

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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SEVENTEENTH DAY

Bismarck, January 28, 1987

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

The prayer was offered by Reverend Stanley Malmgren, Menoken Community Church, Menoken.

Almighty God and Heavenly Father, we bow before Thee at this time recognizing that Thou art God and beside Thee there is no other. Thou hast been good to us in many ways as a nation, a state, and as individuals. We express our thankfulness for the multitude of Thy tender mercies. Forgive us wherein we have acted foolishly or spoken selfishly. We need Thy forgiveness for our sins and Thy guidance for our undertakings. We pray for both. Help us this hour to make those decisions that will be best for the people of the state of North Dakota. We pause to pray for our Lieutenant Governor that she may know Thy healing power and abiding peace according to Thy will. We thank Thee for hearing our petitions this day. In the name of Christ we pray, 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

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Sixteenth 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

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

HB 1059, HB 1066, HB 1082, HB 1162, HB 1198, HB 1199,
HB 1235, HB 1258, HB 1279, HB 1282, HB 1284, HB 1286,
HB 1325, HCR 3009

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HCR 3017

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SB 2085, SB 2253

PERRY GROTBORG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred SB 2115 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the words "a new section to chapter"

On page 1, line 3, delete the numerals "50-26,"

On page 1, line 6, delete the words "; and to"

On page 1, line 7, delete the words "provide an appropriation"

On page 1, line 19, delete the first word "or" and insert in lieu thereof the word "of"

On page 2, delete lines 16 through 29

On page 4, delete lines 21 through 29

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

SB 2115 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2256 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the 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 a new section

to chapter 54-18 of the North Dakota Century Code, relating to confidentiality of certain North Dakota mill and elevator and export trading company business.

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

SECTION 1. A new section to chapter 54-18 of the North Dakota Century Code is hereby created and enacted to read as follows:

Confidentiality exemption.

1. The industrial commission may provide for the confidentiality of trade secrets and certain commercial and financial information related to specific business transactions of the North Dakota mill and elevator or any export trading company with which the mill and elevator participates, including subsidiaries of the North Dakota mill and elevator.
2. Information may be designated as confidential only when such information would impair the mill and elevator or export trading company's ability to obtain necessary information in the future or cause substantial harm to their competitive position, or when such information would cause substantial harm to the privacy or competitive position of a business partner of the mill and elevator or export trading company.
3. Only information regarding specific business transactions and concerning trade secrets as that term is defined in subsection 4 of section 47-25.1-01, commercial information such as bids, prices for products and commodities, quantities, market strategies, distribution channels, and patterns of competition, or financial information of business partners of the mill and elevator or export trading company may be designated as confidential.
4. Before any information is designated as confidential pursuant to this section, a request by the mill and elevator or export trading company for designation of confidentiality shall be made public at least five days before the industrial commission acts to designate information as confidential. Any person may protest the requested designation of confidentiality in writing or orally with the industrial commission, or seek an injunction to prevent the designation of confidentiality in the

district court. The request for confidentiality shall state the general nature and type of information to be protected, but need not state the name of any business partner or the specific substance of the information which is the subject of the request.

5. Any information designated as confidential pursuant to this section shall not remain confidential when the transaction is reported to the industrial commission or discussed by the industrial commission at a regular or special meeting, unless the transaction is continuing and disclosure of the information may jeopardize the successful completion of the transaction, or it is information concerning the business partner of the mill and elevator or export trading company and disclosure of information would impair the mill and elevator or export trading company's ability to obtain necessary information in the future or cause substantial harm to the privacy or competitive position of the business partner."

And renumber the lines, sections, and pages accordingly

SEN. D. MEYER, Chairman

SB 2256 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred SB 2277 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the numerals "23-17.1-04" insert the words ", subsections 6, 7, and 9 of section 25-03.1-02,"

On page 1, line 5, after the word "counselors" insert the words ", to the definitions of expert examiner, independent expert examiner, and mental health professional,"

On page 2, after line 17, insert the following section:

"SECTION 2. AMENDMENT. Subsections 6, 7, and 9 of section 25-03.1-02 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

6. "Expert examiner" means a licensed physician, psychiatrist, clinical psychologist, or master licensed addiction counselor appointed by the court to examine the respondent. An evaluation of a respondent's physical condition shall be

made only by a licensed physician or psychiatrist, an evaluation of a respondent's mental status shall be made only by a licensed psychiatrist or clinical psychologist, and an examination by a ~~master~~ licensed addiction counselor shall be limited to whether the respondent is an alcoholic or drug addict.

7. "Independent expert examiner" means a licensed physician, psychiatrist, clinical psychologist, or ~~master~~ licensed addiction counselor, chosen at the request of the respondent to provide an independent evaluation of whether the respondent meets the criteria of a person requiring treatment. An examination by a ~~master~~ licensed addiction counselor shall be limited to whether the respondent is an alcoholic or drug addict, and whether the respondent is a person requiring treatment.
9. "Mental health professional" means:
 - a. A psychologist with at least a master's degree who has been either licensed or approved for exemption by the North Dakota board of psychology examiners.
 - b. A social worker with a master's degree in social work from an accredited program.
 - c. A registered nurse with a master's degree in psychiatric and mental health nursing from an accredited program.
 - d. A registered nurse with a minimum of two years of psychiatric clinical experience under the supervision of a registered nurse as defined by subdivision c, or an expert examiner as defined by subsection 6.
 - e. ~~An~~ A licensed addiction counselor ~~certified~~ by the department of human services."

On page 4, line 31, delete the words "or description of services"

On page 5, line 34, after the word "chapter" insert the words ", except that the requirements of subsection 2 of the preceding section do not apply to those addiction counselors licensed pursuant to subsection 3 of the preceding section"

And renumber the lines, sections, and pages accordingly

SEN. J. MEYER, Chairman

SB 2277 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2403 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 27, delete the word "with"

On page 1, delete line 28

On page 2, line 1, delete the words "more, per individual item,"

On page 2, line 3, delete the word and numeral "SECTION 2."

And renumber the lines, sections, and pages accordingly

SEN. LANGLEY, Chairman

SB 2403 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2108 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

SB 2108 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2317 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

SB 2317 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2324 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. D. MEYER, Chairman

SB 2324 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2334 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HEINRICH, Chairman

SB 2334 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2437 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

SB 2437 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2345 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. SATROM, Chairman

SB 2345 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2352 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and be rereferred to the Committee on Appropriations.

SEN. D. MEYER, Chairman

SB 2352 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2388 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. SATROM, Chairman

SB 2388 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2441 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

SB 2441 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SCR 4007 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HEINRICH, Chairman

SCR 4007 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your **Committee on Education** to which was referred HB 1143 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HEINRICH, Chairman

HB 1143 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your **Committee on Education** to which was referred HB 1153 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HEINRICH, Chairman

HB 1153 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2019 as recommended by the **Committee on Appropriations** as printed on page 404 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2019 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to SB 2044 as recommended by the **Committee on Education** as printed on page 405 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2044 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to SB 2050 as recommended by the **Committee on Industry, Business and Labor** as printed on page 405 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2050 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2106 as recommended by the **Committee on Appropriations** as printed on pages 405-406 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2106 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to SB 2129 as recommended by the **Committee on Industry, Business and Labor** as printed on page 406 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2129 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to SB 2130 as recommended by the **Committee on Industry, Business and Labor** as printed on page 406 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2130 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to SB 2163 as recommended by the **Committee on Education** as printed on pages 406-407 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2163 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. D. MEYER MOVED that the amendments to SB 2194 as recommended by the **Committee on State and Federal Government** as printed on page 407 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2194 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to SB 2208 as recommended by the **Committee on Education** as printed on page 407 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2208 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2258 as recommended by the **Committee on Transportation** as printed on pages 376-377 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2258 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. HOLMBERG MOVED that SB 2307, which is on the Sixth order, be rereferred to the **Committee on Judiciary**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. D. MEYER MOVED that the amendments to SB 2339 as recommended by the Committee on State and Federal Government as printed on page 408 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2339 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

AMENDMENT ORDERED BEFORE SENATE

The President Pro Tem, without objection from the members elect, ordered that the amendments to SB 2340 as recommended by the Committee on Appropriations as printed on pages 408-411 of the Senate Journal be before us.

MOTIONS

SEN. NETHING MOVED that SB 2340 be further amended as follows, which motion prevailed.

On page 3, line 41, delete the numeral "10" and insert in lieu thereof the numeral "1"

SEN. NETHING MOVED that the rules be suspended, that SB 2340, as further amended, be placed on the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2340, as amended, be adopted, which motion prevailed.

SEN. TALLACKSON MOVED that the rules be suspended, that SB 2340 be placed at head of the calendar, as amended, for second reading and final passage, which motion prevailed.

MOTIONS

SEN. HEIGAARD MOVED that SB 2014 be moved to the foot of the calendar, which motion prevailed.

SEN. BAKEWELL MOVED that SB 2478 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

SEN. BAKEWELL REQUESTED the unanimous consent of the Senate to withdraw SB 2478. There being no objection, it was so ordered by the President Pro Tem.

MOTION

SEN. FREBORG MOVED that SB 2397 be returned to the Senate floor from the Committee on Agriculture, which motion prevailed.

REQUEST

SEN. FREBORG REQUESTED the unanimous consent of the Senate to withdraw SB 2397. There being no objection, it was so ordered by the President Pro Tem.

MOTIONS

SEN. HEINRICH MOVED that SCR 4012 be returned to the Senate floor from the Committee on Education, which motion prevailed.

SEN. HEINRICH MOVED that SCR 4012 be rereferred to the Committee on Joint Constitutional Revision, which motion prevailed.

SEN. LANGLEY MOVED that SB 2350, which is on the Eleventh order, be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

SIGNING OF BILLS AND RESOLUTIONS

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

HCR 3017

PERRY GROTBORG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HCR 3017

PERRY GROTBORG, Secretary

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to provide for a reduction in general fund appropriation authority; to provide an effective date; and to declare an emergency.

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

YEAS: Adams; Bakewell; David; Freborg; Kelly; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Streibel; Tennefos; Todd; Tweten; Vosper; Wright

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

ABSENT AND NOT VOTING: None

SB 2340 lost.

MOTIONS

SEN. KELLER MOVED that SB 2296 be further amended as follows:

On page 1, line 5, delete the words after the semicolon "to provide for"

On page 1, line 6, delete the words "a transfer of coal development impact funds;"

On page 3, delete lines 32 through 35

On page 4, delete lines 1 and 2

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment deletes Section 6 of the bill which transferred \$250,000 from the coal development impact fund to the general fund.

SEN. KELLER MOVED that the proposed amendments be adopted.

REQUEST

SEN. KELLER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2296, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2296, the roll was called and there were 26 YEAS, 27 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Keller; Kelsh; Krauter; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mutch; Naaden; Nelson; Nething; Richard; Schoenwald; Streibel; Tennefos; Todd; Tweten; Vosper; Waldera; Wright; Yockim

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Langley; Lashkowitz; Lips; Lodoen; Maxson; Moore; Mushik; Nalewaja; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Wogsland

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2296 lost.

MOTIONS

SEN. MOORE MOVED that SB 2296 be further amended as follows:

On page 1 of the engrossed bill, line 2, delete the words "to provide for a reduction in insurance tax"

On page 1 of the engrossed bill, delete line 3

On page 1 of the engrossed bill, line 4, delete the words "of fire and tornado funds;"

On page 2 of the engrossed bill, line 12, delete the numerals "4,637,250" and insert in lieu thereof the numerals "4,887,250"

On page 2 of the engrossed bill, delete lines 16 through 27

On page 3 of the engrossed bill, line 4, delete the numerals "750,000" and insert in lieu thereof the numerals "1,000,000"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The \$250,000 reduction in appropriation authority for the period January 1, 1987, through June 30, 1987, for insurance tax to fire districts from the fire and tornado fund is deleted. The \$250,000 transfer from the fire and tornado fund to the general fund is also deleted.

The \$750,000 reduction in general fund appropriation authority for the Board of Higher Education and institutions under the board's control is increased by \$250,000 to \$1,000,000.

The total reduction in general fund appropriation authority is increased from \$4,637,250 in the engrossed bill to \$4,887,250 by this amendment.

The total impact on the general fund of the engrossed bill, including transfers, is \$5,137,250. The total impact on the general fund of the engrossed bill, including transfers, after these amendments is \$5,137,250.

SEN. MOORE MOVED that the proposed amendments be adopted.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2296, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2296, the roll was called and there were 24 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Freborg; Kelly; Kelsh; Langley; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Reiten; Richard; Streibel; Tennefos; Todd; Vosper; Wright

NAYS: Axtman; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Krauter; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, W.; Mushik; Nalewaja; Olson; Redlin; Satrom; Schoenwald; Shea; Stenehjøm; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2296 lost.

MOTIONS

SEN. LIPS MOVED that SB 2296 be further amended as follows:

On page 1 of the engrossed bill, line 23, delete the numerals "375,000" and insert in lieu thereof the numerals "325,000"

On page 1 of the engrossed bill, line 24, delete the numerals "375,000" and insert in lieu thereof the numerals "325,000"

On page 2 of the engrossed bill, line 12, delete the numerals "4,637,250" and insert in lieu thereof the numerals "4,537,250"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The general fund reductions in appropriation authority for the period January 1, 1987, through June 30, 1987, are decreased additionally as follows:

Personal property tax replacement	\$ 50,000
State revenue sharing	<u>50,000</u>
Total decrease	\$100,000

The total general fund reduction in the engrossed bill is decreased from \$4,637,250 to \$4,537,250, or by \$100,000.

The total impact on the general fund after this amendment, including transfers, is \$5,037,250. The total impact on the general fund before this amendment, including transfers, is \$5,137,250.

SEN. LIPS MOVED that the proposed amendments be adopted.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2296, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2296, the roll was called and there were 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2296 were adopted.

MOTIONS

SEN. LIPS MOVED that the rules be suspended, that SB 2296 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:40 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to provide for certain reductions in general fund appropriation authority; to provide for a reduction in insurance tax to fire districts appropriation authority; to provide for a transfer of fire and tornado funds; to provide for a transfer of coal development impact funds; to provide for a contingent appropriation to the department of human services; to provide an effective 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 42 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING.

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

Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel;
Stromme; Tallackson; Thane; Tweten; Vosper; Waldera;
Wogsland; Yockim

NAYS: Freborg; Kelly; Moore; Mutch; Naaden; Nelson;
Nething; Peterson; Tennefos; Todd; Wright

ABSENT AND NOT VOTING: None

SB 2296 passed, the title was agreed to, and the emergency clause carried.

EXPLANATION OF VOTE

SEN. KELLER: President Pro Tem Redlin: Since my amendment lost, it doesn't mean I wouldn't vote for the bill. I, too, am in favor of cuts to bring our state into the black so we can continue business as usual, as we ought to. But, I'm still very much against giving up our property tax for this purpose. That is why I voted "yes".

EXPLANATION OF VOTE

SEN. MOORE: President Pro Tem Redlin: While I recognize that it is necessary to balance expenditures and income in this biennium, I cannot vote to transfer \$250,000 from the State Fire and Tornado Fund to the general fund. Premiums are paid into that fund from the many political subdivisions for the protection of their property. Those premiums must not be used to support the state's general fund.

MOTION

SEN. HEIGAARD MOVED that the rules be suspended and that SB 2296 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE SENATE CHAMBER

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

SB 2296

PERRY GROTBORG, Secretary

SECOND READING OF SENATE BILLS

SB 2071: A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to inspection of oil and gas production and royalty payment records.

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Shea

SB 2071 passed and the title was agreed to.

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

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

NAYS: Bakewell; Langley; Meyer, W.; Streibel; Tennefos; Todd; Tweten; Wright

ABSENT AND NOT VOTING: Heigaard; Shea

SB 2072 passed and the title was agreed to.

SB 2074: A BILL for an Act 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 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 24 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: None

SB 2074 lost.

SB 2080: A BILL for an Act to create and enact three new sections to chapter 24-07 and a new subsection to section 32-12.1-03 of the North Dakota Century Code, relating to the designation of certain roads as minimum maintenance roads and the limitation of liabilities of political subdivisions for those roads.

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

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

NAYS: Heigaard; Heinrich; Lashkowitz; Lips; Meyer, J.;
Schoenwald; Thane; Tweten; Waldera

ABSENT AND NOT VOTING: Keller

SB 2080 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, and after the reading of SB 2019, SB 2044, SB 2050, SB 2106, SB 2108, SB 2129, SB 2130, SB 2163, SB 2194, SB 2208, SB 2258, SB 2317, SB 2324, SB 2334, SB 2339, SB 2345, SB 2388, SB 2437, SB 2441, SCR 4007, HB 1143, and HB 1153 that the Senate stand adjourned until 1:00 p.m., Thursday, January 29, 1987, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Richard introduced:

SCR 4029: A concurrent resolution urging publishers and editors of North Dakota newspapers to identify editorial writers.
Was read the first time and referred to the **Committee on Judiciary**.

FIRST READING OF HOUSE BILLS

Committee on Human Services and Veterans Affairs introduced:

HB 1152: A BILL for an Act to create and enact a new section to chapter 54-23 of the North Dakota Century Code, relating to the efforts of law enforcement agencies in locating lost or runaway children and missing persons.
Was read the first time and referred to the **Committee on Human Services and Veterans Affairs**.

Committee on Judiciary introduced:

HB 1190: A BILL for an Act to provide for the fair treatment of victims and witnesses.
Was read the first time and referred to the **Committee on Judiciary**.

Committee on Judiciary introduced:

HB 1227: A BILL for an Act to provide for child victim and witness fair treatment standards.
Was read the first time and referred to the **Committee on Judiciary**.

Committee on Industry, Business and Labor introduced:

HB 1244: A BILL for an Act to amend and reenact sections 15-08-07, 15-08-12, 15-08-13, 15-08-18.1, 15-08-18.3, and 15-08-19 of the North Dakota Century Code, relating to redemption from land sale contract cancellation, cancellation of taxes upon expiration of period of redemption from land sale contract cancellation, and taxation and sale for taxes of land sold on contract; and to repeal section 15-08-14 of the North Dakota Century

Code, relating to redemption of lands not listed for taxation.
Was read the first time and referred to the Committee on Industry, Business and Labor.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Legislative Council introduced:

HCR 3001: A concurrent resolution directing the Legislative Council to study the Administrative Agencies Practice Act.
Was read the first time and referred to the Committee on Judiciary.

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

PERRY GROTBORG, Secretary