

## JOURNAL OF THE SENATE

## Fiftieth Legislative Assembly

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## TWENTY-NINTH DAY

Bismarck, February 13, 1987

The Senate convened at 12:30 p.m., with President Meiers presiding.

The prayer was offered by Father Patrick Moore, Chaplain, St. Alexius Medical Center, Bismarck.

Lord God Almighty, Creator of all that is and Supreme Lawmaker. We ask You humbly to give to these men and women a full outpouring of Your spirit today; guide them in the paths of right judgment in their deliberations. Grant them a ministry of service to all. Grant them wisdom in formulating laws grounded in principals of justice and mercy for all of our people. Grant that these lawmakers may use the power invested in them to further good government and bring about conditions that will foster peace and harmony in our state and in the nation. We ask this with faith and hope in the divine benevolence You have shown to Your people throughout the ages and forever. Amen.

## ROLL CALL

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

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

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

SEN. J. MEYER, Chairman

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

MESSAGE 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 1072, HB 1318, HB 1347, HB 1410, HB 1439, HB 1497,  
HB 1584

ROY GILBREATH, Chief Clerk

## REPORTS OF STANDING COMMITTEES

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2009 has had the same under consideration and recommends by a vote of 10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 19, delete the numerals "8,454,835" and insert in lieu thereof the numerals "8,272,786"

On page 1, line 23, delete the numerals "15,064,834" and insert in lieu thereof the numerals "14,882,785"

On page 1, line 25, delete the numerals "13,434,978" and insert in lieu thereof the numerals "13,252,929"

On page 2, line 3, delete the numerals "1,145,376" and insert in lieu thereof the numerals "1,123,026"

On page 2, line 7, delete the numerals "7,238,426" and insert in lieu thereof the numerals "7,216,076"

On page 2, line 8, delete the numerals "13,434,978" and insert in lieu thereof the numerals "13,252,929"

On page 2, line 9, delete the numerals "8,868,282" and insert in lieu thereof the numerals "8,845,932"

On page 2, line 10, delete the numerals "22,303,260" and insert in lieu thereof the numerals "22,098,861"

On page 3, after line 5, insert the following new section:

"SECTION 7. ROUGHRIDER INDUSTRIES - AUTHORITY TO SPEND EXCESS REVENUES. In the event that roughrider industries generates revenues greater than its 1987-89 biennium appropriated authority, the director of institutions may request emergency commission approval for an increase in appropriation authority for roughrider industries, as well as the authority to spend the excess revenues to continue current or new industry operations."

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

State Penitentiary

The general fund compensation increases of \$182,049 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Roughrider Industries

The compensation increases of \$22,350 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

A new section is added to allow Roughrider Industries upon Emergency Commission approval to receive and spend all revenues received for the operations of the industries.

SEN. TALLACKSON, Chairman

SB 2009 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2011 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 15, delete the numerals "1,145,295" and insert in lieu thereof the numerals "1,120,718"

On page 1, line 18, delete the numerals "1,575,893" and insert in lieu thereof the numerals "1,551,316"

On page 1, line 19, delete the numerals "1,202,485" and insert in lieu thereof the numerals "1,183,593"

On page 1, line 20, delete the numerals "373,408" and insert in lieu thereof the numerals "367,723"

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Division of Emergency Management

The compensation increases of \$24,577, of which \$5,685 is from the general fund and \$18,892 is from federal funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

SEN. TALLACKSON, Chairman

SB 2011 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2012 has had the same under consideration and

recommends by a vote of 9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 19, delete the numerals "1,691,799" and insert in lieu thereof the numerals "1,702,925"

On page 1, line 20, delete the numerals "276,646" and insert in lieu thereof the numerals "226,646"

On page 1, line 22, delete the numerals "1,974,252" and insert in lieu thereof the numerals "1,935,378"

On page 1, line 23, delete the numerals "1,975,961" and insert in lieu thereof the numerals "1,937,087"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Parole and Probation Office

The compensation increases of \$38,874 from the general fund included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation. The salaries and wages line item is increased by \$50,000 from the general fund to reinstate a Parole Agent II position deleted in the executive budget. The operating expenses line item is decreased by \$50,000 from the general fund to reduce the amount provided for halfway house contracts.

SEN. TALLACKSON, Chairman

SB 2012 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2013 has had the same under consideration and recommends by a vote of 14 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 4, delete the words "an appropriation and transfer" and insert in lieu thereof the words "a transfer of the proceeds from the sale of the Bismarck national guard armory to"

On page 1, delete line 5

On page 1, line 6, delete the words "fund to"

On page 1, line 18, delete the numerals "1,051,225" and insert in lieu thereof the numerals "1,029,455"

On page 1, line 27, delete the numerals "9,588,726" and insert in lieu thereof the numerals "9,566,956"

On page 2, line 1, delete the numerals "3,153,626" and insert in lieu thereof the numerals "3,131,856"

On page 3, after line 9, insert the following new section:

"SECTION 7. BISMARCK ARMORY SALE PROCEEDS - TRANSFER TO GENERAL FUND. Upon receipt of \$1,600,000, or such lesser or greater amounts as may be received, from the sale of the Bismarck national guard armory to Bismarck state community college, the adjutant general shall transfer such amount to the general fund in the state treasury."

On page 3, delete lines 10 through 15

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Adjutant General

The general fund compensation increases of \$21,770 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

##### Proceeds of Bismarck Armory Sale

The Adjutant General upon receipt of the proceeds from the sale of the Bismarck National Guard Armory to Bismarck State Community College will transfer that money directly to the state general fund.

SEN. TALLACKSON, Chairman

SB 2013 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred Reengrossed SB 2014 has had the same under consideration and recommends by a vote of 11 YEAS, 3 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 reengrossed bill, delete lines 24 through 26 and insert in lieu thereof the following new section:

"SECTION 3. LEGISLATIVE INTENT - BUDGET CONTROL. During the 1987-89 biennium all state departments shall operate in a fiscally responsible manner and shall make

budget reductions where possible. No state department, agency, or institution shall expend funds for salaries and wages, equipment, maintenance, travel, publications, or new programs unless it is critical for the continued operation of the department, agency, or institution."

On page 2, delete lines 1 through 23

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Civil Air Patrol

Condenses Section 3 of the bill relating to legislative intent regarding budget control by the state agencies and institutions during the 1987-89 biennium.

**SEN. TALLACKSON, Chairman**

SB 2014 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2020 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, delete the numerals "4,500,000" and insert in lieu thereof the numerals "4,250,000"

On page 1, line 13, delete the numerals "4,500,000" and insert in lieu thereof the numerals "4,250,000"

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT**

The homestead tax credit grants line item is reduced by \$250,000 from the general fund.

**SEN. TALLACKSON, Chairman**

SB 2020 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2025 has had the same under consideration and recommends by a vote of 10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 19, delete the numerals "38,506" and insert in lieu thereof the numerals "37,445"

- On page 1, line 22, delete the numerals "751,061" and insert in lieu thereof the numerals "750,000"
- On page 1, line 25, delete the numerals "32,500" and insert in lieu thereof the numerals "36,000"
- On page 1, line 26, delete the numerals "32,500" and insert in lieu thereof the numerals "36,000"
- On page 2, line 11, delete the numerals "551,256" and insert in lieu thereof the numerals "542,023"
- On page 2, line 15, delete the numerals "2,979,460" and insert in lieu thereof the numerals "2,970,227"
- On page 2, line 18, delete the numerals "118,535" and insert in lieu thereof the numerals "116,058"
- On page 2, line 21, delete the numerals "511,270" and insert in lieu thereof the numerals "508,793"
- On page 2, line 23, delete the numerals "5,558,291" and insert in lieu thereof the numerals "5,549,020"

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Sunflower Council

The compensation increases of \$1,061 from other funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Honey Promotion Fund

Operating expenses are increased \$3,500 from the fund for the publication of a honey cookbook. The proceeds from the sale of the cookbook will be deposited in the honey promotion fund.

State Wheat Commission

The compensation increases of \$9,233 from other funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Agricultural Products Utilization Commission

The compensation increases of \$2,477 from other funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

SEN. TALLACKSON, Chairman

SB 2025 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2028 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 15, delete the numerals "2,902,618" and insert in lieu thereof the numerals "2,858,803"

On page 1, line 22, delete the numerals "7,504,227" and insert in lieu thereof the numerals "7,460,412"

On page 1, line 23, delete the numerals "3,163,471" and insert in lieu thereof the numerals "3,161,829"

On page 1, line 24, delete the numerals "4,340,756" and insert in lieu thereof the numerals "4,298,583"

On page 2, delete lines 11 through 15

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**Parks and Recreation Department

The compensation increases of \$43,815, of which \$42,173 is from the general fund, \$687 is from federal funds, and \$955 is from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Section 4 of the bill is deleted because the department does not anticipate receiving any additional income.

SEN. TALLACKSON, Chairman

SB 2028 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 2037 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

- On page 1, line 1, delete the words "a new subsection to section"
- On page 1, line 2, delete the numerals and word "50-24.3-03 and"
- On page 1, line 3, delete the words "the powers and duties of the department of"
- On page 1, line 4, delete the words "human services and"
- On page 1, line 6, after the numerals "50-24.3-01" insert the numerals ", 50-24.3-03,"
- On page 1, line 7, after the word "to" insert the words "the powers and duties of the department of human services and"
- On page 1, delete lines 22 through 27, and insert in lieu thereof the following new section:

"SECTION 2. AMENDMENT. Section 50-24.3-03 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24.3-03. Department of human services - Powers and duties. The department of human services shall have the following powers and duties which it may delegate to any acute care facility which provides discharge planning entity which provides assessment services approved by the department:

1. To seek cooperation from other public and private agencies in the community which offer services to disabled and elderly persons.
2. To provide information and education to the general public regarding availability of the assessment program.
3. To accept referrals from individuals, families, human services professionals and nursing home personnel.
4. To assess the health and social needs of referred individuals.
5. To identify available noninstitutional services to meet the needs of referred individuals.

6. To prepare recommendations for individuals receiving assessment program services as to the need for skilled nursing care, or intermediate care as provided in a facility, or other care which is available in the community.
7. To inform referred individuals of the extent to which home and community-based services are available, and of their opportunity to choose, in consultation with an attending physician and family member, among the appropriate alternatives that may be available.

On page 2, delete lines 1 and 2

And renumber the lines, sections, and pages accordingly

SEN. J. MEYER, Chairman

SB 2037 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was rereferred SB 2064 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, line 17, delete the words "in addition to any rent allowable for the game of"

On page 2, line 18, delete the word "twenty-one," and delete the words "one hundred fifty"

On page 2, line 19, delete the word "dollars" and insert in lieu thereof the following:

":

1. If the game of twenty-one is conducted on the site, in addition to the rent allowable for the game of twenty-one, fifty dollars.
2. If the game of twenty-one is not conducted on the site, seventy-five dollars"

And renumber the lines, sections, and pages accordingly

SEN. DOTZENROD, Chairman

SB 2064 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was rereferred SB 2190 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING

that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 4, line 11, delete the words "district manager of job service from the region" and insert in lieu thereof the words "chairman of the regional employment training council"

On page 4, delete lines 13 and 14

On page 4, line 15, delete the letter "g" and insert in lieu thereof the letter "f"

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

SB 2190 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 2192 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 6, line 24, after the numeral "9" insert the words "or subsection 1 of this section"

On page 6, line 25, after the word "before" insert the word "either" and after the word "department" insert the words "or a district court in the county where the treatment or care center is located, at the option of the treatment or care center"

On page 6, line 28, after the word "assessed" insert the words "; provided, however, that upon request of any treatment or care center, the department shall refer the treatment or care center's request for administrative hearing to the attorney general for the appointment of a hearing officer who is not an employee of the department and who has not been involved in the decision from which the claimant has appealed"

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

SB 2192 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was rereferred SB 2232 has had the same under consideration and recommends by a vote of 4 YEAS, 3 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 17, delete the words "must be" and insert in lieu thereof the word "are"

On page 1, line 18, delete the words "a request for rehearing or an appeal from an" and insert in lieu thereof the words "action by the bureau"

On page 1, line 19, delete the words "administrative order issued under chapter 28-32,"

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

SB 2232 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Transportation to which was referred SB 2259 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 8, delete lines 19 through 23

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

SB 2259 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 2265 has had the same under consideration and recommends by a vote of 5 YEAS, 2 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 1, delete the words "create and enact two new sections to chapter"

On page 1, delete lines 2 through 4

On page 1, line 5, delete the words "decedents' estates; and to", and delete the word "sections" and insert in lieu thereof the word "section", and delete the third word "and"

On page 1, line 6, delete the numerals "50-24.1-07"

On page 1, line 7, delete the words "and recovery from estates of"

On page 1, line 8, delete the words "medical assistance recipients"

On page 1, delete lines 11 through 28

On page 2, delete lines 1 through 35

On page 3, delete lines 1 through 17

On page 4, delete lines 21 through 35

On page 5, delete lines 1 through 24

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

SB 2265 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Transportation to which was referred SB 2349 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 2, delete the word "two" and insert in lieu thereof the word "a" and delete the word "sections" and insert in lieu thereof the word "section"

On page 1, line 10, after the word "vehicles" insert the word "- Exceptions"

On page 1, line 18, delete the word "or" and insert in lieu thereof the word ", to"

On page 1, line 20, after the word "vehicle" insert the words ", or to an occupant to whom has been issued a special identifying certificate or insignia for parking privileges for physically handicapped individuals under section 39-01-15" and after the period insert the words "This requirement also does not apply to a rural mail carrier while operating a vehicle in the performance of duties as a rural mail carrier."

On page 1, delete lines 26 and 27

On page 2, delete lines 1 through 7

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

SB 2349 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Judiciary to which was referred SB 2365 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 4, delete the words "; and to provide a penalty"
- On page 2, delete lines 11 through 22
- On page 2, line 33, delete the words "by telephone or"
- On page 2, line 34, delete the words "other means"
- On page 3, line 2, delete the words "The court shall"
- On page 3, line 3, delete the words "issue a written order as soon thereafter as possible."
- On page 3, line 22, delete the words "or to the"
- On page 3, line 23, delete the words "person's legal counsel"
- On page 4, line 2, delete the words "in conjunction with" and insert in lieu thereof the words "with assistance from the"
- On page 4, delete line 3
- On page 4, line 19, after the word "resources" insert a period and delete the words "and must"
- On page 4, delete lines 20 through 33
- On page 5, line 1, after the word "arrest" insert the words "made in good faith and"
- On page 5, line 2, delete the words "This Act may not be construed to create a cause of"
- On page 5, delete lines 3 and 4
- On page 5, line 5, delete the words "employee of the state, a county, or municipality."
- On page 5, delete lines 9 through 11
- And renumber the lines, sections, and pages accordingly  
SEN. LASHKOWITZ, Chairman
- SB 2365 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 2378 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, line 1, delete the words "a new subsection to section" and insert in lieu thereof the word "two"

- On page 1, line 2, delete the words "43-07-01 and three"
- On page 1, line 3, delete the words "establishment of an advisory board of"
- On page 1, line 4, delete the word "contractors,"
- On page 1, line 5, delete the comma
- On page 1, line 6, delete the words "; and to amend and reenact sections 43-07-07 and" and insert in lieu thereof a period
- On page 1, delete lines 7 and 8
- On page 1, delete lines 11 through 26
- On page 2, delete lines 1 through 33
- On page 3, lines 1 through 3, remove the underscore
- On page 3, line 4, remove the underscore under the words "contractor's license number" and delete the words "and the license number of each licensed"
- On page 3, line 5, delete the words "subcontractor doing work covered by the permit" and remove the underscore under the following: ". That official shall"
- On page 3, lines 6 through 9, remove the underscore
- On page 3, line 10, remove the underscore under the words "license number of each", delete the word "licensed", and remove the underscore under the words "subcontractor engaged on the project"
- On page 3, line 11, remove the underscore
- On page 3, line 12, remove the underscore under the words "each number so supplied", delete the words "on the permit" and insert in lieu thereof the words "before inspection of the work", insert the words "The building permit official may not issue a building permit that does not have entered on it the license numbers required under this section."
- On page 3, line 15, remove the underscore under the words "Public awareness program.", delete the word "The" and insert in lieu thereof the words "On request, the", remove the underscore under the words "registrar shall provide city", and delete the underscored comma
- On page 3, line 16, delete the words "township.", remove the underscore under the words "and county enforcement officials with" and delete the word "information"

On page 3, delete line 17 and insert in lieu thereof the words "a list of"

On page 3, line 18, delete the words "duties of", remove the underscore under the word "contractors" and insert immediately thereafter the word "licensed", and remove the underscore under the words "under this chapter. The registrar shall also"

On page 3, line 19, remove the underscore under the words "provide similar information to persons governed by section", delete the numeral "5" and insert in lieu thereof the numeral "1", and remove the underscore under the words "of this"

On page 3, line 20, remove the underscore under the word "Act." and delete the words "The registrar shall seek the aid of the board, state colleges"

On page 3, delete lines 21 through 24

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

SB 2378 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2448 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 2, delete the word "earliest"

On page 1, line 10, after the comma insert the words "if Labor Day falls on or before the fourth day of September"

On page 1, line 12, delete the words "of each" and insert in lieu thereof the words "for that" and after the period insert the words "if Labor Day falls on or after the fifth day of September, the regular instruction of public school students may begin before Labor Day for that year."

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

SB 2448 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2463 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING

that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 9, after the word "chapter" insert the words "or chapter 52-04-01 of the North Dakota Administrative Code"

On page 1, line 17, delete the words "If the street rod is a replica, then the"

On page 1, delete line 18

On page 1, line 19, delete the words "based on the motor vehicle of which the street rod is a replica."

On page 1, line 23, after the period insert the following sentence: "The registrar may adopt rules to implement this section."

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

SB 2463 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 2471 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 1, delete the words "bureau of children's" and insert in lieu thereof the words "child welfare" and after the word "research" insert the word "bureau"

On page 1, line 5, delete the words "Bureau of children's" and insert in lieu thereof the words "Child welfare" and after the word "research" insert the word "bureau"

On page 1, line 6, delete the words "bureau of children's" and insert in lieu thereof the words "child welfare" and after the word "research" insert the word "bureau"

On page 1, line 14, delete the words "bureau of children's" and insert in lieu thereof the words "child welfare"

On page 1, line 15, after the word "research" insert the word "bureau"

On page 1, line 26, delete the words "bureau of children's" and insert in lieu thereof the words "child welfare" and after the word "research" insert the word "bureau"

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

SB 2471 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred SB 2476 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 2, line 2, after the word "Disposition" insert the word "- Referral"
- On page 2, line 23, after the period insert the words "An ordinance adopted under this section may not become effective sooner than sixty days after it is adopted by the governing body of the city. The provisions of chapter 40-12 with regard to referral of ordinances apply to an ordinance adopted under this section except that a petition to refer an ordinance adopted under this section must be presented to the governing body of the municipality before four p.m. on the sixtieth day after the ordinance described in the petition was adopted by the governing body of the municipality. Revenues from a tax imposed under this section may not be pledged under section 40-57.3-03 to payment of bonds or evidences of indebtedness until after the time has passed for filing a referral petition against an ordinance under this section or, if a referral petition is filed, until after the referral petition has been submitted to the vote of the electors of the municipality."
- On page 3, line 5, delete the word "capital" and insert in lieu thereof the words "the purchase, equipping, improving," and delete the first word "and"
- On page 3, line 6, after the first word "of" insert the words "buildings or" and delete the words "the purposes of this" and insert in lieu thereof the words "visitor attraction or promotion"
- On page 3, line 7, delete the word "chapter"
- On page 3, line 26, after the word "may" insert the word "irrevocably"
- On page 3, line 28, delete the words "general obligation" and after the word "bonds" insert the words "or other evidences of indebtedness in the manner prescribed by section 40-35-08"
- On page 3, line 30, after the word "used" insert the words "; and such tax upon being pledged to payment of bonds or"

evidences of indebtedness issued pursuant to this section shall not be reduced or repealed by the governing body or by the electors of the municipality by any initiated amendment to or referendum of the ordinance referred to in section 2 of this Act, so long as any of such bonds or evidences of indebtedness remain outstanding"

On page 3, line 34, after the word "issued" insert the words "and the costs of issuance related thereto,"

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

SB 2476 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 2483 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 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 chapter to title 51 of the North Dakota Century Code, relating to pyramid promotional schemes and referral sales schemes; to repeal chapter 51-16 of the North Dakota Century Code, relating to multilevel distributorships and chain sales schemes; and to provide a penalty.

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

**SECTION 1.** A new chapter to title 51 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Definitions.** As used in this Act, unless the context or subject matter otherwise requires:

1. "Compensation" includes a payment based on a sale or distribution made to a person who either is a participant in a pyramid promotional scheme or has the right to become a participant upon payment.
2. "Consideration" means the payment of cash or the purchase of goods, services, or intangible property but does not include:
  - a. The purchase of goods or services furnished at cost to be used in making sales and not for resale; or

- b. Time and effort spent in pursuit of sales or recruiting activities.
3. "Pyramid promotional scheme" means any plan or operation by which a participant gives consideration for the opportunity to receive compensation which is derived primarily from any person's introduction of other persons into participation in the plan or operation rather than from the sale of goods, services, or intangible property by the participant or other persons introduced into the plan or operation.

**Pyramid promotional schemes prohibited - Defenses excluded.**

1. No person shall establish, operate, advertise, or promote a pyramid promotional scheme.
2. It is not a defense to a criminal or civil prosecution under this section that:
  - a. The plan contains a limitation as to the number of persons who may participate or the presence of additional conditions affecting eligibility for the opportunity to receive compensation under the plan or operation; or
  - b. A participant, on giving consideration, obtains any goods, services, or intangible property in addition to the right to receive compensation.

**Referral selling prohibited.** No seller or lessor may give or offer a rebate, discount, or anything of value to a buyer or lessee as an inducement for a sale or lease in consideration of his giving to the seller or lessor the names of prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale to another person, if the earning of the rebate, discount, or other thing of value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to the sale or lease.

**Penalty - Civil remedies.** Any person, including the officers and directors of any company, violating any of the provisions of this chapter is:

1. Guilty of a class A misdemeanor, but a person who has been previously convicted of a class A misdemeanor under this chapter may be charged with and convicted of a class C felony for any violation which occurs after the previous conviction;

2. Deemed to have committed an unlawful practice in violation of section 51-15-02 and subject to all provisions, procedures, and penalties of chapter 51-15; and
3. Notwithstanding any agreement to the contrary, subject to the right of any purchaser in a pyramid promotional scheme or referral selling scheme to declare the sale or contract void and also subject to an action in a court of competent jurisdiction by any purchaser to recover three times the damages sustained by the purchaser in participating in the scheme, plus reasonable attorney's fees and costs.

**Scope of remedies.**

1. The rights and remedies that this chapter grants to purchasers in pyramid promotional schemes and referral selling schemes are independent of and supplemental to any other right or remedy available to them in law or equity, and nothing contained herein may be construed to diminish or to abrogate any such right or remedy.
2. The provisions of this chapter are in addition to all other causes of action, remedies, and penalties available to the state or any of its governmental agencies.

**SECTION 2. REPEAL.** Chapter 51-16 of the North Dakota Century Code is hereby repealed."

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

SB 2483 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Education to which was referred SB 2509 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 NOT PASS:

On page 1, line 3, delete the word "Christian" and insert in lieu thereof the word "religious"

On page 1, line 4, delete the word "Christian" and insert in lieu thereof the word "religious"

On page 1, line 5, delete the word "Christian" and insert in lieu thereof the word "religious"

- On page 1, line 7, delete the word "Christian" and insert in lieu thereof the word "religious"
- On page 2, line 22, delete the word "Christian" and insert in lieu thereof the word "religious"
- On page 2, line 23, after the period insert the words "Religious schools do not include private or parochial schools approved under subsection 1."
- On page 2, line 27, delete the first word "Christian" and insert in lieu thereof the word "Religious" and delete the second word "Christian" and insert in lieu thereof the word "religious"
- On page 3, line 9, delete the first word "Christian" and insert in lieu thereof the word "religious" and delete the second word "Christian" and insert in lieu thereof the word "Religious"
- On page 3, line 13, delete the word "Christian" and insert in lieu thereof the word "religious"
- On page 3, line 28, delete the word "Christian" and insert in lieu thereof the word "religious"
- On page 3, line 31, delete the word "Christian" and insert in lieu thereof the word "religious"
- On page 4, line 5, delete the word "Christian" and insert in lieu thereof the word "religious"
- On page 4, line 6, delete the word "Christian" and insert in lieu thereof the word "religious"
- On page 4, line 10, delete the word "Christian" and insert in lieu thereof the word "religious"

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

SB 2509 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Political Subdivisions to which was referred SB 2514 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 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 subsection to section 58-06-01 of the North Dakota Century Code, relating to

township budgets; and to amend and reenact subsection 9 of section 58-06-01 and sections 58-08-05 and 58-11-03 of the North Dakota Century Code, relating to township budgets, annual statements by township treasurers, and the duties of boards of auditors of townships.

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

**SECTION 1. AMENDMENT.** Subsection 9 of section 58-06-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. To levy the annual taxes for the ensuing calendar year as voted at the annual township meeting.

**SECTION 2.** A new subsection to 58-06-01 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To prepare a budget for the township at its annual meeting. In March 1988 the board shall budget for the remainder of the calendar year 1988 and for the entire calendar year 1989. At each annual meeting thereafter the board shall budget for the following calendar year.

**SECTION 3. AMENDMENT.** Section 58-08-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**58-08-05.** Treasurer to make annual statement - Contents - Where filed. Within five days preceding the annual township meeting, each The township treasurer shall prepare a written an annual statement of the moneys received from the county treasurer and other officers and persons and of all moneys paid out by him as treasurer. He shall set forth particularly from whom and on what account he received the moneys, with the amount received from each officer or person and the date of receiving the same, and to whom and for what purpose he paid out any moneys, with the amount and date of each payment. He shall state the amount of moneys remaining in his hands as treasurer. He shall file the statement receipts and disbursements for the period January first to December thirty-first of each year. The statement must include the amount, date, source, and fund credited for each receipt and the amount, date, payee, purpose, and fund debited for each disbursement. The statement must include the beginning and ending balances of moneys held by the township. After the statement has been reviewed at the annual township meeting, it must be filed in the office of the township clerk, except that if. If the offices of township clerk and treasurer have been merged, such statement shall be filed with the chairman of

the board of township supervisors. A duplicate of the statement at the same time shall be filed by the township treasurer with the county auditor ~~of his county~~.

**SECTION 4. AMENDMENT.** Section 58-11-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**58-11-03. Auditing accounts of treasurer and other township officers.** At its meeting on the second Tuesday of March in each year, the board of auditors shall examine and audit the accounts of the township treasurer for all moneys received and disbursed ~~by him as treasurer~~. At such the meeting, the board shall audit the accounts of all other township officers who are authorized to receive or disburse money of the township. If a new treasurer has been elected at the annual meeting, the board of auditors shall audit the final statement of the outgoing treasurer at a meeting on the fourth Tuesday in March."

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

SB 2514 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 2515 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

- On page 1, line 1, delete the word "a" and insert in lieu thereof the word "two", and delete the word "section" and insert in lieu thereof the word "sections"
- On page 1, line 6, delete the word "A" and insert in lieu thereof the word "Two" , and delete the word "section" and insert in lieu thereof the word "sections"
- On page 1, line 7, delete the word "is" and insert in lieu thereof the word "are"
- On page 1, after line 7, delete the remainder of the bill and insert in lieu thereof the following sections:

"Competitive bidding required. No nonprofit corporation with tax-exempt status approved under section 501(c)(3) of the Internal Revenue Code or successor regulations of the Internal Revenue Code may expend more than one hundred thousand dollars on any contract for construction, modification, or repair of real property without using competitive bidding procedures. The bidding procedure must include notice by publication in a newspaper of general

circulation of the nature and availability of the contract, the closing date for submission of bids, and the place where and the date when the bids will be opened.

**Opening bids - Award of contract.** At the time and place specified in the notice, a corporation representative shall open publicly and read aloud all bids received and may reject all bids or award the contract to the lowest or best bidder."

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

SB 2515 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 2521 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 2, after the comma insert the words "if Senate Bill No. 2483 is not approved by the fiftieth legislative assembly,"

On page 1, line 7, delete the word "Section" and insert in lieu thereof the words "If Senate Bill No. 2483 does not become effective, section"

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

SB 2521 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Political Subdivisions to which was referred SB 2526 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "new" insert the words "section to chapter 23-24 and a new"

On page 1, line 2, after the word "to" insert the words "withdrawing from a vector control district and"

On page 1, line 4, after the numerals "23-24-03" insert the numerals ", 23-24-04,"

On page 1, line 5, after the first comma insert the word "and" and delete the words and numerals ", and section 57-15-26.2"

On page 1, line 7, after the first comma insert the words "orders modifying the boundaries of vector control districts,"

On page 1, after line 23, insert the following new section:

"SECTION 3. A new section to chapter 23-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

Petition for withdrawing from a vector control district - Hearing and investigation - Boundary modification. Any county, city, or township or portion of a county, city, or township may withdraw from a vector control district whenever a petition signed by the governing body of the county, city, or township or at least twenty percent of the residents of the county, city, or township, or portion thereof, desiring to withdraw from the district, is approved by the state health council. Prior to approving a petition to withdraw from the district, the state health council shall fix a time and place for a public hearing on the petition. The place of the hearing must be convenient and accessible for a majority of the residents of the district. At least ten days prior to the date of the hearing, the state health council shall publish a notice of the hearing in at least one newspaper of general circulation in the district. Prior to the hearing the state health officer shall investigate the petition to withdraw and shall submit a report to the council. If the state health council finds that it is not feasible, desirable, or practical to allow the petitioning entity to withdraw from the district, it shall make an order denying the petition and state the reasons for its action. If the council finds that the petition entity is no longer benefited by being included within the boundaries of the district or if other reasons make the withdrawal of the petitioning entity desirable, proper, and necessary, it shall grant the petition and modify the boundaries of the district. No person may be a member of the board of commissioners if that person is no longer a resident of the vector control district after the boundaries have been modified. A new member must be appointed to replace any such member in the manner provided for original appointments."

On page 1, line 28, after the word "creation" insert the words "or modification"

On page 2, after line 8, insert the following new section:

"SECTION 5. AMENDMENT. Section 23-24-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-24-04. Order establishing or modifying district. A certified copy of the order establishing or modifying a vector control district ~~shall~~ must be filed with the county auditor of each county within which any portion of the district lies and like copy of the order ~~shall~~ must be filed in the office of the secretary of state. The secretary of state shall make and issue to the council his certificate bearing the seal of the state of the due organization of ~~such~~ the district and shall record ~~such~~ the certificate and the order of the council establishing or modifying the district. ~~Such~~ The certificate of the secretary of state or a copy thereof authenticated by him ~~shall~~ be is prima facie evidence of the organization of ~~such~~ the vector control district. Such district ~~shall~~ be and is hereby declared to be a governmental agency, body politic and corporate, with the authority to exercise the powers specified in this chapter or which may be reasonably implied in order to exercise such powers. The order of the council ~~shall~~ must specify the name or number by which ~~such~~ the vector control district shall be known."

On page 3, delete lines 22 through 28

And renumber the lines, sections, and pages accordingly

SEN. DOTZENROD, Chairman

SB 2526 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2542 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 3, delete the words "highway commissioner" and insert in lieu thereof the word "registrar"

And renumber the lines, sections, and pages accordingly

SEN. HILKEN, Chairman

SB 2542 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SCR 4043 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

On page 1, delete lines 25 and 26

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

SCR 4043 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 2038 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 and be rereferred to the Committee on Appropriations.

SEN. J. MEYER, Chairman

SB 2038 was rereferred to the Committee on Appropriations.

**MADAM PRESIDENT:** Your Committee on Human Services and Veterans Affairs to which was referred SB 2166 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. J. MEYER, Chairman

SB 2166 was placed on the Eleventh 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 2191 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. J. MEYER, Chairman

SB 2191 was placed on the Eleventh 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 2314 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. J. MEYER, Chairman

SB 2314 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Transportation to which was referred SB 2321 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 NOT PASS.

SEN. HILKEN, Chairman

SB 2321 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 2390 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. HEINRICH, Chairman

SB 2390 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2392 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. DOTZENROD, Chairman

SB 2392 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2539 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. HILKEN, Chairman

SB 2539 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1100 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. HILKEN, Chairman

HB 1100 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1105 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. DOTZENROD, Chairman

HB 1105 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1112 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. DOTZENROD, Chairman

HB 1112 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1113 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. DOTZENROD, Chairman

HB 1113 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1132 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. HILKEN, Chairman

HB 1132 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1173 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. HILKEN, Chairman

HB 1173 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2470 has had the same under consideration and recommends by a vote of 5 YEAS, 3 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. W. MEYER, Chairman

SB 2470 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2494 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. W. MEYER, Chairman

SB 2494 was rereferred to the Committee on Appropriations.

#### CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2128 as recommended by the Committee on Industry, Business and Labor as printed on page 719 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2128 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTIONS

SEN. D. MEYER MOVED that SB 2346, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SEN. LANGLEY MOVED that SB 2380, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to SB 2450 as recommended by the Committee on Judiciary as printed on pages 719-720 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2450 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LASHKOWITZ MOVED that the amendments to SB 2455 as recommended by the Committee on Judiciary as printed on page 684 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2455 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to SB 2484 as recommended by the Committee on Education as printed on page 720 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2484 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. W. MEYER MOVED that the amendments to SB 2486 as recommended by the Committee on Agriculture as printed on pages 720-721 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTION

SEN. ADAMS MOVED that the rules be suspended and that SB 2486 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2486: A BILL for an Act to create and enact a new section to chapter 36-05 of the North Dakota Century Code, relating to the establishment of a livestock auction marketing grievance committee.

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; 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; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** Nething; Tennefos

SB 2486 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**SEN. D. MEYER MOVED** that the amendments to SB 2505 as recommended by the **Committee on State and Federal Government** as printed on page 723 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2505 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SEN. J. MEYER MOVED** that the amendments to SB 2510 as recommended by the **Committee on Human Services and Veterans Affairs** as printed on pages 655-656 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2510 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SEN. W. MEYER MOVED** that the amendments to SB 2511 as recommended by the **Committee on Agriculture** as printed on pages 721-723 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2511 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SEN. DOTZENROD MOVED** that the amendments to SB 2541 as recommended by the **Committee on Political Subdivisions** as printed on page 658 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2541 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LASHKOWITZ MOVED that the amendments to SCR 4022 as recommended by the Committee on Judiciary as printed on pages 657-658 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SCR 4022 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 2422 as recommended by the Committee on State and Federal Government as printed on pages 739-740 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2422 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. D. MEYER MOVED that the amendments to SCR 4006 as recommended by the Committee on State and Federal Government as printed on page 740 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SCR 4006 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTIONS

SEN. HEIGAARD MOVED that SB 2172 be placed immediately following SB 2220 on the calendar, which motion prevailed.

SEN. D. MEYER MOVED that SB 2304, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to adopt the Uniform State Antitrust Act, relating to prohibitions against restraint of trade; to repeal chapter 51-08 of the North Dakota Century Code, relating to the prohibition against certain business pools and trusts; and to provide a penalty.

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

#### ROLL CALL

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

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

Nelson; Olson; Peterson; Redlin; Richard; Satrom;  
 Schoenwald; Shea; Stenehjelm; Streibel; Stromme;  
 Tallackson; Thane; Todd; Tweten; Vosper; Waldera;  
 Wogsland; Wright; Yockim

NAYS: Reiten

ABSENT AND NOT VOTING: Bakewell; Nething; Tennefos

SB 2101 passed and the title was agreed to.

\*\*\*\*\*

#### REQUEST

SEN. BAKEWELL REQUESTED that the record show that he depressed the voting key too late, and he intended to vote "yea" on SB 2101, which request was granted.

#### SECOND READING OF SENATE BILLS

SB 2127: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to advances from sources other than the federal unemployment trust fund; and to amend and reenact section 52-04-22 of the North Dakota Century Code, relating to the federal advance interest repayment fund.

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;  
 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; Olson; Peterson; Redlin; Reiten; Richard;  
 Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme;  
 Tallackson; Thane; Todd; Tweten; Vosper; Waldera;  
 Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nething; Tennefos

SB 2127 passed and the title was agreed to.

\*\*\*\*\*

SB 2141: A BILL for an Act to amend and reenact section 39-04-09 of the North Dakota Century Code, relating to acquisition of license plates from the state penitentiary.

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 42 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; David; Freborg; Krauter; Moore; Naaden; Nelson; Stromme; Todd

ABSENT AND NOT VOTING: Nething; Tennefos

SB 2141 passed and the title was agreed to.

\*\*\*\*\*

SB 2294: A BILL for an Act to amend and reenact sections 43-13-01 and 43-13-13.1 of the North Dakota Century Code, relating to definitions and the authority of the board of optometry.

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 47 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Keller; Lips; Nalewaja

ABSENT AND NOT VOTING: Nething; Tennefos; Waldera

SB 2294 passed and the title was agreed to.

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## MOTIONS

SEN. HEIGAARD MOVED that the Senate stand in recess until 1:45 p.m., which motion prevailed.

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

SEN. HEIGAARD MOVED that the Communication from the Governor be printed in the Journal, which motion prevailed.

It was so ordered by the President Pro Tem.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota  
EXECUTIVE OFFICE  
Bismarck

February 13, 1987

The Honorable Ruth Meiers  
President of the Senate  
Senate Chamber  
State Capitol  
Bismarck, North Dakota 58505

Dear Madam President:

This is to advise you that I have nominated E. Gene Martin to the State Board of Higher Education effective July 1, 1987 and extending through July 1, 1994.

This appointment is submitted for consideration of Senate confirmation.

Sincerely,

GEORGE A. SINNER  
Governor

## REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Committees respectfully submit the following names for your select committee to consider the Governor's nomination for the State Board of Higher Education:

Sen. Richard Shea, Chairman  
Sen. Joe Satrom  
Sen. Jim Maxson  
Sen. Rick Maixner  
Sen. Ray Holmberg  
Sen. Malcolm Tweten  
Sen. Curt Peterson

SEN. HEIGAARD, Chairman

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

THE PRESIDENT PRO TEM REFERRED the appointment of E. Gene Martin to the select committee for the State Board of Higher Education.

#### MOTIONS

SEN. BAKEWELL MOVED that SB 2360 be further amended as follows:

On page 2, line 12, delete the words "the fertilizer"

On page 2, line 13, delete the words "advisory committee and"

On page 2, line 19, after the period insert the following sentence: "The department shall mail or deliver to the fertilizer advisory committee a copy of all statements received on or before the fifteenth day of the second month following each semiannual period."

And renumber the lines, sections, and pages accordingly

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

SEN. MAIXNER MOVED that the rules be suspended and that SB 2360 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2360: A BILL for an Act to create and enact four new sections to chapter 19-20.1 of the North Dakota Century Code, relating to the establishment of a fertilizer advisory committee; to amend and reenact sections 19-20.1-06 and 19-20.1-07 of the North Dakota Century Code, relating to assessments on commercial fertilizers; and to provide an appropriation.

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

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 13 YEAS, 37 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Holmberg; Ingstad; Lips; Meyer, D.; Meyer, W.; Moore; Naaden; Nalewaja; Stenehjelm; Streibel; Thane; Tweten; Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Mutch; Nelson; Olson;

Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Todd; Vosper; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: Freborg; Nething; Tennefos

SB 2360 lost.

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SB 2442: A BILL for an Act to amend and reenact section 49-05-06 of the North Dakota Century Code, relating to hearings by the public service commission on proposed rate changes.

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 38 YEAS, 12 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Shea; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Wright

NAYS: Heigaard; Heinrich; Holmberg; Maixner; Mathern; Mushik; Satrom; Schoenwald; Stenehjem; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Nething; Tennefos

SB 2442 passed and the title was agreed to.

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SB 2461: A BILL for an Act to create and enact a new section to chapter 53-06.1 and a new subsection to section 53-06.1-07 of the North Dakota Century Code, relating to conduct of certain games of chance; and to amend and reenact subsection 1 of section 53-06.1-01 of the North Dakota Century Code, relating to definitions applicable to the charitable gambling law.

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

## ROLL CALL

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

YEAS: Adams; Bakewell; Dotzenrod; Heigaard; Heinrich; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nalewaja; Olson; Peterson; Richard; Schoenwald; Shea; Streibel; Stromme; Thane; Todd; Vosper; Waldera; Wogsland

NAYS: Axtman; David; Hilken; Holmberg; Kelly; Mathern; Moore; Mutch; Nelson; Redlin; Reiten; Satrom; Stenehjem; Tallackson; Tweten; Wright; Yockim

ABSENT AND NOT VOTING: Freborg; Nething; Tennefos

SB 2461 passed and the title was agreed to.

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SB 2482: A BILL for an Act to amend and reenact section 20.1-03-12.1 of the North Dakota Century Code, relating to habitat restoration stamps; and to provide an effective date.

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

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 46 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; Hilken; Keller; Stromme

ABSENT AND NOT VOTING: Freborg; Nething; Tennefos

SB 2482 passed and the title was agreed to.

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SB 2490: A BILL for an Act to authorize court ordered mediation in certain contested child custody or visitation proceedings.

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

#### ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; 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; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Freborg; Nething; Tennefos

SB 2490 passed and the title was agreed to.

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#### MOTIONS

SEN. SCHOENWALD MOVED that SB 2220 be amended as follows:

On page 2, line 22, delete the words "two and one-half" and insert in lieu thereof the word "three"

On page 2, line 24, delete the words "nor more than" and insert in lieu thereof a period

On page 2, delete line 25

On page 7, line 10, delete the words "and maximum rate" and insert in lieu thereof the words "rate and two and one-fourth times the average required rate as determined in subsection 1 of section 52-04-05."

On page 7, delete line 11

On page 7, line 29, delete the word "seventy-five" and insert in lieu thereof the word "seventy-eight"

On page 7, line 32, delete the word "twenty-five" and insert the word "twenty-two"

On page 8, line 25, delete the words "However, no"

On page 8, delete lines 26 and 27

On page 11, line 4, after the period insert the words "Except that no employer eligible for experience rating and having a positive reserve ratio shall receive a recomputed rate for 1987 greater than the rate applicable under the law in effect prior to the enactment of Senate Bill No. 2220."

And renumber the lines, sections, and pages accordingly

SEN. SCHOENWALD MOVED that the proposed amendments be adopted, which motion prevailed on a verification vote.

SEN. SCHOENWALD MOVED that the rules be suspended and that SB 2220 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2220: A BILL for an Act to amend and reenact sections 52-04-05, 52-04-06, 52-04-09, and 52-04-10 of the North Dakota Century Code, relating to standard rates of contributions for unemployment compensation purposes, variations in standard rates of contributions, classification of employers to determine contributions, and notification of contributions for the ensuing year; to provide an effective date; and to declare an emergency.

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

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 28 YEAS, 22 NAYS, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Freborg; Nething; Tennefos

SB 2220 passed, the title was agreed to, but the emergency clause lost.

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MESSAGE 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:

HCR 3061

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. REITEN MOVED that SB 2172 be further amended as follows:

On page 2 of the engrossed bill, overstrike lines 34 and 35

On page 3 of the engrossed bill, overstrike lines 1 through 3

On page 3 of the engrossed bill, line 4, overstrike the words "or after July 1," and delete the numerals "1989" and overstrike the period

And renumber the lines, sections, and pages accordingly

SEN. REITEN MOVED that the proposed amendments be adopted.

REQUEST

SEN. MUTCH REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2172, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2172, the roll was called and there were 23 YEAS, 27 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Holmberg; Ingstad; Kelly; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Reiten; Stenehjerm; Streibel; Thane; Todd; Tweten; Vosper; Wright

NAYS: 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; Tallackson; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Nething; Tennefos

The proposed amendments to SB 2172 lost.

SECOND READING OF SENATE BILL

SB 2172: A BILL for an Act to amend and reenact section 52-06-04 of the North Dakota Century Code, relating to unemployment compensation benefit amounts.

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

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 27 YEAS, 23 NAYS, 3 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; Tallackson; Waldera; Wogsland; Yockim

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

ABSENT AND NOT VOTING: Freborg; Nething; Tennefos

SB 2172 passed and the title was agreed to.

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#### MOTION

SEN. MAIXNER MOVED that the action taken by the Senate on SB 2220 and SB 2172 be reconsidered, and that the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Rydell, Sorensen and Sen. Lips introduced:

(Approved by the Committee on Delayed Bills)

HCR 3061: A concurrent resolution congratulating Shelley Gangness on being chosen Miss North Dakota and representing the state at the Miss USA pageant.

Was read the first time.

#### MOTION

SEN. OLSON MOVED that the rules be suspended, that HCR 3061 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.

#### RULING

THE PRESIDENT PRO TEM ANNOUNCED that HCR 3061 violates Senate Rule 407 which states that no resolution which commends, lauds, congratulates, or otherwise honors any person or group, other than memorial resolutions extending condolences, shall be introduced or further considered unless the person or group is being recognized for an achievement which has brought national attention or recognition.

HCR 3061 was ruled out of order by the President Pro Tem.

#### MOTIONS

SEN. SATROM MOVED that SB 2513 be placed immediately ahead of SB 2347 on the calendar, which motion prevailed.

SEN. RICHARD MOVED that SB 2311 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

#### REQUEST

SEN. RICHARD REQUESTED the unanimous consent of the Senate to withdraw SB 2311. There being no objection, it was so ordered by the President Pro Tem.

#### MOTION

SEN. HEIGAARD MOVED that HB 1668 be placed at the head of the Fourteenth order on the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1668: A BILL for an Act to create and enact section 7 to Senate Bill No. 2901, as approved by the fiftieth legislative assembly, which relates to the rate of the sales tax, use tax, and motor vehicle excise tax, and declaring that Act to be an emergency measure; and to declare an emergency.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 28 YEAS, 22 NAYS, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Freborg; Nething; Tennefos

HB 1668 passed, the title was agreed to, but the emergency clause lost.

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#### VOTE CHANGED FOR RECONSIDERATION

SEN. MAIXNER changed his vote from "yea" to "nay" for the purpose of reconsideration, so the vote was 27 YEAS, 23 NAYS, 3 ABSENT AND NOT VOTING.

## MOTIONS

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

SEN. MAIXNER 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, and after the reading of SB 2038, SB 2128, SB 2166, SB 2191, SB 2314, SB 2321, SB 2390, SB 2392, SB 2418, SB 2422, SB 2450, SB 2455, SB 2484, SB 2505, SB 2510, SB 2511, SB 2539, SB 2541, SCR 4006, SCR 4022, HB 1100, HB 1105, HB 1112, HB 1113, HB 1132, and HB 1173, the Senate adjourn and convene at 1:00 p.m., Monday, February 16, 1987, which motion prevailed.

PERRY GROTERBERG, Secretary

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Stenehjem, J. Meyer, Holmberg, Satrom, Lodoen introduced:

SCR 4050: A concurrent resolution directing the Legislative Council to study the office, duties, and functions of the Commissioner of Labor and whether these could be adequately performed by other state agencies.

Was read the first time and referred to the Committee on Industry, Business and Labor.

Sens. D. Meyer, Maixner, Nelson, Vosper introduced:

SCR 4051: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state bonding fund for those persons who are required by state law to be bonded in order to engage in business activities.

Was read the first time and referred to the Committee on Industry, Business and Labor.

## FIRST READING OF HOUSE BILLS

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

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1185: A BILL for an Act to create and enact section 6-07-04.1 of the North Dakota Century Code, relating to orders to show cause on insolvency, exceptions for emergencies, and recourse for aggrieved banks; and to amend and reenact

sections 6-07-15 and 6-07-33 of the North Dakota Century Code, relating to district courts' supervision over administrative receiverships and confidentiality of proceedings.

Was read the first time and referred to the **Committee on Industry, Business and Labor.**

**HB 1194:** A BILL for an Act to amend and reenact section 55-08-07.1 of the North Dakota Century Code, relating to use of the state parks and recreation department concession fund.

Was read the first time and referred to the **Committee on Natural Resources.**

**HB 1225:** A BILL for an Act to amend and reenact section 54-44.1-12 of the North Dakota Century Code, relating to control of execution of the budget and allotments.

Was read the first time and referred to the **Committee on State and Federal Government.**

**HB 1274:** A BILL for an Act to amend and reenact sections 57-60-01 and 57-60-03 of the North Dakota Century Code, relating to definitions for purposes of the privilege tax on coal facilities, to exempt byproducts of the coal gasification process from the gross receipts tax on coal conversion facilities, and relating to annual reporting by the operator of a coal gasification plant of the quantity of byproducts produced; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the **Committee on Finance and Taxation.**

**HB 1355:** A BILL for an Act to amend and reenact sections 26.1-18-04, 26.1-30-20, and subsection 1 of section 26.1-30-21 of the North Dakota Century Code, relating to the period of time in which the commissioner must approve insurance policies and notices of modification relating to the operation of a health maintenance organization.

Was read the first time and referred to the **Committee on Industry, Business and Labor.**

**HB 1373:** A BILL for an Act to create and enact a new section to chapter 23-10 of the North Dakota Century Code, relating to a requirement for a procedure to respond to emergencies and complaints in certain mobile home parks.

Was read the first time and referred to the **Committee on Industry, Business and Labor.**

**HB 1432:** A BILL for an Act to amend and reenact section 44-05-01 of the North Dakota Century Code, relating to officers authorized to administer oaths.

Was read the first time and referred to the **Committee on Judiciary.**

- HB 1469:** A BILL for an Act to amend and reenact sections 27-08.1-02 and 27-08.1-03 of the North Dakota Century Code, relating to service of process in small claims court.  
Was read the first time and referred to the **Committee on Judiciary.**
- HB 1516:** A BILL for an Act to provide an appropriation to the commissioner of agriculture for the Pride of Dakota logo promotion program.  
Was read the first time and referred to the **Committee on Agriculture.**
- HB 1536:** A BILL for an Act to amend and reenact section 40-33.2-01 and subsection 2 of section 40-33.2-02 of the North Dakota Century Code, relating to municipal power agencies.  
Was read the first time and referred to the **Committee on Political Subdivisions.**
- HB 1594:** A BILL for an Act to amend and reenact sections 40-62-01, 40-62-06, and 40-62-07 of the North Dakota Century Code, relating to pedestrian malls and skyways.  
Was read the first time and referred to the **Committee on Political Subdivisions.**
- HB 1653:** A BILL for an Act to repeal section 11-13-17 of the North Dakota Century Code, relating to the destruction of county records.  
Was read the first time and referred to the **Committee on Political Subdivisions.**

#### COMMUNICATION

##### Doctor of the Day Schedule

- February 16: Herbert J. Wilson, M.D., New Town,  
General Practice
- February 17: Earl J. Dunnigan, M.D., Fargo  
Internal Medicine
- February 18: Earl J. Dunnigan, M.D., Fargo  
Internal Medicine
- February 19: Clayton E. Jensen, M.D., Fargo  
Family Practice
- February 20: Kermit Leonard, M.D., Garrison  
Family Practice

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

PERRY GROTEBERG, Secretary