

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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SIXTIETH DAY

Bismarck, April 1, 1987

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

The prayer was offered by Reverend Bob Nordvall, Charity Lutheran Church, Bismarck.

Almighty Lord, You have given into our human family men and women with the abilities of leadership, in the hope that our society might experience some of Your justice and wisdom in our daily affairs. Help us to consider this servant role with humility and respect, being open to Your inspiration and leading.

As we pause at the start of this work day, we are aware of the many things we lack. Many of us are weary; we lack adequate sleep. Many are hurting; we lack the love, appreciation, or understanding from others that we need. Many of us are under strain; we lack the information we need to grasp the issues before us. Many of us are under guilt; we know that we have lacked sensitivity and listening skills to adequately deal with those who disagree with us. And, we all feel the lack of financial resource as we try so hard to meet seemingly endless human needs with painfully limited human resources.

Merciful Father, You see all our needs and are moved with compassion. We stand in awe of Your boundless resources: love for the unlovely, forgiveness for the penitent, peace that passes our understanding. You love us with a great and patient love, O Lord. May our response be one of thankful, faithful serving in our corner of this blessed land. May even this day be lifted up for Your blessing that this body of workers will ask for Your will to be done. Amen.

ROLL CALL

The roll was called and all Senators were present.

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-ninth Day and recommends that the same be corrected as follows and, when so corrected, recommends that the same be approved:

On page 1969, line 14, after the numeral "2490" insert the numeral ", 2526"

SEN. J. MEYER, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

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

HB 1030, HB 1187, HB 1208, HB 1272, HB 1278, HB 1289,
HB 1406, HB 1424, HB 1426, HB 1504, HB 1597

PERRY GROTEBERG, Secretary

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

HB 1030, HB 1187, HB 1208, HB 1272, HB 1278, HB 1289,
HB 1406, HB 1424, HB 1426, HB 1504, HB 1597

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1636, HB 1638, HB 1661, HCR 3082

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1338, HCR 3074, HCR 3078, HCR 3079, HCR 3083, HCR 3085,
HCR 3086

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1547

PERRY GROTEBERG, Secretary

APPOINTMENT OF CONFERENCE COMMITTEE

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 1615, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1615:

Sens. Dotzenrod, Satrom, Lodoen

MOTION

SEN. HEIGAARD MOVED that SB 2040, SB 2072, SB 2076, SB 2128, SB 2304, SB 2451, and SB 2540 be moved to the head of the Twelfth order on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LASHKOWITZ MOVED that the Senate do concur in the House amendments to SB 2040 as printed on page 1910 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2040: A BILL for an Act to create and enact three new sections to chapter 40-18 of the North Dakota Century Code, relating to the clerk of municipal court and the transfer of cases from municipal court to county court; to amend and reenact sections 27-07.1-17, 29-07-01.1, 40-11-13, 40-18-01, 40-18-03, 40-18-06, 40-18-14, 40-18-15, 40-18-19, 40-18-20, 40-18-22, and 40-21-14 of the North Dakota Century Code, relating to jurisdiction of county courts, payment of expenses, fines for violations of municipal ordinances, qualifications of municipal judges, municipal court procedure, and notices to the supreme court; and to repeal section 40-08-21 of the North Dakota Century Code, relating to the authority of mayors to release imprisoned offenders from jail.

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; 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: Dotzenrod

SB 2040 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do concur in the House amendments to SB 2072 as printed on pages 1680-1681 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact subsection 7 of section 38-11.1-03 and section 38-11.1-04 of the North Dakota Century Code, relating to the definition of surface owner and surface damage payments with respect to oil and gas production damage.

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 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; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2072 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 2294: Reps. Hamerlik, Rydell, J. DeMers

SB 2387: Reps. Sorensen, Shaw, Skjerven

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1174, HB 1329, HB 1630, HB 1675, HCR 3057, HCR 3066, HCR 3073, HCR 3080, and HCR 3084 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

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:

HCR 3014, HCR 3034, HCR 3044, HCR 3064

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2078

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2468 which the House has amended and subsequently passed:

HOUSE AMENDMENTS TO ENGROSSED SB 2468

On page 1 of the engrossed bill, line 6, after the numerals "39-07-11" insert the words "or in the alternative to amend and reenact section 39-07-11 as amended by section 2 of House Bill No. 1323, as approved by the fiftieth legislative assembly"

On page 1 of the engrossed bill, line 8, delete the numerals "39-20-07,"

On page 4 of the engrossed bill, line 12, after the period insert the words "The time limitations for a hearing as provided by this section do not preclude a recharging of the alleged violation if the person being charged receives a new summons or notice subject to the provisions of this section."

On page 4 of the engrossed bill, line 13, delete the word "Section" and insert in lieu thereof the words "If House Bill No. 1323 does not become effective, section"

On page 5 of the engrossed bill, after line 9, insert the following section:

"SECTION 6. AMENDMENT. If House Bill No. 1323 becomes effective, section 39-07-11 of the North Dakota Century Code, as amended by section 2 of House Bill No. 1323 is hereby amended and reenacted to read as follows:

39-07-11. Magistrate to keep record of convictions of traffic violations - Records of conviction to be forwarded to licensing authority. Every magistrate in this state, as defined in section 29-01-14, shall keep a full record of every case brought before the magistrate in which a person is charged with a violation of ~~section 12-1-16-02 or 12-1-16-03~~ chapter 12.1-16, or of any provision of chapters 39-05 through 39-13, 39-21, and 39-24, or with a violation of a municipal ordinance which is equivalent to any of the provisions of the foregoing statutes. Within ten days after a final order or judgment of conviction, for a violation not subject to disposition and reporting under chapter 39-06.1, by the North Dakota supreme court or any lower court having jurisdiction, provided that no appeal is pending and the time for filing a notice of appeal has elapsed, the magistrate then having jurisdiction shall forward a report of that fact to the licensing authority. The licensing authority may receive reports of traffic offense convictions submitted by a court in this state for any conviction of a licensed operator for violation of an ordinance equivalent to section 12.1-16-02 or 12.1-16-03. Any conviction for which a report is received by the licensing authority may be deemed by the licensing authority to be final, and the licensing authority may take any action authorized by law to be taken based on the report. Subject to the filing of an appeal, a conviction includes those instances when:

1. A sentence is imposed and suspended;
2. Imposition of a sentence is suspended under chapter 12-53; or
3. There is a forfeiture of bail or collateral deposited to secure a defendant's appearance in court and the forfeiture has not been vacated."

On page 6 of the engrossed bill, line 6, after the word "section" insert the words ", unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person"

On page 11 of the engrossed bill, line 15, after the word "section" insert the numerals and word "39-20-01 or" and delete the word and numerals "or 39-20-14"

On page 11 of the engrossed bill, line 32, overstrike the word "sworn"

On page 12 of the engrossed bill, line 29, remove the overstrike over the word "show" and delete the word "state"

On page 13 of the engrossed bill, line 14, overstrike the word "twenty" and insert immediately thereafter the word "twenty-five"

On page 15 of the engrossed bill, delete lines 28 through 35

On page 16 of the engrossed bill, delete lines 1 through 35

On page 17 of the engrossed bill, delete lines 1 through 34

On page 18 of the engrossed bill, delete lines 1 through 17

And renumber the lines, sections, and pages accordingly
ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2351 which the House has amended and subsequently failed to pass:

HOUSE AMENDMENTS TO ENGROSSED SB 2351

On page 2 of the engrossed bill, line 31, after the word "but" insert the words "the rate may" and after the word "not" insert the word "be"

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 Speaker has signed:

SB 2025, SB 2033, SB 2045, SB 2053, SB 2064, SB 2110,
SB 2316, SB 2406, SB 2435, SB 2439, SB 2486, SB 2503,
SCR 4043

ROY GILBREATH, Chief Clerk

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3014: A concurrent resolution for the amendment of subsection 1 and subdivision d of subsection 6 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of the State of North Dakota, relating to a college and university system and removing references to the types and locations of institutions of higher education; and to provide an effective date.

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

HCR 3034: A concurrent resolution for the amendment of section 5 of article III of the Constitution of the State of North Dakota, relating to the placement on an election ballot and suspension of operations of a referred tax measure.

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

HCR 3044: A concurrent resolution for the amendment of subsections 2 through 8 of section 6 of article VIII of the Constitution of the State of North Dakota, relating to the appointment of members to and the powers and duties of the state board of higher education.

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

HCR 3064: A concurrent resolution requesting the Congress of the United States to propose for ratification by the states an amendment to the United States Constitution to terminate all fractional reserve banking practices in the United States and to establish the United States Monetary Commission.

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do concur in the House amendments to SB 2076 as printed on pages 1910-1911 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act providing limitations on property tax levy increase authority of political subdivisions; and to provide an effective date and 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 43 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; 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; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; David; Mutch; Naaden; Nelson; Streibel; Tennefos; Todd; Tweten; Vosper

ABSENT AND NOT VOTING: None

SB 2076 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2128 as printed on page 1812 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2128:

Sens. Schoenwald, Krauter, Todd

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do concur in the House amendments to SB 2304 as printed on pages 1681-1682 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2304: A BILL for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to damages awarded by a court for a diminution in quantity or quality of a water supply; and to amend and reenact section 38-11.1-06 of the North Dakota Century Code, relating to the protection of water wells and surface and ground water sources from damage caused by oil and gas exploration.

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 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

SB 2304 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do concur in the House amendments to SB 2451 as printed on page 1682 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2451: 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 the taking of big game by blind persons.

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

YEAS: Adams; Axtman; 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; 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: Bakewell; David; Naaden

ABSENT AND NOT VOTING: None

SB 2451 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do concur in the House amendments to SB 2540 as printed on pages 1683-1684 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2540: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to maintenance assessments for federally constructed projects.

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, 2 NAYS, 0 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: None

SB 2540 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.

MESSAGES TO THE HOUSE 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 1615: Sens. Dotzenrod, Satrom, Lodoen

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 2040, SB 2072, SB 2076, SB 2304, SB 2451, and SB 2540 and subsequently passed the same but has refused to concur in the House amendments to SB 2128 and the President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2128: Sens. Schoenwald, Krauter, Todd

PERRY GROTEBERG, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2520 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1617-1618 of the Senate Journal and that Engrossed SB 2520 be amended as follows:

On page 1 of the engrossed bill, line 14, after the word "balance" insert the words "in excess of ten thousand dollars" and delete the word "bonded"

On page 1 of the engrossed bill, line 18, after the word "annexation" insert the words "depending on the average local effort based on the previous five-year average as calculated by the county superintendent"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Kelsh, Kelly, Peterson

For the House: Reps. Shaw, Rydell, Klundt

Engrossed SB 2520 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

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 1240 and HB 1557 and subsequently passed the same but has refused to concur in the Senate amendments to HB 1064 and HB 1183 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1064: Reps. Moore, Anderson, Schneider

HB 1183: Reps. Larson, D. Olsen, Ulmer

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2017 and SB 2079 which the House has amended and subsequently passed:

HOUSE AMENDMENTS TO ENGROSSED SB 2017

On page 1 of the engrossed bill, line 2, delete the words "weather modification" and insert in lieu thereof the words "atmospheric resource" and after the word "Dakota" insert the words "; to provide for changing the name of the North Dakota weather modification board to the North Dakota atmospheric resource board; and to amend and reenact subsection 3 of section 61-04.1-24 and sections 61-04.1-26 and 61-04.1-32 of the North Dakota Century Code, relating to mill levies for weather modification"

On page 1 of the engrossed bill, line 9, delete the words "weather modification" and insert in lieu thereof the words "atmospheric resource"

On page 1 of the engrossed bill, line 19, delete the numerals "2,378,104" and insert in lieu thereof the numerals "2,194,464"

On page 1 of the engrossed bill, line 20, delete the numerals "350,000" and insert in lieu thereof the numerals "533,640"

On page 1 of the engrossed bill, line 25, delete the words "weather modification" and insert in lieu thereof the words "atmospheric resource"

On page 2 of the engrossed bill, after line 4, insert the following new sections:

"SECTION 4. ATMOSPHERIC RESOURCE BOARD. The North Dakota legislative council is hereby authorized to delete, where appropriate, "weather modification board" wherever it appears in the North Dakota Century Code or in the supplements thereto and to insert in lieu of each deletion "atmospheric resource board." Such changes are to be made when any volume or supplement of the North Dakota Century Code is being reprinted. It is the intent of the legislative assembly that the atmospheric resource board shall be substituted for, shall take any action previously to be taken by, and shall perform any duties previously to be performed by the weather modification board.

SECTION 5. AMENDMENT. Subsection 3 of section 61-04.1-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The following paragraph: We, the undersigned qualified electors of the (name of county), state of North Dakota, are notified hereby that the creation of the (name of county) weather modification authority and the appointment of its commissioners by the (name of county) board of county commissioners will grant unto the authority by law the power to certify to the board of county commissioners a mill levy tax not to exceed ~~four~~ seven mills upon the taxable valuation of property in said county for a weather modification fund, which tax may be levied in excess of the mill levy limit fixed by law for taxes for general county purposes and that such fund shall be used for weather modification activities in conjunction with the state of North Dakota. We, the undersigned, understand that the authority requested in this petition expires ten years after the creation of the weather modification authority, except that the board of county commissioners may by resolution create a weather modification authority and all its powers, including the power to certify a tax levy as provided by North Dakota Century Code section 61-04.1-26, for five-year periods in accordance with North Dakota Century Code section 61-04.1-27.

SECTION 6. AMENDMENT. Section 61-04.1-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-04.1-26. Tax may be certified by weather modification authority. The weather modification authority may certify annually to the board of county commissioners a tax of not to exceed ~~four~~ seven mills upon the taxable valuation of the property in the county for a "weather modification" fund. The tax shall be levied by the board of county commissioners and may be levied in excess of the mill levy limit fixed by law for taxes for general county purposes. The weather modification fund shall be used only for weather modification activities in conjunction with the state of North Dakota. The tax certified by the weather modification authority is limited to the period of existence of the weather modification authority as provided for in this chapter.

SECTION 7. AMENDMENT. Section 61-04.1-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-04.1-32. County budget may be waived for first appropriation - Conditions. The provisions of chapter 11-23 shall not apply to appropriations made under the provisions of this chapter. However, immediately after a weather modification authority has been created by resolution of the board of county commissioners, and after certification of a mill levy by the weather modification authority, and only for the initial or first appropriation for the authority, the county commissioners may, at their discretion, appropriate from moneys, not otherwise appropriated, in the general fund, such moneys as are necessary for carrying out the provisions of this chapter. However, the appropriation shall not exceed an amount equal to what funds would be raised by a ~~four-mill~~ seven-mill mill levy upon the taxable valuation of the property in the county."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Weather Modification Board/Atmospheric Resource Board

The estimated income line item is decreased by \$183,640, with a corresponding general fund increase to provide an increased level of general fund support.

A new section is added which provides for changing the name of the Weather Modification Board to the Atmospheric Resource Board.

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The amendments also provide that the maximum number of mills that can be levied by counties for weather modification is increased from four to seven mills.

HOUSE AMENDMENTS TO ENGROSSED SB 2079

On page 1 of the engrossed bill, line 1, delete the words "to create and enact a new section to chapter"

On page 1 of the engrossed bill, delete lines 2 and 3

On page 1 of the engrossed bill, line 4, delete the words "grants or loans through the Bank of North Dakota;"

On page 1 of the engrossed bill, line 8, delete the words "until the costs of drilling are recovered"

On page 2 of the engrossed bill, line 2, delete the words ", for the period June first"

On page 2 of the engrossed bill, line 3, delete the words "through October thirty-first of any year"

On page 3 of the engrossed bill, line 11, delete the words "However, if the average price of"

On page 3 of the engrossed bill, delete lines 12 through 15

On page 3 of the engrossed bill, line 31, delete the words "and completed"

On page 3 of the engrossed bill, line 34, delete the words "or until the gross value at the well of" and insert in lieu thereof the words ". This subsection becomes permanently ineffective at the end of any ninety-day period during which the average price of a barrel of crude oil exceeds twenty-eight dollars."

On page 3 of the engrossed bill, delete line 35

On page 4 of the engrossed bill, delete lines 1 through 28

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 failed to pass:

SB 2550

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2188 on which the House has adopted the Majority Committee Report

amendments, but has rejected the Minority Committee Report amendments, and has subsequently failed to pass:

On page 1 of the engrossed bill, line 28, delete the words "energy research" and insert in lieu thereof the words "school of engineering and mines"

On page 2 of the engrossed bill, line 1, delete the word "center"

And renumber lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. DOTZENROD MOVED that the amendments to HB 1331 as recommended by the Committee on Political Subdivisions as printed on pages 1970-1971 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1331: A BILL for an Act to create and enact section 14 to House Bill No. 1172, section 2 to House Bill No. 1321, section 2 to Senate Bill No. 2047, and section 2 to Senate Bill No. 2458, as approved by the fiftieth legislative assembly, to provide an effective date for those bills, relating to radio communication functions by the director of institutions and telecommunication functions by the office of central data processing, compensation and expenses for witnesses in criminal actions, investigations on Indian reservations by the attorney general, and court costs; 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 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 1331 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. INGSTAD MOVED that HB 1644, which is on the Sixth order, be rereferred to the Committee on Finance and Taxation, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. D. MEYER MOVED that the amendments to HB 1681 as recommended by the Committee on State and Federal Government as printed on page 1972 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1681: A BILL for an Act to amend and reenact subsection 2 of section 54-05.1-03 of the North Dakota Century Code, relating to reporting of expenditures by lobbyists.

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 42 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Keller; Kelly; Kelsh; Langley; Lips; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wright

NAYS: Heinrich; Ingstad; Krauter; Lashkowitz; Maixner; Mathern; Maxson; Mushik; Shea; Wogsland; Yockim

ABSENT AND NOT VOTING: None

HB 1681 passed and the title was agreed to.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Hamerlik, Cleveland, J. DeMers and Sen. Stenehjem introduced:

(Approved by the Committee on Delayed Bills)

HCR 3091: A concurrent resolution also introduced by the following: Representatives Gates; Graba; Kuchera; D. Olsen; Shaft; Shide; Strinden; and Senators Holmberg; Ingstad; Mutch; Shea - A concurrent resolution congratulating the University of North Dakota Fighting

Sioux Hockey Team on an outstanding season that culminated in winning the NCAA Division I National Hockey Championship.

Was read the first time.

Reps. Hamerlik, Cleveland, J. DeMers and Sen. Stenehjem introduced:

(Approved by the Committee on Delayed Bills)

HCR 3092: A concurrent resolution also introduced by the following: Representatives Gates; Graba; Kuchera; D. Olsen; Shaft; Shide; Strinden; and Senators Holmberg; Ingstad; Mutch; Shea - A concurrent resolution congratulating Tony Hrkac on winning the 1987 Hobey Baker Award as college hockey's finest player.

Was read the first time.

Reps. Hamerlik, Cleveland, J. DeMers and Sen. Stenehjem introduced:

(Approved by the Committee on Delayed Bills)

HCR 3093: A concurrent resolution also introduced by the following: Representatives Gates; Graba; Kuchera; D. Olsen; Shaft; Shide; Strinden; and Senators Holmberg; Ingstad; Mutch; Shea - A concurrent resolution congratulating John "Gino" Gasparini on coaching the University of North Dakota Fighting Sioux Hockey Team to the NCAA Division I National Championship and being named by his peers as Coach of the Year.

Was read the first time.

MOTION

SEN. STENEHJEM MOVED that the rules be suspended, that HCR 3091, HCR 3092, and HCR 3093 not be printed, not be referred to committee, be read in their entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Hamerlik, Cleveland, J. DeMers and Sen. Stenehjem introduced:

HOUSE CONCURRENT RESOLUTION NO. 3091

A concurrent resolution congratulating the University of North Dakota Fighting Sioux Hockey Team on an outstanding season that culminated in winning the NCAA Division I National Hockey Championship.

WHEREAS, the University of North Dakota Fighting Sioux Hockey Team captured the NCAA Division I Hockey Championship with its victory in Detroit, Michigan, on March 28, 1987; and

WHEREAS, the 1986-87 University of North Dakota Fighting Sioux Hockey Team established numerous national, conference, and team records, including winning an unprecedented 40 games in one season; and

WHEREAS, members of the 1986-87 University of North Dakota Fighting Sioux Hockey Team were honored with awards in the naming of the national college hockey coach of the year, John "Gino" Gasparini; the Hobey Baker award winner, Tony Hrkac; and four All-American hockey players in Tony Hrkac, Bob Joyce, Ian Kidd, and Ed Belfour; and

WHEREAS, on a team distinguished by individual awards and records this was, most of all, a team that displayed exemplary teamwork and selflessness in pursuit of a common goal that was realized by winning the 1986-87 NCAA Division I Hockey Championship;

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

That the Fiftieth Legislative Assembly takes great pride in extending to all members and coaches of the University of North Dakota Fighting Sioux Hockey Team its heartiest congratulations for winning the 1986-87 NCAA Division I National Hockey Championship; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to each member of the University of North Dakota Fighting Sioux Hockey Team, to each of their coaches, and to the president of the University of North Dakota, home of the Fighting Sioux.

HOUSE CONCURRENT RESOLUTION NO. 3092

A concurrent resolution congratulating Tony Hrkac on winning the 1987 Hobey Baker Award as college hockey's finest player.

WHEREAS, Tony Hrkac has been unanimously named the winner of the 1987 Hobey Baker Award, given annually to collegiate hockey's finest player; and

WHEREAS, Tony Hrkac was singularly deserving of winning the Hobey Baker Award, having completed a season in which he helped the University of North Dakota to a national championship and established a new single season national collegiate hockey individual scoring record of 116 points and was named to the first team All-WCHA Hockey Team, named the WCHA most valuable player, named to the first team All-American Hockey Team, and named most valuable player of the National Hockey Tournament; and

WHEREAS, in addition to his outstanding individual accomplishments during the season, Tony Hrkac displayed outstanding teamwork and leadership throughout the season;

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

That the Fiftieth Legislative Assembly takes great pleasure in extending its sincere congratulations to Tony Hrkac for winning the 1987 Hobey Baker Award as college hockey's finest player; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to Tony Hrkac and to the president of the University of North Dakota, home of the Fighting Sioux.

HOUSE CONCURRENT RESOLUTION NO. 3093

A concurrent resolution congratulating John "Gino" Gasparini on coaching the University of North Dakota Fighting Sioux Hockey Team to the NCAA Division I National Championship and being named by his peers as Coach of the Year.

WHEREAS, John "Gino" Gasparini was named as Coach of the Year by his peers during the 1986-87 season and capped the season by leading his University of North Dakota Fighting Sioux Hockey Team to the NCAA Division I National Hockey Championship; and

WHEREAS, John "Gino" Gasparini in nine years as head coach of the University of North Dakota Fighting Sioux Hockey Team has coached his team to four WCHA hockey championships and three NCAA Division I championships and has established a hockey program of which all North Dakotans are justifiably proud; and

WHEREAS, John "Gino" Gasparini has established a University of North Dakota Fighting Sioux hockey program that has seen 28 players go on to star in the National Hockey League and several players go into competition with the Canadian or United States Olympic hockey teams and other levels of amateur and professional hockey and has established a program of outstanding competitive excellence;

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

That the Fiftieth Legislative Assembly takes great pride in extending to Coach John "Gino" Gasparini its most sincere congratulations for winning the 1987 NCAA Division I Hockey Championship and for establishing a hockey program of excellence of which all North Dakotans can be justifiably proud; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to Coach John "Gino" Gasparini and to the president of the University of North Dakota, home of the Fighting Sioux.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3091: A concurrent resolution congratulating the University of North Dakota Fighting Sioux Hockey Team on an

outstanding season that culminated in winning the NCAA Division I National Hockey Championship.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3091 was declared adopted on a voice vote.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3092: A concurrent resolution congratulating Tony Hrkac on winning the 1987 Hobey Baker Award as college hockey's finest player.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3092 was declared adopted on a voice vote.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3093: A concurrent resolution congratulating John "Gino" Gasparini on coaching the University of North Dakota Fighting Sioux Hockey Team to the NCAA Division I National Championship and being named by his peers as Coach of the Year.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3093 was declared adopted on a voice vote.

MOTIONS

SEN. TALLACKSON MOVED that the Senate reconsider its action whereby the Senate did not concur with the House amendments to SB 2031, which motion prevailed.

SEN. LIPS MOVED that the Conference Committee on SB 2031 be dissolved, which motion prevailed.

SEN. TALLACKSON MOVED that the Senate do concur with the House amendments to SB 2031, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act making an appropriation for defraying the expenses of the educational broadcasting council 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 46 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; David; Moore; Naaden; Nelson; Streibel; Todd

ABSENT AND NOT VOTING: None

SB 2031 passed and the title was agreed to.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3094: A concurrent resolution urging the Congress of the United States to enact legislation deleting the requirement that nonconsensual statutory lien statements contain the signature and Social Security number of the person engaged in farming operations in order to be considered effective financing statements for purposes of filing the lien statements in a state's central notice system established under the Food Security Act of 1985.

Was read the first time.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, that HCR 3094 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

HOUSE CONCURRENT RESOLUTION NO. 3094

A concurrent resolution urging the Congress of the United States to enact legislation deleting the requirement that nonconsensual statutory lien statements contain the signature and Social Security number of the person engaged in farming operations in order to be considered effective financing statements for purposes of filing the lien statements in a state's central notice system established under the Food Security Act of 1985.

WHEREAS, the administrator of the Packers and Stockyards Administration of the United States Department of Agriculture takes the position that effective financing statements filed in a state's central notice system must contain all the information required under the Food Security Act of 1985, including the

signature and Social Security number of the person engaged in farming operations; and

WHEREAS, acceptance of nonconsensual statutory lien statements without the signature and Social Security number of the person engaged in farming operations by the Secretary of State may result in decertification of North Dakota's central notice system by the Packers and Stockyards Administration; and

WHEREAS, the signature and Social Security number of the person engaged in farming operations are often impossible or difficult to obtain by a person entitled to a nonconsensual statutory lien; and

WHEREAS, persons entitled to nonconsensual statutory liens should be afforded the same protection accorded other types of creditors who are able to protect themselves against third-party buyers by filing effective financing statements under a state's central notice system;

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

That the Fiftieth Legislative Assembly urges the Congress of the United States to enact legislation deleting the requirement that nonconsensual statutory lien statements contain the signature and Social Security number of the person engaged in farming operations in order to be considered an effective financing statement for purposes of filing the lien statement in a state's central notice system; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of Agriculture of the United States Department of Agriculture, the administrator of the Packers and Stockyards Administration of the United States Department of Agriculture, the chairmen of the United States Senate and House Committees on Agriculture, and to each member of the North Dakota Congressional Delegation.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3094: A concurrent resolution urging the Congress of the United States to enact legislation deleting the requirement that nonconsensual statutory lien statements contain the signature and Social Security number of the person engaged in farming operations in order to be considered effective financing statements for purposes of filing the lien statements in a state's central notice system established under the Food Security Act of 1985.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3094 was declared adopted on a voice vote.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1331 and HB 1681 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 1331 and HB 1681 be messaged to the House immediately, which motion prevailed.

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.

MESSAGES TO THE HOUSE

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2031, and wishes to inform you that it does now concur in the House amendments to SB 2031, and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2031.

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HCR 3091, HCR 3092, HCR 3093, HCR 3094

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1331, HB 1681

PERRY GROTEBERG, Secretary

MOTION

SEN. OLSON MOVED that the Senate override the veto by the Governor on SB 2248.

ROLL CALL

The question being on the motion that the Senate override the veto by the Governor on SB 2248, the roll was called and there were 27 YEAS, 26 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden;

Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

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

ABSENT AND NOT VOTING: None

The veto of the Governor on SB 2248 was sustained.

MOTION

SEN. OLSON MOVED that the Senate override the veto by the Governor on SB 2306.

ROLL CALL

The question being on the motion that the Senate override the veto by the Governor on SB 2306, the roll was called and there were 30 YEAS, 23 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Freborg; Holmberg; Ingstad; Keller; Kelly; Langley; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

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

ABSENT AND NOT VOTING: None

The veto of the Governor on SB 2306 was sustained.

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 1174, HB 1216, HB 1221, HB 1329, HB 1373, HB 1457,
HB 1572, HB 1593, HB 1606, HB 1621, HB 1629, HB 1630,
HB 1648, HB 1675, HCR 3027, HCR 3028, HCR 3035, HCR 3057,
HCR 3066, HCR 3067, HCR 3068, HCR 3073, HCR 3080, HCR 3084
ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2339 has had the same under consideration and

recommends that your conference committee, having been unable to agree, be discharged and a new conference committee be appointed.

For the Senate: Sens. D. Meyer, W. Meyer, David

For the House: Reps. Martinson, Melby, Hokana

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

APPOINTMENT OF CONFERENCE COMMITTEE

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 new Conference Committee on Engrossed SB 2339, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on Engrossed SB 2339:

Sens. W. Meyer, Axtman, David

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.

MESSAGE 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 2303: Reps. Larson, Dalrymple, Kolbo

ROY GILBREATH, Chief Clerk

MOTION

SEN. STENEHJEM MOVED that HB 1474, HB 1072, and HB 1085 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1474: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to a cause of action for fault or negligence resulting from intoxication; to amend and reenact section 5-01-09 of the North Dakota Century Code, relating to the unlawful delivery of alcoholic beverages; to repeal section 5-01-06 of the North Dakota Century Code, relating to recovery of damages resulting from intoxication; 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, the roll was called and there were 49 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Maxson; Schoenwald

ABSENT AND NOT VOTING: Tweten

HB 1474 passed and the title was agreed to.

SIGNING OF BILLS AND RESOLUTIONS

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

SB 2014, SB 2019, SB 2039, SB 2115, SB 2277, SB 2279,
SB 2336, SB 2409, SB 2546

PERRY GROTBERG, 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 2014, SB 2019, SB 2039, SB 2115, SB 2277, SB 2279,
SB 2336, SB 2409, SB 2546

PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

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

HB 1174, HB 1216, HB 1221, HB 1329, HB 1373, HB 1457,
HB 1572, HB 1593, HB 1606, HB 1621, HB 1629, HB 1630,
HB 1648, HB 1675, HCR 3027, HCR 3028, HCR 3035, HCR 3057,
HCR 3066, HCR 3067, HCR 3068, HCR 3073, HCR 3080, HCR 3084

PERRY GROTBERG, Secretary

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1174, HB 1216, HB 1221, HB 1329, HB 1373, HB 1457,
 HB 1572, HB 1593, HB 1606, HB 1621, HB 1629, HB 1630,
 HB 1648, HB 1675, HCR 3027, HCR 3028, HCR 3035, HCR 3057,
 HCR 3066, HCR 3067, HCR 3068, HCR 3073, HCR 3080, HCR 3084

PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on SB 2339 and the President Pro Tem has appointed as a new conference committee to act with a like committee from the House on:

SB 2339: Sens. W. Meyer, Axtman, David

PERRY GROTEBERG, Secretary

REPORT OF STANDING COMMITTEE

MR. PRESIDENT: Your Committee on Judiciary to which was rereferred HB 1571 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 2 of the engrossed bill, line 6, after the second word "that" insert the words "a defendant's liability is joint if that defendant's fault is determined to be twenty-five percent or greater, and that defendant's fault is determined to be greater than that of the plaintiff, and provided further that"

On page 2 of the engrossed bill, line 30, after the second word "that" insert the words "a defendant's liability is joint if that defendant's fault is determined to be twenty-five percent or greater, and that defendant's fault is determined to be greater than that of the plaintiff, and provided further that"

On page 3 of the engrossed bill, line 13, after the word "from" insert the word "death,"

On page 3 of the engrossed bill, line 33, after the word "party" insert the words "or the party's employer, family, guardian, conservator, trustee, or attorney in fact"

On page 4 of the engrossed bill, line 32, delete the words "within the limit of"

On page 4 of the engrossed bill, line 33, delete the words "the total award"

And renumber the lines, sections, and pages accordingly

SEN. LASHKOWITZ, Chairman

HB 1571 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

WEDNESDAY, APRIL 1, 1987

2025

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1337, and wishes to inform you that it does now concur in the Senate amendments to HB 1337, and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1337.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1681 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILL

HB 1072: A BILL for an Act to amend and reenact section 5-01-09 of the North Dakota Century Code, relating to the unlawful delivery of alcoholic beverages; and to repeal section 5-01-06 of the North Dakota Century Code, relating to recovery of damages resulting from intoxication.

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, 2 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Moore

ABSENT AND NOT VOTING: Dotzenrod; Tweten

HB 1072 passed and the title was agreed to.

MOTION

SEN. STENEHJEM MOVED that the rules be suspended and that HB 1571 be placed on the Sixth order of business, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to HB 1571 as recommended by the Committee on Judiciary be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

SEN. NALEWAJA REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1571, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1571, the roll was called and there were 20 YEAS, 33 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Ingstad; Keller; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Olson; Redlin; Richard; Satrom; Schoenwald; Stenehjem; Waldera; Wogsland; Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Hilken; Holmberg; Kelly; Kelsh; Krauter; Langley; Lips; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Reiten; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

The motion to adopt the amendments to HB 1571 lost.

SECOND READING OF HOUSE BILL

HB 1571: A BILL for an Act to provide for comparative fault, several liability, separate finding of damages, reduction for collateral source payments, periodic payments, economic, noneconomic, and exemplary damages; to suspend or to repeal sections 9-10-07 and 32-03-07 of the North Dakota Century Code, relating to comparative negligence and exemplary damages; and to provide an expiration date.

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 37 YEAS, 16 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lips; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Reiten; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Wright

NAYS: Heigaard; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Olson; Redlin; Richard; Satrom; Schoenwald; Stenehjem; Tweten; Yockim

ABSENT AND NOT VOTING: None

HB 1571 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

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

I am honored today to have as my guest Ms. Audra Arviso, who is the reigning Miss Indian America of the United States. Ms. Arviso is living in Bismarck during her one-year reign. Audra is a member of the Navaho nation of New Mexico. She is a very capable, friendly, articulate young woman who is a great credit to not only the Miss Indian America pageant but her family, our city, state, and nation. The city of Bismarck is proud to be the host of the Miss Indian American pageant and I hope you will give Audra a warm Senate welcome and get acquainted with her later in the session. Thank you.

EXPLANATION OF VOTE

SEN. STENEHJEM: Mr. President: I voted for House Bill No. 1571 in Committee. I voted for it with the amendments, but it was my feeling that I could not, in good conscience, vote for that bill with the total elimination of joint and several liability. With the exclusion of the elimination of joint and several liability, I would have voted for House Bill No. 1571.

MOTIONS

SEN. NALEWAJA MOVED that HB 1085 be amended as follows:

On page 1, line 2, after the word "cases" insert the words "; and to provide an expiration date"

On page 1, line 27, after the period insert the words "The supreme court shall by rule, annually on July first, adjust the limitations on the amount of damages recoverable for noneconomic losses under this subsection in proportion to the net change in the United States city average consumer price index for all urban consumers during the preceding twelve months."

On page 1, after line 27, insert the following new section:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1993, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

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

SECOND READING OF HOUSE BILL

HB 1085: A BILL for an Act to limit the amount of damages for noneconomic losses in medical malpractice cases.

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 22 YEAS, 31 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Freborg; Holmberg; Kelly; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Peterson; Reiten; Shea; Stromme; Tennefos; Thane; Todd; Vosper; Wright

NAYS: Axtman; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nelson; Nething; Olson; Redlin; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tweten; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

HB 1085 lost.

MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

SB 2014, SB 2019, SB 2039, SB 2115, SB 2277, SB 2279,
SB 2336, SB 2409, SB 2546

ROY GILBREATH, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2080 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on page 1685 of the Senate Journal.

For the Senate: Sens. Schoenwald, Nething, Wright

For the House: Reps. Belter, Anderson, Marks

Engrossed SB 2080 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1470: A BILL for an Act to amend and reenact subdivision e of subsection 1 of section 23-17.3-05 of the North Dakota Century Code, relating to standards of licensure for home health agencies.

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 39 YEAS, 14 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelsh; Krauter; Langley; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stromme; Tallackson; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

NAYS: Dotzenrod; Ingstad; Kelly; Lashkowitz; Mathern; Maxson; Moore; Nething; Richard; Stenehjerm; Streibel; Teneffos; Thane; Waldera

ABSENT AND NOT VOTING: None

HB 1470 passed and the title was agreed to.

MOTION

SEN. NELSON MOVED that HB 1019, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1560: A BILL for an Act to create and enact a new section to chapter 34-01 of the North Dakota Century Code, relating to assessment by a labor union or labor organization of actual representation expenses from nonunion employees.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 29 YEAS, 24 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; David; Freborg; Kelly; Langley; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

HB 1560 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3088: A concurrent resolution urging the State Game and Fish Department to adopt a more conciliatory posture in dealing with the Lewis and Clark Mutual Aid Association and its members regarding lease from the State Game and Fish Department of certain lands owned by the United States Army Corps of Engineers.

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

The question being on the final adoption of the resolution.

HCR 3088 was declared adopted and the title was agreed to on a voice vote.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1072, HB 1470, HB 1474, HB 1560, HB 1571, and HCR 3088 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the vote by which HB 1085 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Agriculture to which was referred HB 1349 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 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 create and enact two new chapters to title 35 of the North Dakota Century Code, relating to statutory agricultural liens; to amend and reenact sections 11-18-14, 11-29-24, 35-21-01, and subsection 9 of section 41-09-28 of the North Dakota Century Code, relating to duties of the county register of deeds, county seed, feed, and fuel liens, release of liens,

and to information that must be filed with the secretary of state under the central notice system; to repeal chapters 35-07, 35-08, 35-09, and 35-10 of the North Dakota Century Code, relating to threshing or drying liens, crop production liens, motor fuel liens, fertilizer, farm chemicals, or seed liens, and sugar beet production liens; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 11-18-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-18-14. Register of deeds to remove and destroy certain documents - Records to be made. The register of deeds in each county in this state, unless otherwise earlier permitted by law, shall remove from the files in his the register's office, and destroy, all seed liens, ~~labor liens, stallion liens,~~ chattel mortgages, threshing or drying liens, crop production liens, combining liens, agricultural processor's liens, agricultural supplier's liens, mechanic's liens, repairman's liens, unpaid earned insurance premium liens, and sales contracts together with any releases for the same upon which a claim for relief has accrued and which claim for relief is more than ten years old. At the time of destroying the files the register of deeds shall note on the margin of the index opposite the record of each instrument so removed and destroyed the date when the same was destroyed.

SECTION 2. AMENDMENT. Section 11-29-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-29-24. Lien on crops for seed, feed, or fuel furnished by county - How obtained. In order to secure a lien upon crops for seed, feed, or fuel furnished by the county under this chapter, the county, through the county auditor, shall comply with the provisions of chapter 35-08 section 4 of this Act.

SECTION 3. A new chapter to title 35 of the North Dakota Century Code is hereby created and enacted to read as follows:

Agricultural processor's lien authorized. Any person who processes any crop or agricultural product is entitled to a lien upon the crop or product processed for the reasonable value of the services performed. As used in this chapter, the term "processor" includes persons threshing, combining, drying, or harvesting any crop or

agricultural product. The agricultural processor's lien is effective from the date the processing is completed.

Procedure to obtain lien. To obtain an agricultural processor's lien, the person entitled to the lien, within ninety days after the processing is completed, shall file a verified statement in the office of the register of deeds in the county or counties in which the crop or agricultural product was grown. The statement must contain the following information:

1. The name and address of the person for whom the processing was done.
2. The name and address of the processor.
3. A description of the crops or agricultural products and their amount, if known, subject to the lien together with the legal description as to the location where the crops or agricultural products were grown.
4. The price agreed upon for processing, or if no price was agreed upon, the reasonable value of the processing.

Priority. An agricultural processor's lien obtained under this chapter has priority, as to the crops or agricultural products covered thereby, over all other liens or encumbrances.

SECTION 4. A new chapter to title 35 of the North Dakota Century Code is hereby created and enacted to read as follows:

Agricultural supplier's lien authorized. Any person who furnishes supplies used in the production of crops, agricultural products, or livestock is entitled to a lien upon the crops, products produced by the use of the supplies, and livestock and their products including milk. As used in this chapter, the term "supplies" includes seed, petroleum products, fertilizer, farm chemicals, insecticide, feed, hay, pasturage, veterinary services, or the furnishing of services in delivering or applying the supplies. The agricultural supplier's lien is effective from the date the supplies are furnished or the services performed.

Procedure to obtain lien. To obtain an agricultural supplier's lien, the person entitled to the lien, within ninety days after the supplies are furnished or the services performed, shall file a verified statement in the office of the register of deeds of the county or counties in which the crop, agricultural product, or livestock was

grown. The statement must contain the following information:

1. The name and address of the person to whom the supplies were furnished.
2. The name and address of the supplier.
3. A description of the crops, agricultural products, or livestock and their amount or number, if known, subject to the lien together with the legal description as to the location of the crops, agricultural products, or livestock.
4. A description and value of the supplies furnished.

Priority. An agricultural supplier's lien obtained under the provisions of this chapter has priority, as to the crops or agricultural products covered thereby, over all other liens or encumbrances except any agricultural processor's lien.

SECTION 5. AMENDMENT. Section 35-21-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-21-01. Release of lien by undertaking authorized. When any mechanic's lien, garage storage lien, repairman's lien, seed lien, sugar beet production lien, crop production lien, threshing lien, agricultural processor's lien, agricultural supplier's lien, unpaid earned insurance premium lien, or miner's lien is filed against the ~~real property or personal~~ property of a resident of this state, the property affected may be released by an undertaking in the manner provided in this chapter.

SECTION 6. AMENDMENT. Subsection 9 of section 41-09-28 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. If a secured party who has perfected a security interest in crops or livestock, or if a lienholder who has created a lien by statute or otherwise; which includes, but is not limited to, liens for threshing; crop or agricultural product processing; crop production; fertilizer, farm chemicals, and seed; agricultural supplies; and landlord's lien; intends to impose liability for such security interest or lien against a crop or livestock buyer, the name of the secured party or lienholder must appear on the most current list or lists distributed by the secretary of state pursuant to subsection 4 of section 41-09-46. In

order to appear on the list or lists, secured parties or lienholders must file with the secretary of state a form prescribed by him the secretary of state which contains all of the following information:

- a. The name and address of the person engaged in farming operations.
- b. The county of residence of the person engaged in farming operations.
- c. The social security number of the person engaged in farming operations or, in the case of a debtor doing business other than as an individual, the Internal Revenue Service taxpayer identification number of the debtor except that the social security number is not required for a crop, agricultural processor's or agricultural supplier's lien obtained under section 3 or 4 of this Act unless the social security number is required for certification of the central notice system pursuant to section 1324 of the Food Security Act of 1985 [Pub. L. 99-198; 99 Stat. 1535; 7 U.S.C. 1631].
- d. The name and address of the secured party or lienholder.
- e. A description of the crops or livestock and their amount, if known, subject to the security interest or lien.
- f. The legal description as to the location of the crops or livestock.
- g. The signature of the debtor against whom the loan or lien is filed is not required unless the signature is required for certification of the central notice system pursuant to section 1324 of the Food Security Act of 1985 [Pub. L. 99-198; 99 Stat. 1535; 7 U.S.C. 1631].
- h. The signature of the secured party or lienholder.

A form filed pursuant to this section is effective for a period of five years. The effectiveness and continuation of the form filed is to be treated as if it were filed as a financing statement.

SECTION 7. REPEAL. Chapters 35-08, 35-09, and 35-10 of the North Dakota Century Code, and chapter 35-07 of the 1985 Supplement to the North Dakota Century Code are hereby repealed.

SECTION 8. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

SEN. W. MEYER, Chairman

HB 1349 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1645 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 of the engrossed bill, line 10, delete the words "incorporated in this state"

On page 1 of the engrossed bill, line 12, delete the words "twelve and one-half" and insert in lieu thereof the word "four" and delete the word "two" and insert in lieu thereof the word "one"

On page 1 of the engrossed bill, line 14, delete the words "six and" and insert in lieu thereof the word "two"

On page 1 of the engrossed bill, line 15, delete the word "one-fourth"

On page 1 of the engrossed bill, line 16, delete the word "two" and insert in lieu thereof the word "one"

On page 2 of the engrossed bill, line 5, after the period delete the remainder of the line and insert in lieu thereof the following: "In the case of a corporation which is a partner in a partnership, the credit allowed for the taxable year may not exceed an amount separately computed with respect to the corporation's interest in the trade, business, or entity equal to the amount of tax attributable to that portion of the corporation's taxable income which is allocable or apportionable to the corporation's interest in the trade, business, or entity."

On page 2 of the engrossed bill, delete lines 6 through 13

And renumber the lines, sections, and pages accordingly

SEN. SATROM, Chairman

HB 1645 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred HCR 3014 has had the same under consideration and recommends by a vote of 5 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS AS AMENDED BY THE HOUSE.

SEN. STORMME, Chairman

HCR 3014 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred HCR 3034 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS AS AMENDED BY THE HOUSE.

SEN. STORMME, Chairman

HCR 3034 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred HCR 3044 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS AS AMENDED BY THE HOUSE.

SEN. STORMME, Chairman

HCR 3044 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred HCR 3064 has had the same under consideration and recommends by a vote of 7 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS AS AMENDED BY THE HOUSE.

SEN. STORMME, Chairman

HCR 3064 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

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 Thirteenth order of business, and at the conclusion of the Thirteenth order of business, be on the Sixteenth order of business, and at the conclusion of the Sixteenth order of business, the Senate adjourn and convene at 9:00 a.m., Thursday, April 2, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary