Properties abutting on the designated streets can reasonably and adequately receive and deliver merchandise and materials either from other streets or alleys, or by providing for limited use of the designated streets for this purpose.
6. Construction of skyways may alleviate the conflict between pedestrian and motor vehicle traffic.

SECTION 3. AMENDMENT. Section 40-62-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-62-03. Plans and specifications. The plans and specifications shall provide for improvement of the designated streets or construction of skyways in a manner designed for use primarily for the free movement, safety, convenience, and enjoyment of pedestrians, whether or not part of the mall is made available for emergency or other permitted vehicles. A mall improvement may provide for and include space for seating, cafe tables, shelters, trees, flower plantings, sculptures, newsstands, telephone booths, traffic signs, kiosks, fire hydrants, street lighting, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead and underground radiant heating devices, walls, barriers, and all such other fixtures, equipment, facilities, and appurtenances as will in the governing body's judgment enhance the free movement, safety, convenience, and enjoyment of pedestrians and benefit the adjoining properties and the central business district and the city. Sidewalks may be constructed of concrete, bricks, asphalt tiles, blocks, granite sets, or such other materials or combinations of materials as the governing body may approve. The governing body may in its discretion narrow any roadway to be kept and maintained in the mall, may cause any street vaults to be reconstructed or removed, may construct crosswalks at any point within or at the ends of blocks, and may cause any roadway to curve and meander within the limits of the street, if deemed desirable to enhance the usefulness or appearance of the mall, regardless of any nonuniformity of street width or any curve or absence of curve in the centerline of the street. A skyway may be open or enclosed, heated or unheated, and may include any fixtures, equipment, facilities, and appurtenances the governing body determines will enhance the free movement, safety, convenience, and enjoyment of pedestrians and benefit the adjoining properties and the central business district and the city.

SECTION 4. AMENDMENT. Section 40-62-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-62-04. Jurisdiction to improve and regulate. Upon hearing of any protests made by the owners of property within the improvement district in the time and in the manner provided by law, if the governing body shall determine the protests to be insufficient, it may proceed with the improvement as in the case of other special improvements; provided, that before so proceeding a certified transcript of the resolution of necessity shall be recorded in the office of the register of deeds, and any person aggrieved thereby may appeal therefrom to the district court of the county within twenty days after such recording, but only on the ground that the establishment of the mall or construction of the skyway in accordance with

the resolution will unreasonably and arbitrarily obstruct the public use of and interest in the designated street or streets, or that such resolution has been adopted in a manner contrary to law. Notwithstanding the establishment of a mall or skyway, or the improvement of any street or any portion thereof as a part of such mall or skyway, or any limitation of the use thereof by vehicles, the city and the governing body shall retain at all times their police powers and other powers and rights pertaining thereto, and no such action shall constitute a vacation, in whole or in part, of any portion of a city street.

**SECTION 5. AMENDMENT.** Section 40-62-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**40-62-05. Regulations Use of mall or skyways.** The jurisdiction of the city to make a pedestrian mall improvement or to construct skyways, when established in the manner provided by law, shall include jurisdiction to establish by ordinance and from time to time amend reasonable regulations for the use of the mall or skyways, conforming to the following provisions:

1. Vehicles shall be permitted to cross the mall at all street intersections except those of two streets each forming part of the mall.
2. The owners and occupants of all properties abutting upon the mall which have access to no other street or alley for delivery or receipt of merchandise and materials shall be permitted to use the mall during such days and hours, which need not be ordinary business days or hours, and in such manner and over such distance, as the governing body shall find to be reasonably adequate for this purpose and to be possible without interfering with use by pedestrians and by emergency and other vehicles for which use is permitted.
3. The regulations may permit use for any purpose or activity which will enhance the freedom of movement, safety, convenience, or enjoyment of pedestrians, including but not limited to, seating, sidewalk cafes, displays of merchandise, exhibits, advertising, telephones, transit, transit stops and shelters, newsstands, plantings, ornaments, protection from the elements, emergency vehicles, and police and fire equipment.
4. The governing body may adopt a use plan prepared by city officers or consultants, providing for

the location and distribution within the mall of furniture, sculpture, pedestrian traffic control devices, trees, flowers, lighting or heating facilities, and any other equipment or properties placed or installed in the mall, whether owned by the city or others, and may license and regulate the operation and maintenance thereof.

5. Any furniture, structure, facility, or use located or permitted pursuant to such a plan shall not, by reason of such location or use, be deemed a nuisance or unlawful obstruction or condition, and neither the city nor any user acting under permit shall be liable for any injury to person or property therefor unless directly caused by its own negligence or that of its employees in the construction, maintenance, or operation of such furniture, structure, facility, or use.
6. The regulations for skyways may establish reasonable hours for use, permit closure during hours of nonuse, prohibit use of the skyway for nonpublic purposes, and provide methods necessary to prevent vandalism and other unauthorized use of the skyway."

And renumber the lines, sections, and pages accordingly

SEN. DOTZENROD, Chairman

HB 1594 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SCR 4041 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 11, delete the word "although"

On page 1, line 12, delete the words ", this law is"

On page 1, line 13, delete the word "complex"

On page 1, line 26, after the word "land" insert the words "and developing a program to inform owners of recreational lands as to their limited liability under chapter 53-08 of the North Dakota Century Code"

And renumber the lines, sections, and pages accordingly

SEN. KRAUTER, Chairman



SCR 4041 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred HB 1035 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. J. MEYER, Chairman

HB 1035 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1094 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1094 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1097 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1097 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1301 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HEINRICH, Chairman

HB 1301 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1311 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. D. MEYER, Chairman

HB 1311 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1380 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 PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. D. MEYER, Chairman

HB 1380 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1540 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.

SEN. HEINRICH, Chairman

HB 1540 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HCR 3016 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. D. MEYER, Chairman

HCR 3016 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SCR 4052 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1232-1233 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4052: A concurrent resolution directing the Legislative Council to study the health impact of indoor radon gas and radon progeny in homes and other buildings in North Dakota.

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

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

SCR 4052 was declared adopted and the title was agreed to on a voice vote.

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#### CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SCR 4059 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1233 of the Senate Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

SCR 4059 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1117 as recommended by the Committee on Political Subdivisions as printed on pages 1231-1232 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1117 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1308 as recommended by the Committee on Political Subdivisions as printed on page 1232 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1308 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

SEN. MATHERN MOVED that SCR 4049 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

#### REQUEST

SEN. MATHERN REQUESTED the unanimous consent of the Senate to withdraw SCR 4049. There being no objection, it was so ordered by the President Pro Tem.

#### MOTIONS

SEN. MAIXNER MOVED that SCR 4059 be placed on the Eleventh order of the calendar, which motion prevailed.

SEN. HEIGAARD MOVED that as Congressman Byron Dorgan was in the Senate Chamber a committee of two be appointed to escort him to the rostrum, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as such committee, Sens. Krauter and Thane.

Congressman Dorgan was escorted to the rostrum and introduced to the assembly.

#### Remarks

by

Congressman Byron Dorgan

Thank you very much, Mr. President, members of the state Senate: I appreciate your invitation to come back and address this assembly. I was traveling this morning and thinking about the state legislature and I remembered all of the times that I have been involved in the debate over some pretty tough issues. I remembered also that, as I have travelled around this state in seven elections, the one thing you hear consistently is, whether people are Republicans or Democrats, they respect a state government that they believe is honest, a state legislature they

believe is honest and hardworking. I just want to pay my respects to you and your efforts in a session that I am sure is very, very difficult for you and at a time in our state's history when there are no easy answers to some pretty tough problems.

In the United States House, outside the Cannon office building, right by the elevators, there is a sign that the Internal Revenue Service put up recently in an attempt to be helpful to those of us in Congress. It said the IRS will provide income tax help to the disabled, illiterate, and members of Congress. Someone apparently waiting for the elevator had scribbled on the bottom "The last two are redundant". All of us, I think, understand that these jobs we have engender a certain amount of respect from people and also a certain amount of concern.

I would like to, today, if I might, just for a couple of minutes, again at your invitation, give a brief description of what is happening in Congress at the beginning of the 100th Session. First, you all understand that the Iranian arms situation has almost paralyzed the administration. The Tower Report that was put out last week was a pretty sobering report. All of us hope that we can move beyond that at this point, solve that problem and get on to the things that we have got to begin dealing with as serious students of our economy and our foreign policy. I think the appointment of Howard Baker in the last few hours is going to make some real progress in that direction.

Next, some state issues: Garrison Diversion, three million dollars in this appropriation, then 33 million dollars for this year. Three million dollars is at the present under siege by Secretary Hodel. He would like to remove that from the Garrison appropriation and spend it on some water projects in Wyoming. The chairman of the subcommittee that deals with that on the appropriations committee has indicated to Secretary Hodel that he does not support that and, I think, we will probably keep that three million dollars in this year's funding. Next year's projected funding for Garrison was 2.5 million dollars. I have been told the Garrison Conservancy people and others think it inappropriate for us to go in and ask for an increase in funding for Garrison Diversion. There is a 45 million dollar capability, but I think it inappropriate for us to ask more than the 33 million dollars which we received last year.

I am going to fight for level funding. I think with our fiscal problems, it does not behoove us to go in and ask to control spending on everyone else, except we would like an increase. Thirty-three million dollars, a freeze, would be reasonable. Two and a half million dollars would shut this project down. Two and a half million dollars would mean

they would close that office, the engineers would be gone. I think, and I am hopeful and optimistic, that those of us in Congress on both sides of the political aisle will reject the request for the reduction in funding from the current 33 million dollars for Garrison to two and a half million dollars.

ANG (almost a thousand jobs directly, many more indirectly): ANG, I think, is a trouble spot for us. The energy department has now found an investment banker. They are going to work to sell that plant. I think all of us have to work together to see what we can do to make certain that either that sale takes place to someone who is willing to operate that plant on an ongoing basis or that some alternative, such as the DOE continuing to operate it in the intermediate term, be found. That plant is operating at virtually no cost to the federal government at this point. It is producing fuel, operating at greater than 100 percent of capacity at the moment; it is an engineering marvel and I think it would be a terrible shame if that plant closed down. It would be an economic calamity to part of our state obviously, but we need to do what we can to keep it operating. Let me say that Energy Secretary Harrington has been very helpful at this point. He has made sure that we understand his commitment is to try and keep that plant operating. He has operated it now for nearly a year and a half. He has worked with us closely to try and select an investment banker. Hopefully, that investment banker will find a market for this plant and we will have that plant operating in the state's future.

Revenue sharing, grants-in-aid: Revenue sharing is largely dead. Grants-in-aid, CDA, EDA, and other federal spending are under enormous amounts of federal pressure as you can imagine. I think it goes without saying that when you look at the stream of money coming from the federal government in the form of that kind of spending, you might expect either none in some cases or less in other cases. That is not good news to be bringing, but I think that is what is going to happen on the budget cycle and that is going to be pressured by the need to come up with some solutions to the serious deficit problem we have.

Farm policy: I think it is almost certain that Congress will do something in the area of wheat and feed grains. In the second year of a new farm bill, not everybody is unhappy. Peanuts folks think it is fine. Cotton folks think it is fine. The rice folks are happy, but wheat and feed grains down the middle strip of this country, that part of the rural economy is in desperate trouble. There is a move in Congress, which I support incidentally, a move supported by the new Speaker of the House to open up the wheat and feed grain section. I think there is a better-than-even chance that you are going to see that.

Now, let me tell you, you are in the middle of a legislative session and you understand politics better than almost anybody in this world. I learned, it took me awhile to learn, as it takes all of us, a certain process to understand who is saying what, what they mean by what they say and what the language is: on the Garrison Diversion vote about four years ago that we lost, which has subsequently came back around and won. A good friend of mine, a Democrat, said to me as he left the hall during the middle of that vote, we have 15-minute votes out there, he said to me as he grabbed my arm "Byron, I was with you on that one", and then he left. That night I looked at the vote and he had voted against me. The next day, I caught him on the floor, this is a southern fellow, good politician, caught him on the floor and I said "John, you said you voted with me on that". "Oh, I said I did. I cast a yes vote". Then he said, "You were losing so, of course I switched it". I said "John, that means you voted no." "Oh, no, no." He said, "I was with you as long as I could be". I learned from that. When I moved to the Ways and Means Committee, the chairman of the Ways and Means Committee told another fellow on the committee named Ray: Ray was asking him, "Do I have commitment on this because it is important to me". The chairman said "I am with you to the end, Ray". About six hours later after protracted debate, he walked over to Ray and said "Ray, this is the end". You learn a lot about politics in these sessions, in the state Senate, in the United States Congress, and the U.S. Senate.

Let me finally talk just for a moment about what we are doing on the Ways and Means Committee on some big issues. Catastrophic health coverage and welfare reform, both of those will be written by the House Ways and Means Committee in the next couple of months. Catastrophic health insurance in my judgement will pass the United States Congress this year. The Boeing plan which has been offered to Congress is not a bad start. The only problem with the Boeing plan is that if you live, you lose. We obviously want to try and draft something so if you live, that is good. Catastrophic health, however, will be redrafted, will be supported in my judgment by the White House and is long overdue for this country.

Welfare reform - everyone is now talking about consolidating and bringing together all of the welfare programs to try and make sense of them. Last week, I sat at a hearing and had a young woman named Nancy from St. Louis testifying before a committee. Twenty-three years old, tears streaming down her face, as she described the cycle of poverty she is trapped in and cannot escape from and how if she saves ten dollars a month from her AFDC payments to try and get an apartment for herself and her children, that reduces her next month's AFDC payments

because that savings represents income. There is a three-year wait in St. Louis for housing for the poor. She does not have an opportunity for a public housing so, therefore, she must have a first month's deposit on rent to get an apartment. She cannot save for that even with the meager amount of money she has under AFDC because that savings means it reduces the next month's payment. We have all of these programs operating together and not necessarily in parallel tracks. We will see welfare reform, in my judgment, in the 100th Congress and, again, that is long overdue. We can spend less money and be much more effective to move people into a situation where they can move to payrolls and be more productive for our society. Most all of them want to work and I think we can accomplish that with the right kind of welfare reform. The Reagan administration has indicated its interest in this issue, the Democratic and Republican members of the House and Senate have indicated their interest, the Ways and Means Committee is prepared to write a welfare reform plan in the next 60 days. I think that will be good for the country.

Finally, the issue of trade and competitiveness: The Ways and Means Committee will write a trade bill between now and the end of March. I would like to say that, as we have been studying trade for the last six months in the Ways and Means Committee, in my judgment, it starts trade. Competitiveness starts with education. We have looked at what has happened to the Japanese and Koreans and the Soviets and others around the world. Let me describe to you what is happening in Japan today. Japan is a tough, shrewd, smart international competitor of ours. We are the only major nation left whose school rooms are dark, whose classrooms are dark over half the year. One hundred eighty days a year for most of our school children and in Japan it is 240 days a year. Our high school students are ranking fourteenth out of the fifteen major nations on math tests. The Japanese high school students are studying math that is studied in American colleges. The statistics are staggering. We have to start, if we are going to talk about competitiveness, to invest significant amounts of money in education. The Japanese, with one-half our population, train more engineers and more scientists. One-half of the Ph.D.'s in America are foreigners. One-half of the Ph.D.'s we produce in the American education system are foreigners. We have got to rethink our education policy and make commitments. Secretary Baker testified before the Ways and Means Committee a while back and said step one is education on the road to competitiveness. I ask, if that is the case, why do you suggest cutting the federal commitment to education by 30 percent. He said because state and local governments must pick up the slack. I said you need to call some folks in North Dakota to talk about their ability in today's

financing system to pick up that slack. We have to make renewed commitment to education, in my judgment, at the federal level, the state, and the local level, if we are going to take that first step down the road to competitiveness.

On trade, which follows competitiveness, the ability to trade and compete around the world: We are going to do some things that are going to make some people howl a little bit, but I think all of us should understand why we are doing them. The Speaker of the House in a speech recently said that, in New York and New Jersey, at the ports, for every four ships bringing imported goods into America, there is one ship leaving. The four ships coming in are bringing automobiles and television sets and computers and finished products. The two largest exports on the one ship that was leaving: first is scrap steel and second is used paper. Recently, a ship came into the Seattle port called the "Apollo" from Japan. It carried \$65 million worth of electronic goods, it left with \$10 million worth of hides and wood chips. We cannot win with that kind of a trade situation. Korea says we are going to ship all of our Hondas to America and we have a giant new promotion on Hondas in America. At virtually the same time, they stopped cold, dead in its tracks, any American beef imports to Korea. Story after story after story documents the unfair trade situation that exists today and we have no recourse but to tell our trading partners we will not any longer allow it. So, when we pass trade legislation, it will not, in my judgment, be protection as legislation, it will be focused on trying to fill up more ships going out rather than restricting ships coming in, but we must pass trade legislation because we cannot live with both the fiscal deficit we have and the trade deficit that now exists somewhere in the \$170 billion.

Let me finally say that, as you deliberate and as we deliberate in Congress on all of these issues, trade, competitiveness, trying to resurrect a strong economy and trying to retain our position in the world economy, I think all of us ought to look for policies that encourage and persuade those among us who are enterprisers, and enterprising, to produce real new wealth in our economy. Our economy has become an economy with a paper economic base. Speculators buying things they will never get from people who never had it and making profits on both ends of the deals. That does not make any sense for this country. We have got to rethink some of those strategies that allow that kind of rampant speculation of our economy and begin rewarding the entrepreneurs who produce real new wealth and allow this country to compete around the world.

Finally, I would like to say that my thoughts today, as I am sure your thoughts have been for many months, are with



Lt. Governor Ruth Meiers and I pray for her recovery and pray for the strength that she needs in this difficult period. Mr. President, I want to say thanks to you for this invitation and thanks to all of you Republicans and Democrats who work hard for the public and to rephrase something President Reagan rhetorically asked us during his State of the Union Address: he said "If not us, who, and if not now, when". The answer I think on a whole host of problems and also opportunities is us, only us, and now, right now. Thank you.

#### MOTIONS

SEN. HEIGAARD MOVED that the remarks of Congressman Dorgan be printed in the Senate Journal, which motion prevailed.

SEN. HEIGAARD MOVED that a committee of two be appointed to escort Congressman Dorgan from the Chamber.

THE PRESIDENT PRO TEM APPOINTED Sens. Krauter and Thane as such committee.

#### MOTION

SEN. NETHING MOVED that the Senate remove from the table the question of the appeal of the ruling of the President on HB 1346.

#### POINT OF PERSONAL PRIVILEGE

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

Mr. President, the reason I think it's important to vote on this motion is that, again referring to Mason's Rules, I find in chapter 53, section 575, the Duties of the Presiding Officer, and, under j, it specifically says, without qualification, and I will read l and j, the duties of the presiding officer of each house are, in general, as follows: "To receive all messages and communications and to announce them to the body." I think that's the question that's here.

Also Mr. President, I would like to refer to section 579 of Mason's Rules, which deals with the matter of Limitations on the Presiding Officer. Under 579, section 1, it says that: "Under ordinary conditions the authority of the presiding officer is derived wholly from the body itself. The presiding officer is the servant of the body to declare its will and obey its commands."

Then, Mr. President, I continue reading under section 579, and under section 6, in Mason's Rules, it says: "It is not the right of the presiding officer to rule upon the constitutionality of bills as that authority belongs to the house."

And so, Mr. President, at this time, I hope that we can remove this from the table and that we can rule on the motion to appeal the decision of the chair, which was to not accept HB 1346 for the reasons that I have just outlined.

#### REQUEST

SEN. NOTHING REQUESTED a recorded roll call vote on the motion to remove from the table the question of the appeal of the ruling of the President on HB 1346, which request was granted.

#### ROLL CALL

The question being on the motion to remove from the table the question of the appeal of the ruling of the President on HB 1346, the roll was called and there were 26 YEAS, 26 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

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

ABSENT AND NOT VOTING: Meyer, W.; President Meiers

The motion to remove from the table the question of the appeal of the ruling of the President on HB 1346 lost.

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#### POINT OF PERSONAL PRIVILEGE

SEN. NOTHING: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Mr. President, the difference between what has happened in the House and the minority there is that they did get a chance to vote on that measure as to whether they were in favor of it or not. This body has never had that opportunity. All we have had is an attempt to vote on a challenge to the chair so that we could have an opportunity to vote on the bill, and we have been denied that. That's the distinction that I think is important and I think that would be the distinction to support our request for adequate representation.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4054: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of relocating the North Dakota School for the Blind from the

city of Grand Forks to the Grafton State School, to determine possible alternative uses of the buildings and facilities located at the School for the Blind, and to examine the role of the School for the Blind in the provision of educational and rehabilitative services to blind and visually impaired persons.

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

The question being on the final adoption of the resolution.

SCR 4054 was declared lost on a voice vote.

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SCR 4059: A concurrent resolution directing the Legislative Council to study the management and administration of the State Department of Health, particularly, the functions and duties of the State Health Council and the Division of Program and Project Review.

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

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

SCR 4059 was declared lost on a voice vote.

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## SECOND READING OF HOUSE BILLS

HB 1172: A BILL for an Act to create and enact a new section to chapter 54-23.2 and three new sections to chapter 54-44.2 of the North Dakota Century Code, relating to radio communication functions by the director of institutions and telecommunication functions by the office of central data processing; to amend and reenact sections 48-07-01, 48-07-02, 48-07-03, 48-07-04, 54-21-19, subsection 3 of section 54-44-11, and sections 54-44.2-00.1 and 54-44.2-02 of the North Dakota Century Code, relating to telecommunication functions by the office of central data processing; and to repeal section 48-07-05 and chapter 54-23.1 of the North Dakota Century Code, relating to responsibility of the director of institutions for state communications.

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

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.

HB 1172 passed and the title was agreed to.

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HB 1180: A BILL for an Act to amend and reenact sections 15-03-01, 15-03-04.1, 15-03-04.3, 15-03-16, 15-03-17, and 15-03-18 of the North Dakota Century Code, relating to custody of permanent funds, management of the loan pool account, continuing appropriation for certain investments and related fees, redemption of bonds, and records of investments; to repeal sections 15-03-03, 15-03-19, and 15-03-21 of the North Dakota Century Code, relating to custody of funds, warrants, and the collection of money due on securities; and to declare an emergency.

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

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

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

NAYS: Lashkowitz

ABSENT AND NOT VOTING: Meyer, W.

HB 1180 passed, the title was agreed to, and the emergency clause carried.

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#### POINT OF PERSONAL PRIVILEGE

SEN. HOLMBERG: Mr. President: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

Congratulations to Grand Forks Red River High School. You are number one. The Riders "showed their stuff" this weekend by winning the 1987 North Dakota State High School Hockey Tournament. This is the third championship win by Red River. Previous wins by the Riders include 1974 and a shared title with Grand Forks Central in 1977.

Although a faculty member at crosstown rival Central High School and proud of our second place finish, I must commend the Riders and their 22-1 recordbreaking championship season. You have earned a place in the record books. All of North Dakota is proud of your accomplishment.

Congratulations are in order to "Coach of the Year" Jay Johnson, assistant coaches Gordon Christian, Craig Perry, Frank Burggraf, and players Mike Blank, Brann Molstad, Jason Novak, Chris Barta, Travis Zahradka, Chris Campbell, Jack Kerbeshian, Mike Beiswenger, Dave Hastings, Dave Kolar, Jeff Eickman, Kevin Bloom, Pete Mikkelsen, John Schmelka, Jim Karner, Jason Spaeth, Pat Stein, Gregg Trostad, Tom Dunn, Lance Horner, Kevin Westlund.

#### SECOND READING OF HOUSE BILLS

HB 1275: A BILL for an Act to amend and reenact section 15-27.3-19 of the North Dakota Century Code, relating to changes in approved school district reorganization proposals; and to declare an emergency.

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

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.

HB 1275 passed, the title was agreed to, and the emergency clause carried.

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HB 1276: A BILL for an Act to amend and reenact section 15-28-02 of the North Dakota Century Code, relating to the election of rural members to school boards; and to declare an emergency.

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

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Adams; Meyer, W.

HB 1276 passed, the title was agreed to, and the emergency clause carried.

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HB 1343: A BILL for an Act to amend and reenact sections 16.1-15-23, 16.1-15-28, 16.1-15-40, 16.1-15-44, and 16.1-16-01 of the North Dakota Century Code, relating to election recounts.

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

#### ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.

HB 1343 passed and the title was agreed to.

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HB 1066: A BILL for an Act to amend and reenact section 11-33-18 of the North Dakota Century Code, relating to county zoning and required notice to the state highway commissioner of construction resulting in heavy transportation system usage.

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

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.

HB 1066 passed and the title was agreed to.

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HB 1071: A BILL for an Act to amend and reenact sections 40-51.2-05, 40-51.2-07, and 40-51.2-11 of the North Dakota Century Code, relating to a requirement that all landowners in territory to be annexed or excluded by a city be notified by mail of the proceedings.

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

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.

HB 1071 passed and the title was agreed to.

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## MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:50 p.m., which motion prevailed.

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

## SECOND READING OF HOUSE BILLS

HB 1116: A BILL for an Act to amend and reenact sections 40-40-05 and 40-40-18 of the North Dakota Century Code, relating to budget requirements of municipalities and borrowing from various funds to meet emergencies; and to repeal section 40-40-17 of the North Dakota Century Code, relating to municipal transfers of appropriated line items.

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

## ROLL CALL

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

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

NAYS: None



ABSENT AND NOT VOTING: Meyer, W.; Tennefos

HB 1116 passed and the title was agreed to.

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HB 1152: A BILL for an Act to create and enact a new section to chapter 54-23 of the North Dakota Century Code, relating to the efforts of law enforcement agencies in locating lost or runaway children and missing persons.

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

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

HB 1152 passed and the title was agreed to.

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HB 1162: A BILL for an Act to amend and reenact section 39-06-13 of the North Dakota Century Code, relating to the agency in charge of the examination of applicants for operator's licenses; and to declare an emergency.

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

#### ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

HB 1162 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

HB 1198: A BILL for an Act to create and enact a new section to chapter 39-12 and a new subdivision to subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to the weight limitations for vehicles on non-interstate highways and trailer length limitations; and to amend and reenact sections 39-12-02 and 39-12-05 of the North Dakota Century Code, relating to fees for special permits for vehicles of excessive size and weight and vehicle weights on the interstate system.

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

#### ROLL CALL

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

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

NAYS: Maxson; Meyer, D.; Meyer, J.

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

HB 1198 passed and the title was agreed to.

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HB 1286: A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to certification of gravel and sand pits and hay as being not contaminated with noxious weeds.

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennesfos

HB 1286 passed and the title was agreed to.

\*\*\*\*\*

HB 1322: A BILL for an Act to amend and reenact section 27-09.1-17 of the North Dakota Century Code, relating to protection of employment of jurors and witnesses.

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Shea; Tennesfos

HB 1322 passed and the title was agreed to.

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HB 1396: A BILL for an Act to create and enact a new section to chapter 24-06 of the North Dakota Century Code, relating to maintenance of township road ditches.

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

#### ROLL CALL

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

YEAS: Adams; Bakewell; David; Dotzenrod; Freborg; Holmberg; Ingstad; Kelly; Lodoen; Maixner; Mathern; Meyer, D.; Moore; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Todd; Tweten; Vosper; Wright; Yockim

NAYS: Axtman; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maxson; Meyer, J.; Mushik; Mutch; Naaden; Richard; Satrom; Schoenwald; Thane; Waldera; Wogsland

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

HB 1396 passed and the title was agreed to.

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HB 1404: A BILL for an Act to create and enact a new section to chapter 6-06 of the North Dakota Century Code, relating to the authority of credit unions to provide missing endorsements.

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

#### ROLL CALL

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

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

NAYS: Bakewell; Streibel; Wright

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

HB 1404 passed and the title was agreed to.

\*\*\*\*\*

HB 1409: A BILL for an Act to amend and reenact section 6-06-20 of the North Dakota Century Code, relating to borrowings by officers, directors, and committee members of credit unions.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 43 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; David; Freborg; Kelly; Moore; Peterson; Redlin; Stenehjem

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

HB 1409 passed and the title was agreed to.

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HB 1422: A BILL for an Act to amend and reenact section 6-06-14 of the North Dakota Century Code, relating to loans by credit unions.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: Kelly

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

HB 1422 passed and the title was agreed to.

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## MOTIONS

SEN. HEIGAARD MOVED that HB 1136 and HB 1668, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. D. MEYER MOVED that HCR 3007, which is on the Fourteenth order, be rereferred to the Committee on Natural Resources, which motion prevailed.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3015: A concurrent resolution directing the Legislative Council to study the administrative structure of school districts providing elementary and secondary education in this state and other states.

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

The question being on the final adoption of the resolution.

HCR 3015 was declared adopted and the title was agreed to on a voice vote.

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## SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to amend and reenact sections 39-10-71 and 39-12-14.1 of the North Dakota Century Code, relating to fleeing or eluding a peace officer and settlement of extraordinary road use fee charges.

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

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennefos

HB 1089 passed and the title was agreed to.

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## MOTION

SEN. HILKEN MOVED that HB 1121, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1145: A BILL for an Act to create and enact a new section to chapter 15-39.1, a new section to chapter 39-03.1, a new section to chapter 54-52, and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to confidentiality of certain retirement and medical records.

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

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennesfos

HB 1145 passed and the title was agreed to.

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HB 1212: A BILL for an Act to amend and reenact section 50-26-04 of the North Dakota Century Code, relating to the governor's council on human resources.

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

## ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme;

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

NAYS: David

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennefos

HB 1212 passed and the title was agreed to.

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HB 1253: A BILL for an Act to amend and reenact section 26.1-13-25 of the North Dakota Century Code, relating to the permanent expense and loss fund of a county mutual insurance company.

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

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennefos

HB 1253 passed and the title was agreed to.

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HB 1269: A BILL for an Act to amend and reenact sections 26.1-13-15 and 26.1-25-02 of the North Dakota Century Code, relating to insurance policies issued by a county mutual insurance company.

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

#### ROLL CALL

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

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



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

NAYS: None

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennefos

HB 1269 passed and the title was agreed to.

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HB 1270: A BILL for an Act to amend and reenact section  
26.1-13-01 of the North Dakota Century Code, relating to  
the residence of persons forming a county mutual insurance  
company.

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

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennefos

HB 1270 passed and the title was agreed to.

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HB 1347: A BILL for an Act to amend and reenact sections  
60-06-01, 60-06-05, and 60-06-06.1 of the North Dakota  
Century Code, relating to warehouses on railroad rights of  
way.

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

## ROLL CALL

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

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

NAYS: Lips

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennefos

HB 1347 passed and the title was agreed to.

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HB 1423: A BILL for an Act to create and enact a new subsection to section 6-06-06 of the North Dakota Century Code, relating to the powers of credit unions.

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

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennefos

HB 1423 passed and the title was agreed to.

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HB 1437: A BILL for an Act to amend and reenact section 20.1-08-04.4 of the North Dakota Century Code, relating to the governor's proclamation concerning underwater spearfishing.

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

# ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 33 YEAS, 17 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Holmberg; Ingstad; Kelly; Krauter; Langley; Lips; Maixner; Mathern; Meyer, D.; Moore; Mushik; Mutch; Nalewaja; Nething; Olson; Peterson; Richard; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Todd; Tweten; Vosper; Waldera; Wright; Yockim

NAYS: Heigaard; Heinrich; Hilken; Keller; Kelsh; Lashkowitz; Lodoen; Maxson; Meyer, J.; Naaden; Nelson; Redlin; Reiten; Schoenwald; Shea; Thane; Wogsland

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennefos

HB 1437 passed and the title was agreed to.

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# MOTION

SEN. HEIGAARD MOVED that HB 1516, which is on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed.

# SECOND READING OF HOUSE BILLS

HB 1536: A BILL for an Act to amend and reenact section 40-33.2-01 and subsection 2 of section 40-33.2-02 of the North Dakota Century Code, relating to municipal power agencies.

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

# ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennefos

HB 1536 passed and the title was agreed to.

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HB 1521: A BILL for an Act to amend and reenact sections 40-03.2-03 and 40-04.1-01 of the North Dakota Century Code, relating to procedures for a city to change to a modern council form of government.

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

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Freborg; Meyer, W.; Tennefos

HB 1521 passed and the title was agreed to.

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#### MOTIONS

SEN. HEIGAARD MOVED that the requirements of Joint Rule 203 be suspended for the Fiftieth Legislative Session and that the crossover date for study resolutions be extended to the Thirty-ninth Legislative Day, at the request of the House, which motion prevailed.

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

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, and after the reading of HB 1035, HB 1094, HB 1097, HB 1117, HB 1301, HB 1308, HB 1311, HB 1380, HB 1540, and HCR 3016, the Senate adjourn and convene at 1:00 p.m., Tuesday, March 3, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary