

MONDAY, MARCH 30, 1987

1909

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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FIFTY-EIGHTH DAY

Bismarck, March 30, 1987

The Senate convened at 9:00 a.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend Keith Odney, Lutheran Church of the Cross, Bismarck.

Almighty God, our heavenly Father, You are the creator of all that is good, the source of life and the gifts that sustain us, the giver of true freedom. We come before You this day to ask Your blessing upon all who serve You in our government, upon the President and the Congress, upon the Governor and these legislators. We thank You for the dedication of those gathered here, who seek to find the best for us all. We ask Your presence with them on this day. Grant them, we pray, wisdom and strength to know Your will and to do it. Give them patience and a spirit of good will. In the midst of conflicting demands and difficult choices, give them vision, discernment, and a sure sense of the way You would have us go. Help them always to remember their calling to serve the people of our state as lovers of truth and justice, through Jesus Christ, our Lord. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators David, Keller, Maixner, Tallackson, Tennefos, and Waldera.

A quorum was declared by the President Pro Tem.

CORRECTION AND REVISION OF THE JOURNAL

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

SEN. J. MEYER, Chairman

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

MESSAGES FROM THE HOUSE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1051, HB 1080, HB 1150, HB 1227, HB 1325, HB 1332, HB 1463, HB 1529, HB 1604, HB 1631, HCR 3003, HCR 3062, and HCR 3076 and subsequently passed the same but has refused to concur in the Senate amendments to

HB 1009, HB 1038, HB 1062, HB 1131, and HB 1161 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1009: Reps. Wald, Rice, Stofferahn
HB 1038: Reps. Aas, Murphy, J. Nelson
HB 1062: Reps. Moore, Haugen, W. Williams
HB 1131: Reps. Haugen, Aas, O'Connell
HB 1161: Reps. Schindler, Almlie, L. Hanson

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1192, HB 1242, HB 1266, and HB 1416 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1192: Reps. A. Hausauer, Goetz, Tomac
HB 1242: Reps. Sorensen, Cleveland, Kolbo
HB 1266: Reps. Shaft, Lindgren, J. Nelson
HB 1416: Reps. D. Olsen, Shaw, Meyer

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2040 which the House has amended and subsequently passed:

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2040

On page 6 of the engrossed bill, line 20, delete the underscored hyphen and insert in lieu thereof an underscored period

On page 6 of the engrossed bill, delete line 21

On page 6 of the engrossed bill, line 22, delete the words "unless otherwise agreed. The" and insert in lieu thereof the words "With the agreement of the governing body of the county, or the counties of the multicounty agreement area pursuant to section 27-07.1-02, the"

On page 6 of the engrossed bill, delete lines 26 through 35

On page 7 of the engrossed bill, delete lines 1 through 4

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2076 and SB 2336 which the House has amended and subsequently passed:

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2076

On page 1 of the engrossed bill, line 3, after the word "date" insert the words "and an expiration date"

On page 3 of the engrossed bill, line 27, after the word "DATE" insert the words "- EXPIRATION DATE" and after the word "for" insert the words "the first two"

On page 3 of the engrossed bill, line 28, after the numerals "1986" insert the words ", and is thereafter ineffective"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2336

On page 1 of the engrossed bill, line 3, after the semicolon insert the words "to provide an appropriation;"

On page 2 of the engrossed bill, line 5, after the period insert the words "No state funds may be expended for the development, design, or management of the adult protective service demonstration program. However, the department may apply for and accept any funds, gifts, or grants made available for the program by any agency or department of the federal government or any private agency or individual."

On page 2 of the engrossed bill, after line 30, insert the following new section:

"SECTION 5. APPROPRIATION. There is hereby appropriated to the department of human services any moneys that may become available pursuant to section 2 of this Act for the purpose of developing, designing, and managing the adult protective service demonstration program for the biennium beginning July 1, 1987, and ending June 30, 1989."

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2392 which the House has amended and subsequently failed to pass:

HOUSE AMENDMENTS TO ENGROSSED SB 2392

On page 1 of the engrossed bill, line 2, delete the words "repeal chapters 15-38.1" and insert in lieu thereof the word "amend"

On page 1 of the engrossed bill, line 3, delete the numerals "34-11" and insert in lieu thereof the words "reenact sections 34-11-01, 34-11-02, and 34-11-03"

On page 1 of the engrossed bill, line 4, delete the words "and to"

On page 1 of the engrossed bill, line 5, delete the words "teachers' representation and negotiation"

On page 1 of the engrossed bill, after line 7, insert the following new sections:

"SECTION 1. AMENDMENT. Section 34-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-11-01. Recommendations of mediation board - Effect - Good faith and cooperation required. No provisions of this chapter shall be construed to mean that ~~the state or~~ any subordinate jurisdiction ~~thereof of the state~~ or any board, commission, or department within such public jurisdiction shall be compelled to accept the recommendations of a mediation board as binding nor shall any group of employees affiliated with a union or otherwise be compelled to abide by the recommendations of such mediation board; provided, however, that both parties to any dispute or grievance in the public employee field covered by this chapter shall be required to proceed in good faith according to the terms hereof to create a mediation board and to cooperate fully with such board in attending hearings and supplying data concerning all matters in dispute, to answer questions, and in all other particulars to respond in good faith and to cooperate fully with such board in its attempt to settle the matter in dispute. Nor shall anything in this chapter be construed to affect, limit, or impair the right of any public employee to express ~~his~~ views, to make complaint, or to give testimony concerning any grievance pertaining to public employment or to the betterment of ~~his or her~~ that employee's working conditions. Nor shall the provisions herein be construed to authorize any public employer covered by this chapter to attempt to or deter any public employee working subject to his that employer's jurisdiction from affiliating with any union, association, or other group of public employees nor shall a public employer refuse to consider grievances concerning employment problems with the representatives duly chosen by such union, association, or affiliation of public employees.

SECTION 2. AMENDMENT. Section 34-11-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-11-02. Mediation board - Designation - Selection of chairman. Whenever a public employer or the employing head of a board, commission, or department in ~~the state service or in~~ the services of any subordinate jurisdiction ~~of the state~~ or whenever any union, association, or group of public employees of such a public unit of government decides by vote of such group that a grievance or matter in dispute which has been considered between the employer and the employee cannot be settled amicably and without disruption of the public service, it shall be the duty of

the employer or the employees or both to request in writing of the chief executive officer of the unit of government, namely the governor in the state service, the chairman of the county board or commission of county commissioners in county services, and the mayor or city manager of the city in city services, that it is the wish of one or both parties concerned in such dispute or grievance that the provisions of this chapter be made use of by the designation by such officer of two members of a mediation board, one to be recognized as a representative of the employer in the public service and one to be a bona fide employee who is a member of the union, association, or group of employees, and who is interested in the point of view of such group of employees. The two persons so designated shall upon their appointment forthwith meet and agree upon a third person who shall be chairman of the mediation board.

SECTION 3. AMENDMENT. Section 34-11-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

34-11-03. Duty of mediation board - Public hearings - Determination of issues - Recommendations. It shall be the duty of such mediation board to hold public hearings to consider the matter in dispute or the grievance at any place ~~in the state for state employee-employer disputes or grievances, at any place~~ within the jurisdiction of the county in county disputes, and within the limits of the city in a city dispute. Such board shall have the authority to subpoena witnesses, to compel their attendance, to administer oaths, to take testimony and to receive evidence, and it shall possess the authority to discuss informally the matter of dispute or the grievance in the presence of both the employer or the employee or their representatives. Following the conclusion of such public hearings or such public considerations of the problem involved, such board shall within thirty days make determination of the issues involved in such dispute or grievance, prepare recommendations thereon in writing, and submit a signed copy to the ~~governor in the case of a dispute in the state employee field, to the chairman of the county board or commission of county commissioners in the case of a county dispute, and to the mayor or city manager in the case of a dispute in city service, and a signed copy to the employer and to the representative of the employees."~~

On page 1 of the engrossed bill, line 8, underscore the words "Purpose. It is the purpose of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act and the"

On page 1 of the engrossed bill, underscore lines 9 through 21

- On page 1 of the engrossed bill, line 22, underscore the words "Definitions. As used in", delete the word "the" and insert in lieu thereof the words "sections 4 through 20 of this", and underscore the words "Act, unless the context"
- On page 1 of the engrossed bill, underscore lines 23 through 25
- On page 1 of the engrossed bill, line 26, underscore the words "pursuant to" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act, a common employer, a tradition of"
- On page 1 of the engrossed bill, underscore line 27
- On page 2 of the engrossed bill, underscore lines 1 through 34
- On page 2 of the engrossed bill, line 35, underscore the words "arising from arbitration under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."
- On page 3 of the engrossed bill, underscore lines 1 through 13
- On page 3 of the engrossed bill, line 14, underscore the words "dealing with its employees." and after the period insert the sentence: "The term does not include the state board of higher education."
- On page 4 of the engrossed bill, line 1, underscore the words "Strikes by public employees prohibited.", delete the word "This" and insert in lieu thereof the words "Sections 4 through 20 of this", underscore the word "Act", and delete the word "does" and insert in lieu thereof the word "do"
- On page 4 of the engrossed bill, underscore lines 2 and 3
- On page 4 of the engrossed bill, line 4, underscore the words "Employee organization - Requirements. Every employee"
- On page 4 of the engrossed bill, underscore line 5
- On page 4 of the engrossed bill, line 6, underscore the words "Rights and obligations of public employees."
- On page 4 of the engrossed bill, underscore lines 7 through 12
- On page 4 of the engrossed bill, line 13, underscore the words "when dues increase in an employee organization.", delete the word "This" and insert in lieu thereof the words "Sections 4 through 20 of this", and underscore the word "Act"
- On page 4 of the engrossed bill, line 14, delete the word "does" and insert in lieu thereof the word "do" and underscore the

words "not limit or impair the right of any public employee"

On page 4 of the engrossed bill, underscore lines 15 through 28

On page 4 of the engrossed bill, line 29, underscore the words "Rights and obligations of public employers. A public"

On page 4 of the engrossed bill, underscore lines 30 through 35

On page 5 of the engrossed bill, underscore line 1

On page 5 of the engrossed bill, line 2, underscore the word "of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 5 of the engrossed bill, line 3, underscore the words "Authority of the commissioner. The commissioner or"

On page 5 of the engrossed bill, underscore lines 4 through 14

On page 5 of the engrossed bill, line 15, underscore the words "commissioner's functions and powers under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 5 of the engrossed bill, underscore lines 16 through 21

On page 5 of the engrossed bill, line 22, underscore the words "Appropriate units - Exclusive representation."

On page 5 of the engrossed bill, underscore lines 23 through 25

On page 5 of the engrossed bill, line 26, underscore the words "guaranteed by" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act, the unit appropriate for the"

On page 5 of the engrossed bill, underscore lines 27 through 35

On page 6 of the engrossed bill, underscore lines 1 through 4

On page 6 of the engrossed bill, line 5, underscore the word "of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act by an exclusive representative, the"

On page 6 of the engrossed bill, underscore lines 6 through 35

On page 7 of the engrossed bill, underscore lines 1 through 5

On page 7 of the engrossed bill, line 6, underscore the words "appropriate unit upon receiving a majority of the votes",

after the word "votes" insert the word "cast", and underscore the word "in"

On page 7 of the engrossed bill, underscore line 7

On page 7 of the engrossed bill, line 8, underscore the words "majority of votes", after the word "votes" insert the word "cast", and underscore the words ", the commissioner shall conduct a runoff"

On page 7 of the engrossed bill, underscore lines 9 through 11

On page 7 of the engrossed bill, line 12, underscore the word "votes", after the word "votes" insert the word "cast", and underscore the period

On page 7 of the engrossed bill, underscore lines 13 through 31

On page 7 of the engrossed bill, line 32, underscore the words "Negotiation procedures."

On page 7 of the engrossed bill, underscore lines 33 through 35

On page 8 of the engrossed bill, underscore lines 1 through 22

On page 8 of the engrossed bill, line 23, underscore the words "Resolution of disputes arising in the course of"

On page 8 of the engrossed bill, underscore lines 24 through 35

On page 9 of the engrossed bill, underscore lines 1 through 35

On page 10 of the engrossed bill, underscore lines 1 through 14

On page 10 of the engrossed bill, line 15, underscore the words "contract pursuant to section", delete the numerals "13" and insert in lieu thereof the numerals "16", and underscore the words "of this Act."

On page 10 of the engrossed bill, underscore lines 16 through 21

On page 10 of the engrossed bill, line 22, underscore the words "Written agreements."

On page 10 of the engrossed bill, underscore lines 23 through 35

On page 11 of the engrossed bill, underscore lines 1 through 5

On page 11 of the engrossed bill, line 6, underscore the words "provisions of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act, relating to binding arbitration,"

On page 11 of the engrossed bill, underscore lines 7 through 12

On page 11 of the engrossed bill, line 13, underscore the words "validity of an arbitration order under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 11 of the engrossed bill, underscore lines 14 through 16

On page 11 of the engrossed bill, line 17, underscore the words "with any arbitration order entered under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 11 of the engrossed bill, underscore lines 18 through 22

On page 11 of the engrossed bill, line 23, underscore the words "district courts when entered into in accordance with" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the word "this"

On page 11 of the engrossed bill, underscore line 24

On page 11 of the engrossed bill, line 25, underscore the words "Unfair practices."

On page 11 of the engrossed bill, underscore lines 26 through 28

On page 11 of the engrossed bill, line 29, underscore the words "employee in the exercise of any right guaranteed in" and insert immediately thereafter the words "sections 4 through 20 of"

On page 11 of the engrossed bill, underscore lines 30 through 34

On page 12 of the engrossed bill, underscore lines 1 through 5

On page 12 of the engrossed bill, line 6, underscore the words "information or testimony under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 12 of the engrossed bill, underscore lines 7 through 12

On page 12 of the engrossed bill, line 13, underscore the words "effectuate the purposes of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 12 of the engrossed bill, underscore lines 14 and 15

On page 12 of the engrossed bill, line 16, underscore the word "sections", delete the numerals "10" and insert in lieu thereof the numerals "13", underscore the word "and", delete the numerals "11" and insert in lieu thereof the numerals "14", and underscore the words "of this Act."

On page 12 of the engrossed bill, underscore lines 17 through 21

On page 12 of the engrossed bill, line 22, underscore the words "j. Fail or refuse to comply with" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 12 of the engrossed bill, underscore lines 23 through 26

On page 12 of the engrossed bill, line 27, underscore the words "guaranteed in" and insert immediately thereafter the words "sections 4 through 20 of", underscore the words "this Act.", delete the word "This" and insert in lieu thereof the words "Sections 4 through 20 of this", underscore the word "Act", delete the word "does" and insert in lieu thereof the word "do", and underscore the words "not impair"

On page 12 of the engrossed bill, underscore lines 28 through 33

On page 13 of the engrossed bill, underscore lines 1 through 8

On page 13 of the engrossed bill, line 9, underscore the words "effectuate the purposes of" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 13 of the engrossed bill, underscore lines 10 and 11

On page 13 of the engrossed bill, line 12, underscore the word "sections", delete the numerals "10" and insert in lieu thereof the numerals "13", underscore the word "and", delete the numerals "11" and insert in lieu thereof the numerals "14", and underscore the words "of this Act."

On page 13 of the engrossed bill, underscore line 13

On page 13 of the engrossed bill, line 14, underscore the words "Unfair practice resolution procedure. Whenever it is"

On page 13 of the engrossed bill, underscore lines 15 through 17

On page 13 of the engrossed bill, line 18, underscore the words "engaged in any unfair practice under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act, the commissioner"

On page 13 of the engrossed bill, underscore lines 19 through 35

On page 14 of the engrossed bill, underscore lines 1 and 2

On page 14 of the engrossed bill, line 3, underscore the words "or without backpay, as will effectuate the policies of"

and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act."

On page 14 of the engrossed bill, underscore lines 4 through 19

On page 14 of the engrossed bill, line 20, underscore the words "Public records and proceedings. All complaints,"

On page 14 of the engrossed bill, underscore lines 21 and 22

On page 14 of the engrossed bill, line 23, underscore the words "copying, and all meetings and negotiations held pursuant to" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act"

On page 14 of the engrossed bill, underscore line 24

On page 14 of the engrossed bill, line 25, underscore the words "Limitations of" and insert immediately thereafter the words "sections 4 through 20 of this" and underscore the words "Act and agreements. Any provision of" and insert immediately thereafter the words "sections 4 through 20 of"

On page 14 of the engrossed bill, underscore lines 26 through 30

On page 14 of the engrossed bill, line 31, underscore the words "Action by commissioner to obtain funding. The"

On page 14 of the engrossed bill, underscore lines 32 and 33

On page 14 of the engrossed bill, line 34, underscore the words "of duties under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act can be properly implemented."

On page 15 of the engrossed bill, line 1, underscore the words "Penalty. Any person who willfully resists,"

On page 15 of the engrossed bill, underscore lines 2 through 4

On page 15 of the engrossed bill, line 5, underscore the word "under" and insert immediately thereafter the words "sections 4 through 20 of" and underscore the words "this Act, or who interferes with the exercise by public"

On page 15 of the engrossed bill, line 6, underscore the words "employees of the right to select exclusive representatives under" and insert immediately thereafter the words "sections 4 through 20 of"

On page 15 of the engrossed bill, underscore line 7

On page 15 of the engrossed bill, delete lines 8 and 9

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2480 which the House has amended and subsequently passed, with the emergency clause failing to pass:

HOUSE AMENDMENTS TO ENGROSSED SB 2480

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 provide for the sale of banks and bank holding companies owned by charitable trusts; to provide an expiration date; and to declare an emergency.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the legislative assembly to act pursuant to the Bank Holding Company Act of 1956, as amended [ch. 240; 70 Stat. 134; 12 U.S.C. 1842(d)], to limit the authority granted by this Act to charitable trusts that owned one hundred percent of a bank holding company on May 26, 1969, to sell, assign, merge, or transfer the stock or assets of any bank or bank holding company owned directly or indirectly by such charitable trust to any state or national bank or bank holding company without regard to whether the entity acquiring the stock or assets is located outside this state to enable the divestiture of such ownership by a charitable trust as required by the provisions of section 4943 of the Internal Revenue Code.

SECTION 2. Sale of banking institutions owned by charitable trusts. Except as prohibited by section 6-02-02.1, a charitable trust that owned one hundred percent of a bank holding company on May 26, 1969, may sell, assign, merge, or transfer the stock or assets of any bank or bank holding company owned directly or indirectly by the charitable trust, pursuant to the procedures set forth in section 6-08-08.1, to a bank holding company, bank, or any other entity located in any state pursuant to applicable banking laws.

SECTION 3. Presentment of plan of acquiring entity to the state department of banking and financial institutions. Prior to any acquisition under this Act, the acquiring entity must present a plan to the state department of banking and financial institutions. The plan must provide that the acquiring entity commits itself to the condition that it capitalize each bank to be acquired in this state according

to the applicable banking laws of this state and the requirements of the federal deposit insurance corporation or any applicable federal banking laws.

SECTION 4. Offer to purchase minority stock required. Any bank holding company owned by a charitable trust that sells, assigns, merges, or transfers the stock or assets of any bank or bank holding company pursuant to this Act and which has made an offer to purchase the stock of any minority stockholder at any time within one year prior to July 1, 1987, must communicate to and offer to purchase the stock of any minority stockholder to whom such prior offer to purchase the stock was made. The offer must be made to the minority stockholders prior to or within thirty days after the sale of the bank or bank holding company. The offer to purchase must be on the same or better terms as the previous offer and must remain open for at least ninety days.

SECTION 5. Grants requirement - Commitment - Reports to attorney general. Any charitable trust that divests itself of any interest pursuant to this Act shall file a commitment with the attorney general prior to any divestiture that the charitable trust will, subject to the provisions of the trust instrument pursuant to which the trust was created, continue to make grants under the provisions of the trust to recipients within this state. The charitable trust must report annually to the attorney general describing the grants made by the charitable trust to all recipients in the previous year. Upon the basis of such information, or other information that may be brought to the attorney general's attention, the attorney general may initiate further investigation and ensure compliance with the requirements of this section.

SECTION 6. Designation of agent for service of process. Any charitable trust that divests itself of any interest pursuant to this Act shall designate the secretary of state as its agent for service of process in this state.

SECTION 7. Limitations.

1. The authority granted by this Act does not authorize the acquiring entity to resell, reassign, merge, or transfer stock or assets of any state or national bank or bank holding company acquired under this Act except as permitted under the laws of this state.
2. This Act does not limit or restrict the rights of a charitable trust to sell, assign, merge, or transfer the stock or assets of any state or national bank or bank holding company owned directly or indirectly by the charitable trust

under the provisions of any existing or hereafter adopted state or federal law or regulation.

3. This Act does not permit the sale, assignment, merger, or transfer by a charitable trust that directly or indirectly owns banks in Minnesota as well as in North Dakota of the stock or assets of any state or national bank or bank holding company located in this state if the sale, assignment, merger, or transfer by the charitable trust would be prohibited under the laws of Minnesota.

SECTION 8. Provisions not severable. Notwithstanding North Dakota Century Code section 1-02-20, if any provision of this Act is determined by any court of competent or final jurisdiction to be invalid or unconstitutional, this entire Act is void.

SECTION 9. EXPIRATION DATE. Section 2 of this Act is effective through June 30, 2004, and after that date is ineffective.

SECTION 10. EMERGENCY. This Act is declared to be an emergency measure."

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2503

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

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

SB 2055, SB 2130, SB 2442, SB 2469

PERRY GROTEBERG, Secretary

MESSAGE 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 2055, SB 2130, SB 2442, SB 2469

PERRY GROTEBERG, Secretary

MONDAY, MARCH 30, 1987

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SIGNING OF BILLS AND RESOLUTIONS

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

HB 1041, HB 1042, HB 1151, HB 1171, HB 1598

PERRY GROTEBERG, 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:

HB 1041, HB 1042, HB 1151, HB 1171, HB 1598

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2044, SB 2184, SB 2391, SB 2444, SB 2445, SB 2458, SB 2484, SB 2490, and SB 2526 and subsequently passed the same but has refused to concur in the House amendments to SB 2056, SB 2080, SB 2314, SB 2378, SB 2510, SB 2520, and SCR 4026 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2056: Sens. Maxson, Nalewaja, Stenehjem

SB 2080: Sens. Schoenwald, Nething, Wright

SB 2314: Sens. Mathern, Maxson, Peterson

SB 2378: Sens. Krauter, Schoenwald, Nething

SB 2510: Sens. Heinrich, Maxson, Stenehjem

SB 2520: Sens. Kelsh, Peterson, Kelly

SCR 4026: Sens. J. Meyer, Holmberg, Stenehjem

PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SCR 4066 has had the same under consideration and recommends by a vote of 4 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the word "subdivisions" insert the words "and the effect of new legislation on county and city budgets"

On page 1, after line 11, insert the following:

"WHEREAS, laws enacted by the legislative assembly which fiscally impact counties and cities often take effect in the middle of a fiscal year without special legislative provision and thorough study of this situation is necessary to assure that county and city budgets already in place are not adversely affected by new laws; and"

On page 2, after line 2, insert the following:

"BE IT FURTHER RESOLVED, that attention be given in the study to the time of taking effect of legislation that fiscally impacts counties or cities; and"

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

SCR 4066 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred HCR 3088 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. KRAUTER, Chairman

HCR 3088 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILLS

HB 1450: A BILL for an Act to amend and reenact section 43-23-07 of the North Dakota Century Code, relating to exceptions to real estate licensure; to provide an expiration date; 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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

HB 1450 passed, the title was agreed to, and the emergency clause carried.

HB 1221: A BILL for an Act to amend and reenact section 12.1-20-01 and subsection 1 of section 12.1-20-09 of the North Dakota Century Code, relating to the "marital rape" defense for all sexual assaults, the ninety-day statute of limitations for both adult and minor victims, and adultery.

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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Keller; Maixner; Tennefos

HB 1221 passed and the title was agreed to.

HB 1448: A BILL for an Act to provide for the setting of rates to be paid for services provided to residents of nursing homes and to provide conditions for the receipt of medical assistance payments by nursing homes; to amend and reenact subsection 18 of section 54-12-01 of the North Dakota Century Code, relating to the duties of the attorney general regarding appointment of hearing officers; and to repeal subsection 21 of section 50-06-05.1 and section 50-24.1-09 of the North Dakota Century Code, relating to the powers and duties of the department of human services regarding administrative hearings and limitation on reimbursement of long-term care facilities.

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, 6 NAYS, 2 ABSENT AND NOT VOTING.

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

Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik;
Mutch; Naaden; Nalewaja; Nelson; Nething; Olson;
Peterson; Redlin; Richard; Satrom; Schoenwald; Shea;
Stenehjem; Streibel; Stromme; Tallackson; Thane;
Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: David; Freborg; Heigaard; Reiten; Todd; Tweten

ABSENT AND NOT VOTING: Maixner; Tennefos

HB 1448 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

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

DELIVERY OF ENROLLED RESOLUTIONS

THE PRESIDENT PRO TEM ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 9:15 a.m., March 30, 1987:

SCR 4062, SCR 4063, SCR 4068

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

March 27, 1987

The Honorable Rolland Redlin
President Pro Tempore
North Dakota Senate
Senate Chamber, State Capitol
Bismarck, North Dakota 58505

Dear President Redlin:

Senate Bill No. 2248 makes two major changes which are of concern and would hinder cooperation and coordination between state agencies relative to investment activities.

Under the new definition of "investment counselor" set out in this bill, the Bank of North Dakota would be excluded from providing investment services to the Public Employees Retirement System. North Dakota is fortunate to have the only state-owned bank in the United States. We should be utilizing the bank to

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its maximum potential rather than eliminating areas where it can serve the people of North Dakota.

Secondly, Senate Bill 2248 would allow the Public Employees Retirement Board to establish in-house investment management. The Bank is now working with the Retirement Board to provide the services they need. It is not cost-effective to have two state agencies providing the same investment services.

Currently, the State Investment Board has undertaken a major effort to coordinate and share services to avoid duplication and save dollars for the various funds. During this difficult financial time in our history, it is important we avoid duplication among our state agencies and encourage cooperation.

Therefore, I veto Senate Bill 2248.

Sincerely,

GEORGE A. SINNER
Governor

The President Pro Tem placed the veto message on the Eleventh order of business.

State of North Dakota
EXECUTIVE OFFICE
Bismarck

March 27, 1987

The Honorable Rolland Redlin
President Pro Tempore
North Dakota Senate
Senate Chamber, State Capitol
Bismarck, North Dakota 58505

Dear President Redlin:

Senate Bill 2306 would allow recreation service district commissioners to levy a tax for general purposes, in addition to all other levies permitted by law, of up to twenty-five mills on the taxable valuation of property in the district.

That is a significant increase above the current one mill authorized by law.

Furthermore, the only approval required for such an increase is that of a majority of the qualified voters who are present and voting on the question at the annual meeting. No specific notice of such proposed increase is required prior to the meeting. That is an invitation to abuse.

Because the mill levy increase permitted by this bill is so significant and the procedures required to approve the increase so deficient, I hereby veto Senate Bill 2306.

Sincerely,

GEORGE A. SINNER
Governor

The President Pro Tem placed the veto message on the Eleventh order of business.

MOTION

SEN. HEIGAARD MOVED that SB 2248 and SB 2306, which are on the Eleventh order, be laid over two legislative days, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. STROMME MOVED that the amendments to SCR 4013 as recommended by the Committee on Joint Constitutional Revision as printed on pages 1761-1762 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 4013: A concurrent resolution to create a new section to article V of the Constitution of the State of North Dakota, relating to the reorganization of executive and administrative offices, boards, bureaus, agencies, commissions, and instrumentalities of state government.

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

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were 10 YEAS, 41 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Holmberg; Langley; Lashkowitz; Lips;
Maxson; Meyer, W.; Mushik; Nalewaja; Waldera

NAYS: Adams; Axtman; Bakewell; David; Freborg; Heigaard;
Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh;
Krauter; Lodoen; Mathern; Meyer, D.; Meyer, J.; Moore;
Mutch; Naaden; Nelson; Nething; Olson; Peterson;
Redlin; Reiten; Richard; Satrom; Schoenwald; Shea;
Stenehjem; Streibel; Stromme; Tallackson; Tennefos;
Thane; Todd; Vosper; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Maixner; Tweten

SCR 4013 was declared lost on a roll call vote.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2055, SB 2130, SB 2442, SB 2469

ROY GILBREATH, Chief Clerk

MOTION

SEN. HEIGAARD MOVED that HB 1033, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1064 as recommended by the Committee on Finance and Taxation as printed on pages 1870-1876 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1064, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1064, the roll was called and there were 26 YEAS, 26 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Maixner

The motion to adopt the amendments to HB 1064 lost.

MOTION

SEN. SATROM MOVED that HB 1064, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to HB 1072 as recommended by the Committee on Judiciary as printed on page 1876 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that HB 1072, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. DOTZENROD MOVED that the amendments to HB 1547 as recommended by the Committee on Political Subdivisions as printed on pages 1876-1877 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1547: A BILL for an Act to provide for local funding of victim and witness programs.

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 9 YEAS, 43 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Ingstad; Mathern; Meyer, J.; Mushik; Satrom; Stromme; Yockim

NAYS: Adams; Axtman; Bakewell; David; Freborg; Heinrich; Hilken; Holmberg; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maxson; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: Maixner

HB 1547 lost.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1221, HB 1448, and HB 1450 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1221, HB 1448, and HB 1450, be messaged to the House immediately, which motion prevailed.

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MESSAGE 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 1221, HB 1448, HB 1450

PERRY GROTEBERG, Secretary

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. D. MEYER MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1081, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1081:

Sens. D. Meyer, Axtman, Lodoen

SEN. HILKEN MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1228, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1228:

Sens. Schoenwald, Freborg, Nething

SEN. DOTZENROD MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1233, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1233:

Sens. Dotzenrod, Satrom, Holmberg

MOTION

SEN. HEIGAARD MOVED that SB 2025, SB 2033, SB 2045, SB 2053, SB 2064, SB 2110, SB 2316, SB 2404, SB 2406, SB 2435, SB 2439, SB 2486, and SCR 4043 be moved to the head of the Twelfth order on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2025 as printed on page 1610 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act making an appropriation for defraying the expenses of various agricultural councils and commissions of the state of North Dakota.

Which has been read.

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; 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: Maixner

SB 2025 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2033 be moved immediately following SCR 4043 on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do concur in the House amendments to SB 2045 as printed on pages 1610-1611 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to create an emergency services communication system advisory committee for 911 telephone systems; and to amend and reenact section 57-40.6-05 of the North Dakota Century Code, relating to the use of the emergency services telephone access lines excise tax; and to provide an expiration date.

Which has been read.

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; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; 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: Maixner

SB 2045 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LASHKOWITZ MOVED that the Senate do concur in the House amendments to SB 2053 as printed on page 1811 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2053: A BILL for an Act to amend and reenact sections 26.1-33-36 and 28-22-03.1 of the North Dakota Century Code, relating to the exemption of rights in life insurance policies and pensions from executions of judgments.

Which has been read.

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; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; 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: Maixner

SB 2053 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to SB 2064 as printed on page 1638 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to create and enact three new sections to chapter 53-06.1 of the North Dakota Century Code, relating to maximum rent payable for conducting certain games of chance; and to amend and reenact subdivision c of subsection 3 of section 53-06.1-03 of the North Dakota Century Code, relating to maximum rent payable for conducting certain games of chance.

Which has been read.

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; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; 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: Maixner

SB 2064 passed and the title was agreed to.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2056: Reps. Aas, Shaft, Ulmer
SB 2314: Reps. Shaft, Cleveland, Flaagan
SB 2378: Reps. Lindgren, Sorensen, Skjervén
SB 2520: Reps. Shaw, Rydell, Klundt
SCR 4026: Reps. Wentz, Knudson, A. Williams

ROY GILBREATH, Chief Clerk

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HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1052 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1052: Reps. A. Hausauer, Shaw, Dotzenrod

ROY GILBREATH, Chief Clerk

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to SB 2110 as printed on page 1681 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2110: A BILL for an Act to create and enact a new subsection to section 4-09-01 and a new subsection to section 4-09-10 of the North Dakota Century Code, relating to definitions of labeler and disease test; to amend and reenact subsections 6, 17, and 18 of section 4-09-01, subsection 1 of section 4-09-03, sections 4-09-05, 4-09-08, 4-09-14.1, 4-09-14.2, 4-09-14.3, 4-09-14.4, subsections 2, 3, and 5 of section 4-09-15, sections 4-09-22, 4-09-23, and 4-09-24 of the North Dakota Century Code, relating to rulemaking authority, free seed tests, seed labeling fee permits, reports, offenses, and enforcement; and to provide a penalty.

Which has been read.

ROLL CALL

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

YEAS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; 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; Tweten; Waldera; Wogsland; Yockim

NAYS: Bakewell; Vosper; Wright

ABSENT AND NOT VOTING: Maixner

SB 2110 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEIGAARD MOVED that the Senate do concur in the House amendments to SB 2316 as printed on pages 1796-1798 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2316: A BILL for an Act to create and enact three new sections to chapter 35-17 of the North Dakota Century Code, relating to agister's liens.

Which has been read.

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; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; 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: Maixner

SB 2316 passed and the title was agreed to.

MOTION

SEN. STENEHJEM MOVED that a conference committee be appointed to meet with a like committee from the House on SB 2404, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2404:

Sens. Maxson, Stenehjem, Holmberg

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do concur in the House amendments to SB 2406 as printed on page 1616 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2406: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code as

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contained in section 1 of Senate Bill No. 2901, as approved by the fiftieth legislative assembly, relating to imposition of sales taxes on gross receipts from the playing of any machine for amusement or entertainment in response to the use of a coin.

Which has been read.

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

NAYS: None

ABSENT AND NOT VOTING: Maixner; Richard

SB 2406 passed and the title was agreed to.

MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

HB 1150, HB 1204, HB 1332, HB 1342, HB 1390, HB 1408,
HB 1411, HB 1525, HB 1551, HB 1631, HCR 3003, HCR 3062,
HCR 3081

ROY GILBREATH, Chief Clerk

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to SB 2435 as printed on pages 1813-1814 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2435: A BILL for an Act to amend and reenact section 15-55-02.1, subdivision c of subsection 7 of section 21-03-06, section 40-27-13, and subsection 3 of section 40-36-13 of the North Dakota Century Code, relating to the refunding of bonds by the state board of higher education, counties, cities, townships, school districts, park

districts, recreation service districts, and rural fire protection districts.

Which has been read.

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

NAYS: None

ABSENT AND NOT VOTING: Maixner; Richard

SB 2435 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do concur in the House amendments to SB 2439 as printed on page 1757 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2439: A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to financial institutions pledge of investment company shares in place of depository bond.

Which has been read.

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

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

NAYS: None

ABSENT AND NOT VOTING: Maixner; Richard

SB 2439 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. MEYER MOVED that the Senate do concur in the House amendments to SB 2486 as printed on pages 1682-1683 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2486: A BILL for an Act to create and enact a new section to chapter 36-05 of the North Dakota Century Code, relating to the establishment of a livestock auction marketing grievance committee; and to amend and reenact section 36-05-11 of the North Dakota Century Code, relating to the inspection and treatment of livestock before removal from an auction market.

Which has been read.

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

NAYS: None

ABSENT AND NOT VOTING: Maixner; Richard

SB 2486 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HILKEN MOVED that the Senate do concur in the House amendments to SCR 4043 as printed on page 1798 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4043: A concurrent resolution designating U.S. Highway 2 as a Centennial Highway.

Which has been read.

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

SCR 4043 was declared adopted and the title was agreed to on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. MEYER MOVED that the Senate do concur in the House amendments to SB 2033 as printed on pages 1509-1510 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2033: A BILL for an Act to create and enact three new sections to chapter 20.1-02 of the North Dakota Century Code, establishing a wetlands mediation advisory board.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 41 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; David; Moore; Mutch; Naaden; Nelson; Shea; Stromme; Tweten; Vosper

ABSENT AND NOT VOTING: Maixner; Richard

SB 2033 passed and the title was agreed to.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has reconsidered its action whereby it did concur with the House amendments to SB 2404 and and consequently did not concur in the

House amendments to SB 2404, and the President has appointed as a conference committee to meet with a like committee from the House, the following:

SB 2404: Sens. Maxson, Stenehjem, Holmberg

PERRY GROTEBERG, Secretary

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

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

MOTIONS

SEN. LASHKOWITZ MOVED that SB 2547 be further amended as follows:

On page 1 of the engrossed bill, line 2, after the word "for" insert the words "commercial facilities for"

On page 1 of the engrossed bill, line 3, delete the word "sites"

On page 1 of the engrossed bill, line 18, delete the words "Disposal site" means any land or water on or in which any" and insert in lieu thereof the words "Commercial facility" means all contiguous land, structures, appurtenances, and improvements on the land used for treatment and disposal of hazardous waste received from offsite generators."

On page 1 of the engrossed bill, delete lines 19 and 20

On page 3 of the engrossed bill, line 33, delete the words "hazardous waste disposal site" and insert in lieu thereof the words "commercial facility"

On page 3 of the engrossed bill, line 34, delete the words "hazardous waste disposal" and insert in lieu thereof the words "commercial facilities"

On page 3 of the engrossed bill, line 35, delete the word "sites"

On page 4 of the engrossed bill, line 7, delete the words "Hazardous waste disposal site" and insert in lieu thereof the words "Commercial facility"

On page 4 of the engrossed bill, line 9, delete the words "hazardous waste" and insert in lieu thereof the words "commercial facility"

On page 4 of the engrossed bill, line 10, delete the words "disposal site"

On page 4 of the engrossed bill, line 12, delete the words "hazardous waste disposal site" and insert in lieu thereof the words "commercial facility"

On page 4 of the engrossed bill, line 16, delete the words "hazardous waste disposal site" and insert in lieu thereof the words "commercial facility"

On page 4 of the engrossed bill, line 18, delete the words "hazardous waste disposal site" and insert in lieu thereof the words "commercial facility"

On page 4 of the engrossed bill, line 21, delete the words "hazardous waste disposal site" and insert in lieu thereof the words "commercial facility"

On page 4 of the engrossed bill, line 23, delete the words "hazardous waste" and insert in lieu thereof the words "commercial facility"

On page 4 of the engrossed bill, line 24, delete the words "disposal site"

On page 4 of the engrossed bill, line 26, delete the words "hazardous waste disposal site" and insert in lieu thereof the words "commercial facility"

And renumber the lines, sections, and pages accordingly

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

SECOND READING OF SENATE BILL

SB 2547: A BILL for an Act to create two new sections to chapter 23-20.3 of the North Dakota Century Code, relating to permits for hazardous waste disposal sites; and to amend and reenact section 23-20.3-02 of the North Dakota Century Code, relating to definitions.

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, 1 NAY, 4 ABSENT AND NOT VOTING.

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

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

NAYS: Moore

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Richard; Shea

SB 2547 passed and the title was agreed to.

MOTIONS

SEN. TALLACKSON MOVED that HB 1295 be placed on today's calendar, which motion prevailed.

SEN. TALLACKSON MOVED that HB 1295, which is on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to HB 1557 as recommended by the Committee on Judiciary as printed on pages 1823-1826 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

SEN. STROMME REQUESTED that the Senate divide the amendments to HB 1557, which request was granted.

DIVISION I includes the entire amendment except the paragraph which states: "Actual knowledge required. In order to be prosecuted under this Act, the person must have had actual knowledge that the woman was pregnant at the time of the act."

DIVISION II includes the following paragraph: "Actual knowledge required. In order to be prosecuted under this Act, the person must have had actual knowledge that the woman was pregnant at the time of the act."

The question being on the adoption of Division I of the proposed amendments to HB 1557.

Division I of the proposed amendments to HB 1557 were adopted.

REQUEST

SEN. MAXSON REQUESTED a recorded roll call vote on the adoption of Division II of the proposed amendments to HB 1557, which request was granted.

ROLL CALL

The question being on the adoption of Division II of the proposed amendments to HB 1557, the roll was called and there were 13 YEAS, 37 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Hilken; Keller; Maxson;
Meyer, J.; Moore; Redlin; Satrom; Schoenwald;
Stenehjem; Tallackson; Waldera

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;
Holmberg; Ingstad; Kelly; Kelsh; Krauter; Langley;
Lashkowitz; Lips; Lodoen; Mathern; Meyer, W.; Mushik;
Mutch; Naaden; Nalewaja; Nelson; Nething; Olson;
Peterson; Reiten; Shea; Streibel; Stromme; Tennefos;
Thane; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Richard

Division II of the proposed amendments to HB 1557 lost.

SECOND READING OF HOUSE BILLS

HB 1557: A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to criminal offenses committed against unborn children; 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 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; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore;
Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething;
Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald;
Shea; Stenehjem; Streibel; Stromme; Tallackson;
Tennefos; Thane; Todd; Tweten; Vosper; Waldera;
Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Richard

HB 1557 passed and the title was agreed to.

HB 1506: A BILL for an Act to create and enact two new sections to chapter 26.1-39 of the North Dakota Century Code, relating to requiring certain commercial insurance programs

to be marketed through resident licensed agents or brokers and to suspension or revocation of license or certificate of authority for noncompliance; and to amend and reenact section 26.1-11-07 of the North Dakota Century Code, relating to signature requirements of resident insurance agents.

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 33 YEAS, 17 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Freborg; Heigaard; Holmberg; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maxson; Meyer, W.; Moore; Mushik; Nalewaja; Reiten; Satrom; Schoenwald; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Dotzenrod; Heinrich; Hilken; Ingstad; Mathern; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Shea; Stenehjelm; Tennefos; Vosper

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Richard

HB 1506 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that HB 1474, HB 1085, HB 1303, and HB 1560, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. MUTCH MOVED that the Senate reconsider its action whereby HB 1470 lost, which motion prevailed on a verification vote.

SEN. MUTCH MOVED that HB 1470, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3074: A concurrent resolution directing the Legislative Council to study services to blind and visually impaired children and adults, to examine the role of the North Dakota School for the Blind in the provision of educational and rehabilitative services to the blind, and to determine alternative methods of educating and rehabilitating the blind in communities throughout the state.

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

The question being on the final adoption of the resolution.

HCR 3074 was declared adopted and the title was agreed to on a voice vote.

HCR 3079: A concurrent resolution directing the Legislative Council to study the potential benefits to be derived from offering courses through the use of electronic media, including satellite dishes, cable and public television, video cassettes, and video and telephone audiosystems, and the methods available to implement a system of telecommunications.

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

The question being on the final adoption of the resolution.

HCR 3079 was declared adopted and the title was agreed to on a voice vote.

HCR 3082: A concurrent resolution urging the Congress of the United States to enact appropriate legislation to curtail advertising and promotion of alcoholic beverages.

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

The question being on the final adoption of the resolution.

HCR 3082 was declared lost on a voice vote.

HCR 3083: A concurrent resolution urging the Congress of the United States to enact legislation to allow imposition of state sales and use taxes on mail order sales to purchasers within a state by out-of-state mail order companies.

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

The question being on the final adoption of the resolution.

HCR 3083 was declared adopted and the title was agreed to on a voice vote.

SECOND READING OF HOUSE BILL

HB 1338: A BILL for an Act to amend and reenact sections 26.1-36-08 and 26.1-36-09 of the North Dakota Century Code, relating to group health policy and health service contract substance abuse and mental disorder coverage.

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

NAYS: None

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Richard

HB 1338 passed and the title was agreed to.

MESSAGES TO THE HOUSE SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2025, SB 2033, SB 2045, SB 2053, SB 2064, SB 2110, SB 2316, SB 2406, SB 2435, SB 2439, SB 2486, and SCR 4043.

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

HB 1081: Sens. D. Meyer, Lodoen, Axtman
HB 1228: Sens. Schoenwald, Freborg, Nething
HB 1233: Sens. Dotzenrod, Satrom, Holmberg

PERRY GROTEBERG, Secretary

SECOND READING OF HOUSE BILLS

HB 1636: A BILL for an Act to amend and reenact section 57-38-30.1 of the North Dakota Century Code, relating to a corporate income tax credit for new industry; to provide an effective date; and to provide for transition.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 19 YEAS, 31 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Lips; Maxson; Mutch; Nalewaja; Nelson; Nothing; Olson; Peterson; Reiten; Shea; Stenehjerm; Streibel; Tennefos; Thane; Todd; Vosper

NAYS: Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lodoen; Mathern; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Redlin; Satrom; Schoenwald; Stromme; Tallackson; Tweten; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Richard

HB 1636 lost.

HB 1638: A BILL for an Act to create and enact two new subsections to section 19-03.1-23 of the North Dakota Century Code, relating to penalties for violation of the Uniform Controlled Substances Act.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 10 YEAS, 39 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Freborg; Heinrich; Hilken; Kelsh; Mathern; Meyer, W.; Tennefos; Thane; Tweten; Vosper

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Heigaard; Holmberg; Ingstad; Keller; Kelly; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maxson; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Todd; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Richard; Tallackson

HB 1638 lost.

HB 1661: A BILL for an Act relating to definitions of wiretapping and eavesdropping, ex parte orders for

wiretapping and eavesdropping by law enforcement officers, orders directing others to furnish assistance in wiretapping and eavesdropping, and reports to the attorney general; and to provide a penalty.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 6 YEAS, 42 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Langley; Meyer, W.; Nelson; Olson; Tennefos; Tweten

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

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Richard; Satrom; Tallackson

HB 1661 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3078: A concurrent resolution directing the Legislative Council to study fiscal aspects of the office of the court monitor which was created by the federal district court in the case concerning deinstitutionalization of developmentally disabled persons.

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

The question being on the final adoption of the resolution.

HCR 3078 was declared adopted and the title was agreed to on a voice vote.

HCR 3085: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring a history of pesticides applied to agricultural property to be provided to owners, tenants, and purchasers of the property.

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

REQUEST

SEN. VOSPER REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 27 YEAS, 23 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Redlin; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjelm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Maixner; Meyer, D.; Richard

HCR 3085 was declared adopted and the title was agreed to on a roll vote.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1030, HB 1187, HB 1208, HB 1272, HB 1278, HB 1289, HB 1406, HB 1424, HB 1426, HB 1504, and HB 1597 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3086: A concurrent resolution urging the United States Secretary of Agriculture to adopt regulations that exempt agricultural lands cropped in any year between 1981 and 1985 from the swampbuster and sodbuster provisions of the Food Security Act of 1985 and which exempt any land farmed for three consecutive years from the swampbuster provision of the Food Security Act of 1985.

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

The question being on the final adoption of the resolution.

HCR 3086 was declared adopted and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS
ON CONSENT CALENDAR

HCR 3066: A concurrent resolution directing the Legislative Council to study the funding of adult basic and secondary education, to review the various alternative methods of funding this type of education, and to arrive at a method of funding adult basic and secondary education that is secure and stable.

HCR 3080: A concurrent resolution directing the Legislative Council to study the present and future role and function of the State Hospital in the provision of services to the mentally ill and the chemically dependent and its relationship to private and public agencies in the community providing similar services.

HCR 3084: A concurrent resolution directing the Legislative Council to study the Department of Human Services' establishment of a prospective Medicaid payment system.

Which have been read.

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

The resolutions were adopted and the titles were agreed to on a voice vote.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which SB 2547, HB 1506, HB 1557, HCR 3066, HCR 3080, and HCR 3084 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that SB 2547, HB 1506, HB 1557, HCR 3066, HCR 3080, and HCR 3084, be messaged to the House immediately, which motion prevailed.

SEN. HEIGAARD MOVED that Rule 402, subsection 4, be temporarily amended for the remainder of the Fiftieth Legislative Session and that the reporting of resolutions out of committee which propose amendments to the Constitution of North Dakota be further extended to April 6, 1987, which motion prevailed.

SEN. HEIGAARD MOVED that Rule 507 be temporarily amended for the remainder of the Fiftieth Legislative Session and that all bills that were to be reported out of committee on the Fifty-eighth Legislative Day be further extended to April 6, 1987, which motion prevailed.

CHAPLAINCY SCHEDULE

APRIL

DATE	NAME AND CHURCH	PHONE
1	Rev. Bob Nordvall Charity Lutheran	258-1228
2	Rev. Jerry Fike Calvary United Methodist	255-4281
3	Rev. Kathleen Dittman	224-4981
6	Rev. Hart Edmonds First Presbyterian	223-6091
7	Valerie Fuchs McCabe United Methodist	255-1160
8	Sister Marie Hunkler St. Vincent Nursing Home	223-6888
9	Rev. Gary Ball-Kilbourne Center, United Methodist	255-6248
10	Rev. Lynn Smith Roberts Unitarian Church	258-0425
13	Rev. Tom Shaffer First Baptist Church	223-8614
14 Unification Church	258-9237
15	Rev. Charlie Neill First United Methodist	223-4401
16	Rev. Keller Missouri Slope Home	223-9407
17	Open	
20	Rev. Joanne Spears Friends Church	258-1899
21	Rev. Ed Johnson United Tribes Educational Technical Center	255-3285
22	Open	

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

HB 1679, HCR 3094

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HB 1011, HB 1012, HB 1013, HB 1024, HB 1051, HB 1080,
HB 1222, HB 1227, HB 1288, HB 1325, HB 1340, HB 1356,

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HB 1463, HB 1529, HB 1534, HB 1577, HB 1584, HB 1604,
HB 1665, HCR 3076

ROY GILBREATH, Chief Clerk

MOTIONS

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, be on the Seventh order of business, and at the conclusion of the Seventh 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 HCR 3088, the Senate adjourn and convene at 9:00 a.m., Tuesday, March 31, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary