

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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FORTY-FIFTH DAY

Bismarck, March 11, 1987

The Senate convened at 12:30 p.m., with President Pro Tem Redlin presiding.

The prayer was offered by Pastor Donald Bentz, Faith Lutheran Church, Bismarck.

Almighty God, You have given us this good land as our heritage. Make us always remember Your generosity and constantly do Your will. Bless our land with honest industry, truthful education, and an honorable way of life. Save us from violence, discord, and confusion; from pride and arrogance; and from every evil course of action. Make us who came from many nations with many different languages a united people. Defend our liberties and give those whom we have entrusted with the authority of government the spirit of wisdom, that there might be justice and peace in our land. When times are prosperous, let our hearts be thankful; and, in troubled times, do not let our trust in you fail.

We ask all this through Jesus Christ, our Lord.

ROLL CALL

The roll was called and all Senators were present, except Senator Tweten.

A quorum was declared by the President Pro Tem.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1275 and HB 1276 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SB 2112, SB 2159, SB 2239, SB 2270, SB 2282, SB 2329,
SB 2332, SB 2335, SB 2370, SB 2433, SB 2482, SB 2487,
SB 2497, SCR 4004

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2164, SB 2208, SB 2273, and SB 2516 which the House has amended and subsequently passed:

HOUSE AMENDMENTS TO ENGROSSED SB 2164

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact section 26.1-03-17 of the North Dakota Century Code, relating to the payment and amount of insurance company premium taxes, the penalty for failure to make timely payment of those taxes, and credit against future liability for overpayment of those taxes.

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

SECTION 1. AMENDMENT. Section 26.1-03-17 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-03-17. Commissioner to collect premium tax - Insurance companies generally - Computation - Credits - Penalty - Estimated tax.

1. Before issuing the annual certificate required by law, the commissioner shall collect from every stock and mutual insurance company, nonprofit health service corporation, health maintenance organization, and prepaid legal service organization, except a fraternal benefit society, doing business in this state, a tax on the gross amount of premiums, assessments, membership fees, subscriber fees, policy fees, service fees collected by any third party administrator providing administrative services to a group that is self-insured for health care benefits and finance and service charges received in this state during the preceding calendar year, at the rate of two percent with respect to life insurance, one-half of one percent with respect to accident and health insurance, and one percent with respect to all other lines of insurance. This tax does not apply to considerations for annuities. The total tax is payable on or before March first following the year for which the tax is assessable and shall be deposited in the general fund in the state treasury.
2. An insurance company, nonprofit health service corporation, health maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax due for the amount of any

assessment paid as a member of a comprehensive health association under subsection 4 of section 26.1-08-09 for which the member may be liable for the year in which the assessment was paid, a credit as provided under subsection 1 of section 26.1-38-08, a credit against the tax due for an amount equal to the examination fees paid to the commissioner under sections 26.1-01-07, 26.1-02-02, and 26.1-03-19 through 26.1-03-22 and a credit against the tax due for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office in this state for over one-half of the year for which the tax is paid. The credits under this subsection shall be prorated on a quarterly basis and may not exceed the total tax liability under subsection 1.

3. After March 17 1984, any Any person failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars, whichever is greater, plus six percent of such tax for each day of delay, excepting the first day after the tax became due interest of one percent per month on the unpaid tax for each month or fraction of a month of delay, excepting the first day after the tax became due, or twenty-five dollars per day, whichever is greater. The commissioner, if satisfied that the delay was excusable, may waive, and if paid, issue a premium tax credit for all or any part of the penalty and interest.
4. Every stock and mutual insurance company, nonprofit health service corporation, health maintenance organization, and prepaid legal service organization, except a fraternal benefit society, doing business in this state required to pay premium taxes in this state shall make and file a statement of estimated premium taxes. The statement and payment shall be made on a quarterly basis as prescribed by the commissioner. Failure of a company to make payments of at least one-fourth of either the total tax paid during the previous calendar year, or eighty percent of the actual tax for the current calendar year, shall subject the company to the penalty and interest provided in subsection 3.
5. If an amount of tax, penalty, or interest has been paid which was not due under the provisions

of this section, the amount of overpayment must be credited against any tax due, or to become due, under this section from the taxpayer who made the erroneous payment. The taxpayer who made the erroneous payment must present a claim for credit to the commissioner not later than two years after the due date of the return for the period for which the erroneous payment was made."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2208

On page 1 of the engrossed bill, line 2, delete the numerals "15-39.1-08,"

On page 4 of the engrossed bill, delete lines 14 through 27

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2273

On page 1 of the engrossed bill, line 1, delete the word "section" and insert in lieu thereof the word "sections" and after the comma insert the numerals "26.1-05-32,"

On page 2 of the engrossed bill, after line 3, insert the following new section:

"SECTION 2. AMENDMENT. Section 26.1-05-32 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-05-32. Impairment of capital or surplus of domestic life company - Determination of deficiency - Notice not to issue policies. If a domestic stock life insurance company's minimum basic paid-in capital or surplus required by section 26.1-05-04 or the minimum basic surplus of a domestic mutual insurance company required by section 26.1-12-10 becomes impaired, the commissioner shall prohibit the company and its agents from issuing new policies until the deficiency is cured. The commissioner shall determine the amount of the deficiency, notify the company of the deficiency and require the company to cure the deficiency, and require the company to file proof thereof with the commissioner within a period specified in the notice. The period may not be less than thirty days nor more than ninety days from the date of issuance of the notice."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2516

On page 1 of the engrossed bill, line 2, delete the word "businessmen" and insert in lieu thereof the words "small business concerns and to nonprofit corporations for lending to rural businesses"

On page 1 of the engrossed bill, line 8, overstrike the words
"Bank loans to beginning businessmen - Requirements. The"

On page 1 of the engrossed bill, overstrike lines 9 through 16

On page 1 of the engrossed bill, line 17, overstrike the words
"type of revenue-producing enterprise which he wishes to
begin." and insert immediately thereafter the words
"Participations in loans to small business concerns -
Direct loans to nonprofit corporations."

1."

On page 1 of the engrossed bill, after line 26, insert the
following new subsection:

"2. The Bank, under Public Law No. 99-198 [99 Stat.
1534, 7 U.S.C. 1932 et seq.], may make direct
loans to nonprofit corporations for the purpose
of relending loan funds to rural businesses to
improve business, industry, and employment
opportunities in rural areas."

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2083

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the
following which the Speaker has signed and your signature is
respectfully requested:

HB 1093, HB 1119, HB 1163, HB 1164, HB 1175, HB 1205,
HB 1219, HB 1244, HB 1317, HB 1318, HB 1343, HB 1370,
HB 1389, HB 1400, HB 1415, HB 1419, HB 1425, HB 1432,
HB 1501, HB 1522, HB 1531, HCR 3002, HCR 3008, HCR 3012,
HCR 3022

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

HB 1081, HB 1167, HB 1234, HB 1254, HB 1273, HB 1299,
HB 1300

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

SCR 4065

PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1032 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, line 18, delete the word "industrial"

On page 1, line 19, delete the words "may begin on" and insert in lieu thereof the words "shall begin no earlier than"

On page 1, line 21, delete the words "Any evidences of indebtedness issued pursuant to this"

On page 1, line 22, delete the words "chapter must be callable five years after issuance."

On page 1, line 24, delete the word "industrial"

On page 2, line 5, after the first word "the" insert the word "industrial" and overstrike the words "and the state agencies and institutions"

On page 2, line 6, overstrike the first comma and insert immediately thereafter the word "and" and after the word "and" insert the words "moneys received by the industrial commission or the state agencies and institutions"

On page 2, line 12, delete the word "until" and insert in lieu thereof the words "during the biennium beginning July 1, 1987, and ending"

On page 2, line 13, after the word "for" insert the word "the"

On page 2, line 14, after the word "authorized" insert the words "and declared to be in the public interest by the fiftieth legislative assembly, with that portion of the project costs associated with the construction payable with proceeds of the evidences of indebtedness in an amount up to but not exceeding the amount approved"

And renumber the lines, sections, and pages accordingly

SEN. D. MEYER, Chairman

HB 1032 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1350 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 4 of the engrossed bill, line 16, delete the words "Except as otherwise" and insert in lieu thereof the words "Before it may offer insurance in any state, each risk retention group shall also submit for approval to the insurance commissioner of this state a plan of operation or a feasibility study and revisions of such plan or study if the group intends to offer any additional lines of liability insurance. Immediately upon receipt of an application for charter in this state the risk retention group shall provide summary information concerning the filing to the national association of insurance commissioners including the name of the risk retention group, the identity of the initial members of the group, the identity of those individuals who organized the group or who will provide administrative services or otherwise influence or control the activities of the group, the amount and nature of initial capitalization, the coverages to be afforded, and the states in which the group intends to operate. Providing notification to the national association of insurance commissioners is in addition to and is not sufficient to satisfy the requirements of this Act."

On page 4 of the engrossed bill, delete lines 17 through 19

On page 5 of the engrossed bill, after line 2, insert the following new subsection:

"b. A copy of its plan of operation or a feasibility study and revisions of such plan or study submitted to its state of domicile; provided, however, that the provision relating to the submission of a plan of operation or a feasibility study does not apply with respect to any line or classification of liability insurance which was defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986, and was offered before such date by any risk retention group which had been chartered and operating for not less than three years before such date."

On page 5 of the engrossed bill, after line 24, insert the following new subsection:

"3. Taxation.

- a. All premiums paid for coverages within this state to risk retention groups are subject to taxation at the same rate and subject to the same interest, fines, and penalties for nonpayment that are applicable to foreign-admitted insurers.
- b. To the extent agents or brokers are utilized, they shall report and pay the taxes for the premiums for risks which they have placed with or on behalf of a risk retention group not chartered in this state.
- c. To the extent the agents or brokers are not utilized or fail to pay the tax, each risk retention group shall pay the tax for risks insured within the state. Further, each risk retention group shall report all premiums paid to it for risks insured within the state."

On page 9 of the engrossed bill, after line 12, insert the following new section:

"SECTION 11. Duty of agents or brokers to obtain license.

Any person acting, or offering to act, as an agent or broker for a risk retention group or purchasing group, which solicits members, sells insurance coverage, purchases coverage for its members located within the state, or otherwise does business in this state, shall, before commencing any such activity, obtain a license from the commissioner."

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

HB 1350 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1355 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 2, delete the word "forty-five" and insert in lieu thereof the word "sixty"

On page 2 of the engrossed bill, line 4, delete the word "forty-five-day" and insert in lieu thereof the word "sixty-day"

On page 2 of the engrossed bill, line 7, delete the word "forty-five-day" and insert in lieu thereof the word "sixty-day"

On page 2 of the engrossed bill, line 15, delete the word "forty-five" and insert in lieu thereof the word "sixty"

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

HB 1355 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1405 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, line 24, remove the overstrike over the words "a health maintenance"

On page 1, line 25, remove the overstrike over the word "organization" and insert immediately thereafter the words "which has insolvency coverage in force" and remove the overstrike over the comma

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

HB 1405 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1456 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 9, delete the words "person whose principal" and insert in lieu thereof the words "professor, instructor, teacher, or assistant at a state institution of higher education must exhibit proficiency in the English language. Any deficiency must be remedied by special training or coursework provided by the institution."

On page 1, delete lines 10 through 13

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

HB 1456 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1535 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, line 28, delete the words "unless the report or any"

On page 2, delete line 1

On page 2, line 2, delete the words "not available pursuant to section 50-25.1-11"

On page 2, line 6, delete the words "unless the"

On page 2, delete lines 7 through 12

On page 2, line 13, delete the words "or federal law"

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

HB 1535 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1643 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 of the engrossed bill, line 7, delete the words "of not to"

On page 1 of the engrossed bill, line 8, delete the words "exceed five dollars for each" and insert in lieu thereof the words "for the second and each subsequent"

On page 1 of the engrossed bill, line 10, delete the word "five" and insert in lieu thereof the word "ten"

On page 1 of the engrossed bill, line 11, delete the words "one dollar" and insert in lieu thereof the words "two dollars"

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

HB 1643 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HCR 3060 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 3, after line 7, insert the following:

"BE IT FURTHER RESOLVED, that the Legislative Council review the findings and recommendations of the small schools task force of the Department of Public Instruction; and"

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

HCR 3060 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HCR 3063 has had the same under consideration and recommends by a voice vote that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 4, after the word "programs" insert the words
"and day care centers"

On page 2, line 14, after the word "programs" insert the words
"and day care centers"

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

HCR 3063 was placed on the Sixth 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 1364 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 1364 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 1428 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1428 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1513 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. LANGLEY, Chairman

HB 1513 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1514 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. LANGLEY, Chairman

HB 1514 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1543 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1543 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 1586 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 1586 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 HCR 3058 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

HCR 3058 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 1037 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. HEINRICH, Chairman

HB 1037 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1204 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 and be rereferred to the Committee on Appropriations.

SEN. HEINRICH, Chairman

HB 1204 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1534 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 and be rereferred to the Committee on Appropriations.

SEN. HEINRICH, Chairman

HB 1534 was rereferred to the Committee on Appropriations.

CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to HB 1271 as recommended by the Committee on Judiciary as printed on pages 1416-1417 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1271 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. SATROM MOVED that the amendments to HB 1274 as recommended by the Committee on Finance and Taxation as printed on page 1417 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1274 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILLS

HB 1176: A BILL for an Act to create and enact a new subsection to section 62.1-04-03 of the North Dakota Century Code, relating to the fee for a license to carry a concealed firearm or dangerous weapon; and to amend and reenact subsection 2 of section 43-31-14, subsection 2 of section 43-33-08, section 43-33-11, subsection 1 of section 53-06.1-03, section 57-36-02, and subsection 1 of section 62.1-01-01 of the North Dakota Century Code, relating to the license fees for detection of deception operators, hearing aid dealers and fitters, hearing aid trainees, gaming organizations, definition of dangerous weapon, and distributors at wholesale and retail of tobacco products.

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 48 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING.

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

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

NAYS: David; Tennefos; Vosper

ABSENT AND NOT VOTING: Heigaard; Tweten

HB 1176 passed and the title was agreed to.

HB 1207: A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to chemigation regulation; and to provide a penalty.

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.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Tweten

HB 1207 passed and the title was agreed to.

HB 1231: A BILL for an Act to provide for the regulation of the establishment and operation of preferred provider organizations; and to provide a penalty.

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 53 YEAS, 0 NAYS, 0 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.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjsem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

HB 1231 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that HB 1257 be moved to the foot of the Fourteenth order on the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1293: A BILL for an Act to amend and reenact section 15-12-12 of the North Dakota Century Code, relating to the publication by the county commission and county extension agent of services and publications available through North Dakota state university.

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 53 YEAS, 0 NAYS, 0 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.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjsem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

HB 1293 passed and the title was agreed to.

HB 1328: A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to party hunting for big game animals.

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

ROLL CALL

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

YEAS: Axtman; David; Krauter; Richard; Stromme; Wright

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

ABSENT AND NOT VOTING: None

HB 1328 lost.

MOTION

SEN. MAIXNER MOVED that HB 1257 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1257: A BILL for an Act to amend and reenact section 20.1-07-03.1 of the North Dakota Century Code, relating to the use of snares for taking coyotes; and to provide a penalty.

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

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

Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.;
Moore; Naaden; Nalewaja; Nelson; Nething; Olson;
Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem;
Streibel; Stromme; Tallackson; Thane; Todd; Tweten;
Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Freborg; Kelly; Mushik; Mutch; Peterson;
Redlin; Tennefos

ABSENT AND NOT VOTING: None

HB 1257 passed and the title was agreed to.

HB 1330: A BILL for an Act to provide for the establishment of a registry of traumatic head injuries and to require the attending physician to report such injuries.

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 53 YEAS, 0 NAYS, 0 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.;
Meyer, W.; 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: None

HB 1330 passed and the title was agreed to.

HB 1388: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to fees for issuing game and fish licenses; and to provide an effective date.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 4 NAYS, 0 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.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; Olson; Stromme; Vosper

ABSENT AND NOT VOTING: None

HB 1388 passed and the title was agreed to.

HB 1393: A BILL for an Act to amend and reenact sections 39-05-20.1 and 39-05-20.2 of the North Dakota Century Code, relating to issuance and contents of motor vehicle salvage certificates of title.

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 53 YEAS, 0 NAYS, 0 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.; Meyer, W.; 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: None

HB 1393 passed and the title was agreed to.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1056, HB 1365, and HB 1596 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1056: Reps. Melby, Knell, C. Nelson
HB 1365: Reps. Goetz, A. Olson, W. Williams
HB 1596: Reps. Moore, Belter, Schneider

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILLS

HB 1497: A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the hunting of deer with muzzleloading long guns.

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 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Lashkowitz; Lips; Moore; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright

NAYS: Axtman; Dotzenrod; Freborg; Heigaard; Hilken; Langley; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nething; Shea; Yockim

ABSENT AND NOT VOTING: None

HB 1497 passed and the title was agreed to.

HB 1609: A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to complimentary fishing licenses.

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

ROLL CALL

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

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

ABSENT AND NOT VOTING: None

HB 1609 passed and the title was agreed to.

DELIVERY OF ENROLLED BILLS

THE PRESIDENT PRO TEM ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 8:58 a.m., March 11, 1987:

SB 2046, SB 2048, SB 2060, SB 2061, SB 2069, SB 2070,
SB 2071, SB 2073, SB 2075, SB 2077, SB 2081, SB 2106,
SB 2107, SB 2114, SB 2116, SB 2118, SB 2121, SB 2123,
SB 2124, SB 2125, SB 2138, SB 2139, SB 2142, SB 2148,
SB 2152, SB 2153, SB 2155, SB 2161, SB 2162, SB 2193,
SB 2194, SB 2196, SB 2197, SB 2200, SB 2201, SB 2206,
SB 2209, SB 2211, SB 2213, SB 2214, SB 2238, SB 2240,
SB 2243, SB 2245

THE PRESIDENT PRO TEM ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 8:58 a.m., March 11, 1987:

SB 2249, SB 2251, SB 2254, SB 2256, SB 2264, SB 2265,
SB 2275, SB 2276, SB 2285, SB 2313, SB 2343, SB 2373,
SB 2374, SB 2385, SB 2399, SB 2416, SB 2417, SB 2426,
SB 2436, SB 2441, SB 2492, SB 2495, SB 2518

SIGNING OF BILLS AND RESOLUTIONS

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

HB 1025, HB 1106, HB 1126, HB 1157, HB 1195, HB 1199,
HB 1218, HB 1225, HB 1232, HB 1248, HB 1302, HB 1307,
HB 1313, HB 1469, HB 1483, HB 1489, HB 1516, HB 1546,
HB 1612

PERRY GROTEBERG, Secretary

**MESSAGE TO THE HOUSE
SENATE CHAMBER**

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

HB 1025, HB 1106, HB 1126, HB 1157, HB 1195, HB 1199,
HB 1218, HB 1225, HB 1232, HB 1248, HB 1302, HB 1307,
HB 1313, HB 1469, HB 1483, HB 1489, HB 1516, HB 1546,
HB 1612

PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

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

SB 2065, SB 2108, SB 2129, SB 2133, SB 2135, SB 2171,
SB 2216, SB 2221, SB 2227, SB 2241, SB 2271, SB 2334,
SCR 4007

PERRY GROTBERG, Secretary

**MESSAGES TO THE HOUSE
SENATE CHAMBER**

MR. SPEAKER: I have the honor to transmit herewith the following which the President Pro Tem has signed and your signature is respectfully requested:

SB 2065, SB 2108, SB 2129, SB 2133, SB 2135, SB 2171,
SB 2216, SB 2221, SB 2227, SB 2241, SB 2271, SB 2334,
SCR 4007

PERRY GROTBERG, Secretary

SENATE CHAMBER

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

SB 2550

PERRY GROTBERG, Secretary

MOTIONS

SEN. HEIGAARD MOVED that the absent Senator 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, be on the Sixteenth order of business, and at the conclusion of the Sixteenth order of business, and after the reading of HB 1271, HB 1274, HB 1364, HB 1428, HB 1513, HB 1514, HB 1543, HB 1586, and HCR 3058, the Senate adjourn and convene at 1:00 p.m., Thursday, March 12, 1987, which motion prevailed.

PERRY GROTBERG, Secretary