

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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THIRTY-SECOND DAY

Bismarck, February 18, 1987

The Senate convened at 10:00 a.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend Steve Sathre, Trinity Lutheran Church, Bismarck.

Gracious God, as the pace of this legislative session quickens, as the issues become more heated, we ask Your guidance over the proceedings of this body. Keep before the eyes of all who are privileged to serve here the high purpose for which they were elected. Remind them that their decisions affect hundreds of thousands of people. Let them not find this a weighty burden but an inspiration calling forth from our Senators all their best.

Teach us, good Lord: Not to murmur at multitude of business or shortness of time; not to magnify undertaken duties by seeming to suffer under them, but to treat all as liberties and gladnesses; not to call attention to crowded work or petty fatigue; not to gather encouragement from appreciation by others lest this should interfere with purity of motive; but to all grant depth of purpose, clarity of vision, and fulfillment in service. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators W. Meyer, Satrom, and Teneffos.

A quorum was declared by the President Pro Tem.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirty-first 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 1460, HB 1506, HB 1568, HB 1579, HB 1596, HB 1601,
HB 1608, HB 1671, HB 1672

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SB 2128, SB 2304, SB 2328, SB 2400, SB 2422, SB 2444,
SB 2445, SB 2450, SB 2455, SB 2484, SB 2493, SB 2495,
SB 2505, SB 2510, SB 2511, SB 2530, SB 2533, SCR 4006,
SCR 4022

PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1056 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 2, after the fourth comma insert the numerals "16.1-16-10,"

On page 1, line 3, after the fifth comma insert the words "the new section to chapter 54-07 as created by section 2 of House Bill No. 1057 as approved by the fiftieth legislative assembly,"

On page 1, line 6, after the comma insert the words "legislative enactments," and after the semicolon delete the word "and"

On page 1, line 7, delete the numerals "16.1-16-10,"

On page 1, line 9, after the word "contests" insert the words "; and to declare an emergency"

On page 6, after line 32, insert the following section:

"SECTION 6. AMENDMENT. Section 16.1-16-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-16-10. Legislative contest of election. Legislative election contests shall ~~shall~~ must be determined pursuant to sections ~~16-1-16-10~~ through ~~16-1-16-17~~. Any person intending to contest, before either house of the legislative assembly, the election of a member of the legislative assembly shall serve on that member a statement of contest, which shall specify the grounds for the contest. The statement shall be served on the member and a copy filed with the secretary of state within five days

after a recount is completed, and within ten days after the canvass is completed if no recount is to be conducted in court as provided in this chapter for other contests. No legislative election may be contested before either house of the legislative assembly."

On page 9, line 6, delete the word "Legislative", overstrike the word "contest" and insert immediately thereafter the words "Qualifications of members - Each house to judge", and overstrike the word "right" and insert immediately thereafter the word "qualifications"

On page 9, line 7, overstrike the words "person to a seat in" and insert immediately thereafter the words "member of" and overstrike the word "is" and insert immediately thereafter the word "are"

On page 9, line 8, overstrike the word "contested" and insert immediately thereafter the word "challenged", delete the word "that", and overstrike the word "person" and insert immediately thereafter the words "that member"

On page 9, after line 28, insert the following section:

"SECTION 13. AMENDMENT. The new section to chapter 54-07 of the North Dakota Century Code as created by House Bill No. 1057, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

Governor to file bills with secretary of state. The governor shall cause each bill passed by the legislative assembly and not vetoed by the governor to be filed with the secretary of state within three five days, Sundays excepted, after the bill has been presented to the governor unless the legislative assembly by its adjournment prevents its return in which case the governor shall cause the bill to be filed within fifteen days after the adjournment."

On page 10, line 15, delete the words "and section 16.1-16-10 of the 1985"

On page 10, line 16, delete the words "Supplement to the North Dakota Century Code"

On page 10, after line 16, insert the following section:

"SECTION 16. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

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

HB 1056 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1172 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 7, line 25, after the word "agencies" insert the words "except for the institutions and entities under the jurisdiction of the board of higher education,"

On page 7, line 27, after the period insert the following: "The institutions and entities under the jurisdiction of the board of higher education together with the office of central data processing shall make joint use of telecommunications and transmission facilities as will result in less cost to the state."

On page 8, line 14, delete the word "or"

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

HB 1172 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 2017 has had the same under consideration and recommends by a vote of 9 YEAS, 4 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 13, delete the numerals "303,766" and insert in lieu thereof the numerals "299,799"

On page 1, line 18, delete the numerals "2,732,071" and insert in lieu thereof the numerals "2,728,104"

On page 1, line 19, delete the numerals "2,379,371" and insert in lieu thereof the numerals "2,378,104"

On page 1, line 20, delete the numerals "352,700" and insert in lieu thereof the numerals "350,000"

On page 1, line 21, delete the word ", upon" and insert in lieu thereof the numerals and words "\$2,000,000, or so much thereof as may be necessary, from additional special funds derived"

On page 1, delete line 22

On page 1, line 23, delete the following: ", such moneys as become available"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Weather Modification Board

The compensation increases of \$3,967, of which \$2,700 is from the general fund and \$1,267 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.

The \$2,000,000 appropriation from federal and other funds in the bill is the amount anticipated to be received.

SEN. TALLACKSON, Chairman

SB 2017 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 2018 has had the same under consideration and recommends by a vote of 10 YEAS, 3 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 24, delete the numerals "13,000" and insert in lieu thereof the numerals "73,000"

On page 1, line 25, delete the numerals "13,000" and insert in lieu thereof the numerals "73,000"

On page 2, line 3, delete the numerals "4,750" and insert in lieu thereof the numerals "9,500"

On page 2, line 4, delete the numerals "4,750" and insert in lieu thereof the numerals "9,500"

On page 2, line 12, delete the numerals "200,000" and insert in lieu thereof the numerals "195,250"

On page 2, line 13, delete the numerals "200,000" and insert in lieu thereof the numerals "195,250"

On page 2, line 15, delete the numerals "2,062,500" and insert in lieu thereof the numerals "2,122,500"

On page 2, line 16, delete the numerals "2,967,250" and insert in lieu thereof the numerals "3,027,250"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Capitol Grounds Planning Commission

Adds \$60,000 from the Capitol building fund for the following:

Capitol grounds landscaping	\$32,000
Capitol grounds interpretive trail	13,500
Capitol grounds master plan update	9,500
Consultant fees	<u>5,000</u>
	\$60,000

Yellowstone-Missouri-Fort Union Commission

Increases the general fund appropriation by \$4,750, to the \$9,500 amount requested by the commission.

Miscellaneous Refunds

Reduces the general fund appropriation by \$4,750.

SEN. TALLACKSON, Chairman

SB 2018 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 2029 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 19, delete the numerals "4,629,707" and insert in lieu thereof the numerals "4,465,687"
- On page 1, line 24, delete the numerals "13,031,686" and insert in lieu thereof the numerals "12,867,666"
- On page 1, line 25, delete the numerals "7,104,841" and insert in lieu thereof the numerals "7,102,601"
- On page 1, line 26, delete the numerals "5,926,845" and insert in lieu thereof the numerals "5,765,065"
- On page 2, line 3, delete the numerals "281,995" and insert in lieu thereof the numerals "277,372"
- On page 2, line 7, delete the numerals "25,860,057" and insert in lieu thereof the numerals "25,855,434"
- On page 2, line 8, delete the numerals "5,926,845" and insert in lieu thereof the numerals "5,765,065"

On page 2, line 9, delete the numerals "32,964,898" and insert in lieu thereof the numerals "35,753,870"

On page 2, line 10, delete the numerals "38,891,743" and insert in lieu thereof the numerals "41,518,935"

On page 3, line 9, delete the words "state general" and insert in lieu thereof the words "resources trust"

On page 3, after line 10, insert the following new sections:

"SECTION 7. RESOURCES TRUST FUND APPROPRIATION - ADJUSTMENT. In the event the resources trust fund contains moneys in excess of the \$6,704,165 in section 2 of this Act, any excess, up to \$2,795,835, or so much thereof as is necessary, is hereby appropriated and shall be transferred by the office of management and budget from the resources trust fund to the state water commission for the biennium beginning July 1, 1987, and ending June 30, 1989.

SECTION 8. ALLOCATION OF GRANT FUNDS. The funds appropriated in the grants line item in subdivision 1 of section 1 shall be disbursed by the commission in accordance with North Dakota Century Code section 61-02-64.1."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Water Commission

The compensation increases of \$90,347, of which \$88,107 is 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 reduced by \$73,673 from the general fund to delete funding for an attorney position to be transferred to the Attorney General's office.

A new section is added that appropriates any additional available amounts, up to \$2,795,835 from the resources trust fund to the State Water Commission.

A new section is added to provide that the Water Commission grants in subdivision 1 of Section 1 of the bill will be disbursed in accordance with North Dakota Century Code Section 61-02-64.1, relating to payments from the State Water Commission contract fund.

Southwest Water Pipeline

The compensation increases of \$4,623 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 2029 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 2030 has had the same under consideration and recommends by a vote of 7 YEAS, 4 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 14, delete the numerals "1,873,026" and insert in lieu thereof the numerals "1,837,684"

On page 1, line 20, delete the numerals "5,656,271" and insert in lieu thereof the numerals "5,620,929"

On page 1, line 21, delete the numerals "2,655,983" and insert in lieu thereof the numerals "2,638,437"

On page 1, line 22, delete the numerals "3,000,288" and insert in lieu thereof the numerals "2,982,492"

On page 2, line 3, delete the numerals "1,810,741" and insert in lieu thereof the numerals "1,801,628"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:Economic Development Commission

The compensation increases of \$35,342, of which \$17,796 is from the general fund, \$8,433 is from federal funds, and \$9,113 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.

These amendments reduce the transfer from the state highway fund by \$9,113 relating to the compensation adjustment.

SEN. TALLACKSON, Chairman

SB 2030 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 2078 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 NOT 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 amend and reenact section 57-51.1-03 of the North Dakota Century Code, relating to removal of the royalty owners' exemption from the oil extraction tax.

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

SECTION 1. AMENDMENT. Section 57-51.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-51.1-03. Exemptions from oil extraction tax. The following activities are specifically exempted from the oil extraction tax:

1. The activity of extracting from the earth any oil that is exempt from the gross production tax imposed by chapter 57-51.
2. The activity of extracting from the earth any oil from a stripper well property.
- 3- ~~The activity not otherwise exempt of extracting from the earth the oil that is owned by a royalty owner or royalty owners in the first one hundred barrels, or any lesser amount, of the average daily production of oil that is produced during each calendar day from any well."~~

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

SB 2078 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 2244 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 4, line 2, remove the overstrike over the words "~~coming before him in his official or professional~~"

On page 4, line 3, remove the overstrike over the word "~~capacity~~"

On page 4, line 4, delete the words "a county" and insert in lieu thereof the words "the department's designee"

On page 4, line 5, delete the words "social service board"

On page 4, line 8, delete the words "a county social service board" and insert in lieu thereof the words "the department's designee"

On page 4, line 21, delete the words "a county" and insert in lieu thereof the words "the department's designee"

On page 4, line 22, delete the words "social service board"

On page 4, line 30, after the word "department" insert the words "or the department's designee"

On page 5, line 25, remove the overstrike over the word "~~forthwith~~"

On page 5, line 29, delete the word "The"

On page 5, delete lines 30 through 32

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

SB 2244 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 2246 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 19, delete the words "appropriately expended for" and insert in lieu thereof the words "budgeted for the same purposes permitted for the expenditure of proceeds of a tax levied under this section"

On page 1, line 20, delete the words "senior citizen programs and activities"

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

On page 1, delete lines 25 through 27

On page 2, delete lines 1 through 2

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

SB 2246 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 2302 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 word "sections" insert the numerals "11-17-01, 28-20-11, 28-21-05, 28-21-06,"

On page 1, line 3, after the word "to" insert the words "clerk of court recordkeeping requirements, issuance and contents of an execution to enforce a judgment,"

On page 1, after line 6, insert the following new sections:

"SECTION 1. AMENDMENT. Subsection 6 of section 11-17-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. Keep in the office a register of all actions, in which the clerk shall enter the title of each action with brief notes of all papers filed and ~~proceedings had~~ in the action together with the date of the filing ~~or proceeding~~, and such other matters as are required by supreme court rule.

SECTION 2. AMENDMENT. Section 28-20-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-20-11. How judgment entered - Notice when ~~certified copy recorded~~ entered. The judgment shall be entered in the judgment book and shall must specify clearly the relief granted or other determination of the action; ~~but the~~ An entry of the judgment must be made by the clerk in the register of civil actions. The entry of any judgment affecting the title or possession of real property, except judgments required to be docketed under the provisions of section 28-20-13, shall not be notice of its contents or constructive notice of such judgment to a subsequent bona fide purchaser or encumbrancer, nor to a privy of any party to such judgment who is otherwise a subsequent purchaser or encumbrancer in good faith, and for a valuable consideration, until a certified copy of such judgment shall be recorded in the office of the register of deeds in the county in which such property is located.

SECTION 3. AMENDMENT. Section 28-21-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-21-05. Execution against property issued to sheriff of counties where judgment docketed. When the execution is against the property of the judgment debtor, it may be issued to the sheriff of any county where the judgment is docketed. When it requires the delivery of real or personal property, it ~~must~~ may be issued to the sheriff of ~~the any~~ county where the property or some part thereof is situated. ~~Executions~~ An execution must be issued from the court of the county which entered the judgment, though more than one execution may be issued at the same time to different counties. Real property adjudged to be sold must be sold in the county where it lies by the sheriff of ~~such~~ that county, or by a referee appointed by the court for that purpose, and thereupon the sheriff or referee must execute a certificate of sale to the purchaser as hereinafter provided. If the sheriff of the county to which the execution may be issued was a party in the action which resulted in the judgment or has an interest in any of the property against which the execution may be applied, the execution may be issued to the coroner of that county, and the coroner shall have the same power and authority to enforce the judgment by execution as provided to the sheriff in this chapter.

SECTION 4. AMENDMENT. Section 28-21-06 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-21-06. Issue Issuance and contents of execution. The writ of execution must be issued in the name of the state of North Dakota, attested in the name of the judge of the court that entered the judgment, sealed with the seal of the court and, subscribed by the clerk of that court, and directed and delivered to ~~the a~~ sheriff, ~~or to the coroner when the sheriff is a party or interested as provided in section 28-21-05.~~ It must refer intelligibly to the judgment, stating the court, the county where the judgment ~~roll or transcript is filed~~ date and time the judgment was filed with the clerk, the courts and counties to which the judgment has been transcribed, and the names of the parties. If the execution is against the property of a judgment debtor, the execution must also state the amount of money the judgment, if it is for money, and the amount actually due thereon with interest computed by the clerk issuing the execution ordered the debtor to pay to the judgment creditor, the date and time the judgment was docketed by the clerk, the rate of interest to be used in calculating interest due on the judgment pursuant to section 28-20-34, the amount of the costs accruing on the judgment as of the date of issuance of the execution, and if the execution is being issued to a sheriff of a county other than that of the county of the issuing writ, the date and time of ~~docketing~~ the judgment was docketed in the county of the sheriff to which whom the execution is being

issued, and shall require the officer substantially as follows. If the execution is for the delivery of the possession of real or personal property, the execution must also particularly describe the property to be delivered, specify the value of the property, identify the party entitled to possession of the property, and, if the same judgment orders the party against whom the judgment was rendered to pay any costs, damages, or rents or profits to the party entitled to possession of the property, list the amounts of the costs, damages, or rents or profits payable as of the date of issuance of the execution. Upon receipt of an execution the sheriff shall:

1. If ~~it~~ the execution is against the property of the judgment debtor, to satisfy the judgment with interest and accruing costs, which include sheriff and county costs, out of the personal property of ~~such~~ the debtor, and, if sufficient personal property cannot be found, out of the real property belonging to ~~him~~ the debtor on the day when the judgment was docketed in the county or at any time thereafter, . If real or personal property of the debtor is in the hands of a personal representative, heir, devisee, legatee, tenant of real property, or trustee, the sheriff may satisfy the judgment out of that property; or
2. if it is against real or personal property in the hands of personal representatives, heirs, devisees, legatees, or tenants of real property or trustees, to satisfy the judgment out of such property; and
- 3- If ~~it~~ the execution is for the delivery of the possession of real or personal property, to deliver the possession of the same, particularly describing it, property to the party entitled thereto, and at the same time may require the officer to satisfy any costs, damages, or rents or profits recovered by the same judgment out of the personal property of the party against whom it was rendered, and the value of the property for which the judgment was recovered, to be specified therein; if a delivery thereof cannot be had, and, if sufficient personal property cannot be found, then out of the real property belonging to ~~him~~ the party on the day when the judgment was docketed in the county or at any time thereafter, and in that respect shall be deemed an execution against property. If delivery of the property cannot be had, the sheriff may satisfy the judgment in the amount of the value of the property out of the real and personal property of the party as if an execution

against the property of the party had been issued."

On page 1, line 10, remove the overstrike over the words "~~finer and~~" and delete the words "in criminal cases"

On page 1, line 11, remove the overstrike over the words "~~--Docketing and enforcement~~"

On page 1, line 12, remove the overstrike over the word "~~taxed~~"

On page 1, line 13, delete the word "assessed"

On page 1, line 15, remove the overstrike over the word "~~shall~~", delete the word "are", and delete the word "to"

On page 1, line 17, remove the overstrike over the word "~~shall~~" and delete the word "is"

On page 1, line 18, delete the word "to"

On page 1, line 19, remove the overstrike over the words "~~A judgment that the defendant~~"

On page 1, remove the overstrike over lines 20 and 21

On page 1, line 22, remove the overstrike over the words "~~manner as a judgment for money rendered in a civil action.~~"

On page 1, line 23, after the word "costs" insert the words "or administrative fees"

On page 1, line 24, after the word "costs" insert the words "or administrative fees"

On page 2, line 14, delete the word "and"

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

SB 2302 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 rereferred Engrossed SB 2319 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 5 of the engrossed bill, after line 28, insert the following new subsection:

- "3. At least thirty days before the commission issues or renews a license to conduct races, the applicant must deliver a complete copy of the application to the local jurisdiction governing body. The application to the commission must include a certificate verified by a representative of the applicant, indicating delivery of the application copy to the governing body. If the governing body of the local jurisdiction adopts a resolution disapproving the application for license or renewal and so informs the director within thirty days of receiving a copy of the application, the license to conduct races may not be issued or renewed."

On page 10 of the engrossed bill, line 5, delete the numerals "30,000" and insert in lieu thereof the numerals "100,000"

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

SB 2319 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 2535 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 3, delete lines 3 through 22

On page 5, line 4, delete the words "Penalty. Any person violating this Act or rules" and insert in lieu thereof the words "Injunction. Any person violating this Act is subject to an action seeking an injunction to enjoin such violation. A court in such an action, if an injunction is granted, shall assess costs, including reasonable attorney's fees, against any person found to have violated this Act."

On page 5, delete lines 5 through 7

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

SB 2535 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 2537 has had the same under consideration and recommends by a vote of 6 YEAS, 1 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 10, after the period insert the following sentence: "Nothing in this Act shall be construed as creating any additional substantive rights for persons with developmental disabilities and mental illness."

On page 1, line 13, after the word "means" insert the word "willful"

On page 3, line 15, after the word "department" insert the following words and sentences: "and set the compensation of the director. The executive committee shall be responsible for the administrative supervision and direction of the department. The governor shall have the authority to redesignate the department created under this Act, implementing the protection and advocacy system, for good cause, by giving notice of the intention to make such redesignation to persons with developmental disabilities and mental illness or their representatives, and in accordance with the requirements of Public Law 98-527 [98 Stat. 2679; 42 U.S.C. 6000 et seq.]" and delete the words "The compensation of the director must be set by the"

On page 3, delete line 16

On page 5, line 8, delete the words "For the purpose"

On page 5, delete lines 9 and 10

On page 6, line 9, delete the words "presumption of" and after the word "faith" insert the words "of the employee making the report"

On page 6, line 22, after the period insert the following sentences: "The department may pursue legal, administrative, and other appropriate remedies to ensure the protection and the rights of persons with developmental disabilities and mental illness. The department may sign any criminal complaint necessary to protect the interests of any person with developmental disabilities or mental illness, or group of persons with developmental disabilities or mental illness, who appear to have been victimized by or subjected to criminal conduct."

On page 7, after line 35, insert the following subsection:

"3. This section, together with the authority granted pursuant to this section, must be interpreted and applied consistent with the Constitution of the United States and the Constitution of North Dakota and other applicable law."

On page 8, delete lines 14 through 23

On page 9, delete lines 16 and 17

On page 9, line 18, delete the numeral "2" and insert in lieu thereof the numeral "1"

On page 9, delete line 19

On page 9, line 20, delete the numeral "4" and insert in lieu thereof the numeral "2"

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

SB 2537 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 2021 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

SB 2021 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2022 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

SB 2022 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2320 has had the same under consideration and recommends by a vote of 8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

SB 2320 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

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

SEN. SATROM, Chairman

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

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1216 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 and be rereferred to the Committee on Appropriations.

SEN. HEINRICH, Chairman

HB 1216 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1074 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

HB 1074 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1114 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1114 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1224 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1224 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1290 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

HB 1290 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1399 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

HB 1399 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1519 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1519 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. HEIGAARD MOVED that the Senate begin with SB 2034 on today's calendar, which motion prevailed.

SEN. STROMME MOVED that SB 2034 be amended as follows:

On page 1, line 4, delete the word "and"

On page 1, line 5, after the word "penalty" insert the words "; and to declare an emergency"

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

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

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

SEN. STROMME MOVED that the rules be suspended and that SB 2034 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2034: A BILL for an Act to amend and reenact section 20.1-02-18.1 of the North Dakota Century Code, relating to approval by the board of county commissioners prior to acquisition of property by the department of the interior for waterfowl or wildlife purposes; to provide a penalty; and to declare an emergency.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 15 YEAS, 36 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Hilken; Holmberg; Krauter; Langley; Mathern; Meyer, D.; Meyer, J.; Mutch; Shea; Stromme; Tallackson; Tweten

NAYS: Adams; Bakewell; David; Freborg; Heinrich; Ingstad; Keller; Kelly; Kelsh; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Moore; Mushik; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2034 lost.

MOTIONS

SEN. HEIGAARD MOVED that SB 2507 be placed immediately following SB 2035 on the calendar, which motion prevailed.

SEN. STROMME MOVED that SB 2035 be amended as follows:

On page 1, line 1, delete the words "and providing"

On page 1, line 2, delete the words "for classification of wetlands"

On page 2, delete lines 24 through 30

And renumber the lines, sections, and pages accordingly

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

SEN. STROMME MOVED that the rules be suspended and that SB 2035 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2035: A BILL for an Act declaring a state wetlands policy; and to amend and reenact section 61-16.1-41 of the North Dakota Century Code, as amended by section 5 of chapter 665 of the 1985 Session Laws of North Dakota, relating to consideration of the state water resources policy prior to draining water.

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.;

Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2035 passed and the title was agreed to.

SB 2507: A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century Code, relating to wetlands; and to repeal section 61-16.1-52 of the North Dakota Century Code and section 61-16.1-41 of the North Dakota Century Code, as amended by section 5 of chapter 665 of the 1985 Session Laws, relating to drainage permits and closing drains.

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, 1 NAY, 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Vosper

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2507 passed and the title was agreed to.

SB 2059: A BILL for an Act to amend and reenact section 32-12.1-02 of the North Dakota Century Code, relating to the definitions concerning political subdivision liability.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Kelly; Schoenwald

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2059 passed and the title was agreed to.

MOTIONS

SEN. STROMME MOVED that SB 2089 be amended as follows:

On page 1, line 4, delete the first word "and"

On page 1, line 8, after the word "acquisitions" insert the words
"; and to declare an emergency"

On page 3, after line 23, insert the following new section:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

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

SEN. STROMME MOVED that the rules be suspended and that SB 2089 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2089: A BILL for an Act to create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to the approval of the board of county commissioners before certain instruments can be recorded; to amend and reenact section 20.1-02-18.1 of the North Dakota Century Code as amended by Senate Bill No. 2034, as approved by the fiftieth legislative assembly, relating to the written approval by the chairman of the board of county

commissioners for federal wetland acquisitions; and to declare an emergency.

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

ROLL CALL

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

YEAS: Axtman; Dotzenrod; Heigaard; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Meyer, D.; Meyer, J.; Richard; Schoenwald; Shea; Stromme; Tallackson; Tweten; Vosper; Yockim

NAYS: Adams; Bakewell; David; Freborg; Heinrich; Holmberg; Ingstad; Kelly; Lips; Lodoen; Maixner; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Stenehjem; Streibel; Thane; Todd; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: Meyer, W.; Satrom; Tennefos

SB 2089 lost.

MOTION

SEN. HEIGAARD MOVED that SB 2091 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2184: A BILL for an Act to establish a state surface mining and reclamation bond fund.

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Satrom; Tennefos

SB 2184 passed and the title was agreed to.

SB 2185: A BILL for an Act to amend and reenact subsection 12.1 of section 38-14.1-02 of the North Dakota Century Code, relating to bonds issued under the state surface mining and reclamation bond fund.

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Satrom; Tennefos

SB 2185 passed and the title was agreed to.

SB 2314: A BILL for an Act to amend and reenact section 50-25.1-13 of the North Dakota Century Code, relating to false reports of child abuse or neglect.

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Satrom; Tennefos

SB 2314 passed and the title was agreed to.

SB 2321: A BILL for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to abstract of drivers' records.

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

ROLL CALL

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

YEAS: Kelsh

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

ABSENT AND NOT VOTING: Meyer, W.; Satrom; Tennefos

SB 2321 lost.

SB 2352: A BILL for an Act to provide an appropriation to the North Dakota parks and recreation department for recreational leadership grants.

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 20 YEAS, 31 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Kelsh; Krauter; Langley; Lips; Lodoen; Mathern; Meyer, D.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Redlin; Reiten; Richard; Satrom; Stromme; Tallackson; Waldera

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Lashkowitz; Maixner; Maxson; Meyer, J.; Moore;

Olson; Peterson; Schoenwald; Shea; Stenehjelm; Streibel;
Thane; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Tennesfos

SB 2352 lost.

SB 2366: A BILL for an Act to create and enact a new subsection to section 27-07.1-17 of the North Dakota Century Code, relating to the jurisdiction of the county court; and to amend and reenact subsection 1 of section 14-07.1-02 and section 14-07.1-08 of the North Dakota Century Code, relating to actions for an adult abuse protection order.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Moore; Mutch; Tennesfos

SB 2366 passed and the title was agreed to.

SB 2367: A BILL for an Act to amend and reenact sections 14-07.1-06 and 29-06-15 of the North Dakota Century Code, relating to arrest without warrant for domestic assault.

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

ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Moore; Tennefos

SB 2367 passed and the title was agreed to.

SB 2380: A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the sale on Sunday of beer and wine by eating establishments in conjunction with the sale of prepared meals; and to amend and reenact section 5-02-05 and subsection 37 of section 12.1-30-03 of the North Dakota Century Code, relating to the sale or consumption of alcoholic beverages on certain days and businesses authorized to operate on Sunday.

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 30 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Bakewell; Dotzenrod; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Krauter; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja; Nething; Olson; Peterson; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Thane; Todd; Waldera

NAYS: Adams; Axtman; David; Freborg; Heigaard; Hilken; Kelly; Langley; Lodoen; Moore; Mutch; Naaden; Nelson; Redlin; Streibel; Tallackson; Tweten; Vosper; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2380 passed and the title was agreed to.

SB 2389: A BILL for an Act to amend and reenact section 9-10-07 of the North Dakota Century Code, relating to comparative negligence and assumption of risk.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 21 YEAS, 28 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Freborg; Kelly; Langley; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Redlin; Reiten; Stromme; Todd; Vosper; Wright

NAYS: Axtman; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Olson; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Thane; Tweten; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Nalewaja; Tallackson; Tennefos

SB 2389 lost.

MOTION

SEN. HEIGAARD MOVED that SB 2392, SB 2396, and SB 2438, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2431: A BILL for an Act to amend and reenact section 39-06-22 of the North Dakota Century Code, relating to driver's license records and supplying those records to courts.

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

ROLL CALL

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

YEAS: None

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

ABSENT AND NOT VOTING: Dotzenrod; Langley; Meyer, W.; Nalewaja; Tallackson; Tennefos

SB 2431 lost.

REQUESTS

SEN. LANGLEY REQUESTED that the record show that he depressed the voting key too late, and he intended to vote "nay" on SB 2431, which request was granted.

SEN. DOTZENROD REQUESTED that the record show that he depressed the voting key too late, and he intended to vote "nay" on SB 2431, which request was granted.

SECOND READING OF SENATE BILL

SB 2440: A BILL for an Act to create and enact section 57-15-59 of the North Dakota Century Code, relating to counties and cities entering into long-term leases and dedicating taxes for regional, county, or municipal correction centers and law enforcement facilities.

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 45 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Kelsh; Lashkowitz; Meyer, D.; Richard

ABSENT AND NOT VOTING: Meyer, W.; Nalewaja; Tallackson; Tennefos

SB 2440 passed and the title was agreed to.

MOTIONS

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

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

SEN. HEIGAARD MOVED that SB 2447 be moved to the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2454: A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to restrictions on the issuance of retail licenses for the sale of alcoholic beverages.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 11 YEAS, 39 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Kelly; Lashkowitz; Meyer, D.; Meyer, J.; Mushik; Redlin; Satrom; Schoenwald; Tweten

NAYS: Adams; Axtman; Bakewell; David; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Richard; Shea; Stenehjem; Streibel; Stromme; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Tallackson; Tennefos

SB 2454 lost.

MOTIONS

SEN. STENEHJEM MOVED that SB 2497 be amended as follows:

On page 1, line 15, delete the words "any act or omission"

On page 1, delete line 16

On page 1, line 17, delete the words "fire or emergency," and after the word "extinguishment" delete the underscored comma and insert in lieu thereof the word "or"

On page 1, line 19, after the word "duties" insert the words "; provided, however, this section does not provide immunity for damages resulting from acts of gross negligence"

On page 2, line 25, delete the words "any act or omission while answering or"

On page 2, delete line 26

On page 2, line 27, delete the words "or emergency," and after the word "extinguishment" delete the underscored comma and insert in lieu thereof the word "or"

On page 2, line 30, after the word "duties" insert the words "provided, however, this subsection does not provide immunity for damages resulting from acts of gross negligence"

And renumber the lines, sections, and pages accordingly

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

SEN. STENEHJEM MOVED that the rules be suspended and that SB 2497 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2497: A BILL for an Act to create and enact a new section to chapter 18-10 of the North Dakota Century Code, relating to civil immunity for fire protection districts and district personnel; and to amend and reenact subsection 3 of section 32-12.1-03 of the North Dakota Century Code, relating to civil immunity for political subdivisions and subdivision employees.

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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennesfos

SB 2497 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that SB 2447 be moved to the head of the calendar, which motion prevailed.

SEN. DAVID MOVED that SB 2447 be amended as follows:

- On page 1, line 14, delete the word "forty-one" and insert in lieu thereof the word "forty-three" and delete the word "four" and insert in lieu thereof the word "seven"
- On page 1, line 20, delete the word "forty-two" and insert in lieu thereof the word "forty-four"
- On page 1, line 21, delete the words "three hundred" and insert in lieu thereof the words "six hundred fifty"
- On page 2, line 2, delete the word "forty-one" and insert in lieu thereof the word "forty-three" and delete the word "four" and insert in lieu thereof the word "seven"
- On page 2, line 19, delete the word "fifty-three" and insert in lieu thereof the word "fifty-six"
- On page 2, line 20, delete the word "twenty-six" and insert in lieu thereof the word "eighty-three"
- On page 2, line 25, delete the words "four hundred eighty" and insert in lieu thereof the words "five hundred sixty-three"
- On page 3, line 3, delete the words "forty-nine thousand nine hundred sixty-seven" and insert in lieu thereof the words "fifty-two thousand seven hundred forty-three"
- On page 3, line 18, delete the second word "one" and insert in lieu thereof the word "two"
- On page 3, line 19, delete the word "eighty-four" and insert in lieu thereof the word "fifty"
- On page 3, line 32, delete the word "forty-one" and insert in lieu thereof the word "forty-three"
- On page 3, line 33, delete the word "four" and insert in lieu thereof the word "seven"
- On page 4, line 5, delete the word "forty-one" and insert in lieu thereof the word "forty-three" and delete the word "four" and insert in lieu thereof the word "seven"
- On page 4, line 16, delete the word "eighty-one" and insert in lieu thereof the word "eighty-five" and after the word "dollars" insert the words "and fifty cents"
- On page 5, line 10, delete the word "sixty-two" and insert in lieu thereof the word "seventy-one"
- On page 5, line 26, delete the word "fifty-four" and insert in lieu thereof the word "fifty-seven", remove the overstrike over the word "e~~ig~~ht", and delete the word "seven"

On page 5, line 27, delete the word "seventy-five" and insert in lieu thereof the word "nineteen"

On page 5, line 32, delete the word "forty-five" and insert in lieu thereof the word "forty-seven" and after the word "thousand" insert the words "five hundred"

On page 6, line 2, delete the word "forty-one" and insert in lieu thereof the word "forty-three" and delete the word "four" and insert in lieu thereof the word "seven"

On page 6, line 8, delete the word "forty-one" and insert in lieu thereof the word "forty-three" and delete the word "four" and insert in lieu thereof the word "seven"

On page 6, line 13, delete the word "forty-one" and insert in lieu thereof the word "forty-three" and delete the word "four" and insert in lieu thereof the word "seven"

On page 6, line 19, delete the word "forty-six" and insert in lieu thereof the word "forty-nine" and delete the word "eight" and insert in lieu thereof the word "four"

On page 6, line 25, delete the word "forty-one" and insert in lieu thereof the word "forty-three" and delete the word "four" and insert in lieu thereof the word "seven"

And renumber the lines, sections, and pages accordingly

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

SEN. DAVID MOVED that the rules be suspended and that SB 2447 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2447: A BILL for an Act to amend and reenact sections 4-01-21, 15-21-02, 26.1-01-09, 27-02-02, 27-05-03, 34-05-01.2, 49-01-05, 54-03-20, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to salaries of elected state officials, members of the legislative assembly, supreme court judges, and district court judges; and to provide an effective date.

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 21 YEAS, 30 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Freborg; Hilken; Kelly; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Reiten; Streibel; Todd; Tweten; Vosper; Wright

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

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2447 lost.

SB 2503: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement benefit adjustments under the teachers' fund for retirement; to amend and reenact subsection 1 of section 15-39.1-09, subsections 1 and 2 of section 15-39.1-10, and section 15-39.1-11 of the North Dakota Century Code, relating to assessment and contribution rates, payments of benefits, and vesting under the teachers' fund for retirement; and to provide for application of this Act.

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 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2503 passed and the title was agreed to.

SB 2524: A BILL for an Act to create and enact chapter 53-06.2 of the North Dakota Century Code, relating to a state lottery, the establishment of a state lottery commission, the authority of that commission, and sources and distribution of revenue from the lottery; to provide a penalty; and to provide a contingent effective date.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 15 YEAS, 36 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Bakewell; Dotzenrod; Heigaard; Heinrich; Krauter; Maixner; Maxson; Meyer, D.; Meyer, J.; Mushik; Schoenwald; Shea; Stenehjem; Stromme; Tallackson

NAYS: Adams; Axtman; David; Freborg; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Langley; Lashkowitz; Lips; Lodoen; Mathern; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Streibel; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2524 lost.

SB 2525: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of the phrase "agricultural property" for property tax assessment purposes; and to provide an effective date.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 14 YEAS, 37 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Bakewell; Keller; Kelsh; Langley; Lashkowitz; Meyer, D.; Meyer, J.; Nelson; Redlin; Stromme; Tallackson; Thane; Tweten; Vosper

NAYS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Krauter; Lips; Lodoen; Maixner; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Todd; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2525 lost.

MOTIONS

SEN. SCHOENWALD MOVED that SB 2539 be amended as follows:

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 2, after the word "abandonment" insert the words "and acquisition"

On page 1, line 14, delete the word "section" and insert in lieu thereof the word "sections" and after the numeral "2" insert the word and numeral "and 3"

On page 1, line 17, delete the words "and acquisition"

On page 1, line 21, delete the words "by the state" and after the word "way" insert the words "by any person that is not an agency of the state government"

On page 1, line 25, delete the words "acquire easements in railroad rights" and insert in lieu thereof the words "encourage any person that is"

On page 1, delete lines 26 and 27

On page 2, delete lines 1 and 2

On page 2, line 3, delete the words "b. On creation of an appropriate local authority"

On page 2, line 4, delete the words ", transfer to that"

On page 2, delete line 5

On page 2, line 6, delete the word "responsibility"

On page 2, line 7, after the underscored period insert the words "The commission may transfer to that person all attendant facilities and all rights and responsibility to operate and maintain transportation services over the land."

On page 2, delete lines 8 through 12 and insert in lieu thereof the following new section:

"SECTION 3. A new section to chapter 49-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

Acquisition of right of way. A right of way described in section 2 of this Act may be acquired in accordance with this section. That acquisition is subject to the following requirements:

1. Each carrier or other entity intending to acquire an abandoned right of way shall file a notice of intent to do so with the commission, if any of the following applies:
 - a. The acquisition would be by a party that is not a railroad carrier, and would be of rail property that would be operated by a third party.
 - b. The operation would be by a new carrier of rail property acquired by a third party.
 - c. There would be a change of operators on the line.
 - d. There would be acquisition of incidental trackage rights. Incidental trackage rights include the grant of trackage rights by the seller, and the assignment of trackage rights to operate over the line of a third party which occurs at the time of the acquisition or operation.
2. The notice required under subsection 1 must designate the complete private or corporate identity of the acquiring party, the complete identity of the divesting carrier, and a thorough description of the line involved. The notice must include copies of the sale contract, market and feasibility studies, and full financial information as to the acquiring entity. However, these documents are confidential and may not be divulged by the commission to outside parties.
3. An acquiring or divesting carrier shall attend conferences with the commission on reasonable notice, and shall respond to all questions and requests for information which are reasonably related, or may lead to information related to, the issues of whether the proposed transaction is consistent with the interstate commerce Act, the laws of this state, and other applicable federal laws.
4. An acquiring carrier under this section succeeds to all rights, immunities, and other legal privileges or duties conferred or imposed by law on the divesting carrier.

5. An acquiring carrier under this section succeeds to and is bound by all contracts, agreements, and understandings between the divesting carrier and any shipper, governmental entity, business, or other organization or association, in this state. That succession and binding applies for the greater of two years or the period stated in the contract, agreement, or understanding."

And renumber the lines, sections, and pages accordingly

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

SECOND READING OF SENATE BILL

SB 2539: A BILL for an Act to create and enact a new section to chapter 49-09 of the North Dakota Century Code, relating to abandonment of railroad rights of way; and to amend and reenact section 49-09-11.7, relating to the rulemaking authority of the public service commission.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 14 YEAS, 37 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Hilken; Kelsh; Langley; Maixner; Maxson; Reiten; Satrom; Shea; Thane; Tweten; Wogsland; Yockim

NAYS: Adams; Axtman; Bakewell; David; Freborg; Heinrich; Holmberg; Ingstad; Keller; Kelly; Krauter; Lashkowitz; Lips; Lodoen; Mathern; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Todd; Vosper; Waldera; Wright

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2539 lost.

ANNOUNCEMENT

THE PRESIDENT PRO TEM ANNOUNCED that the North Dakota State Alternate Dairy Princess, Denise Walz of Beulah, North Dakota, would like to address the Senate. The Alternate Dairy Princess was thereupon introduced to the Assembly.

REMARKS

The North Dakota Dairy Council and North Dakota Dairy Promotion Commission representing North Dakota dairy farmers invite you to make your afternoon break today a dairy break.

Today at 2:30 p.m. in the Great Hall, North Dakota Dairy Council and Promotion personnel will be serving delicious North Dakota dairy milk, cheese, and ice cream novelties. They are looking forward to seeing all legislators and staff there.

MOTIONS

SEN. MAIXNER MOVED that the remarks of the State Alternate Dairy Princess be printed in the Journal, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:50 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2543: A BILL for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to deer hunting licenses issued to handicapped or permanently disabled persons.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Kelly; Meyer, W.; Shea; Tennefos

SB 2543 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that SB 2451 be moved to the head of the calendar, which motion prevailed.

SEN. MAIXNER MOVED that the Senate reconsider its action whereby the amendments to SB 2451 were adopted, which motion prevailed.

SEN. MAIXNER MOVED that SB 2451 be amended as follows:

On page 1, line 10, delete the words "or has a significant visual impairment"

On page 1, line 12, delete the word "another" and insert in lieu thereof the word "a", after the word "person" insert the words "designated on the license"

And renumber the lines, sections, and pages accordingly

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

SEN. MAIXNER MOVED that the rules be suspended and that SB 2451 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2451: A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to the taking of big game by blind persons.

Which has been read 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, 4 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: David; Hilken; Naaden; Vosper

ABSENT AND NOT VOTING: Meyer, W.; Teneffos

SB 2451 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4020: A concurrent resolution regarding the approval of state agency use of block grant funds, and authorizing the Budget Section of the Legislative Council to hold the

required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

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

The question being on the final adoption of the resolution.

SCR 4020 was declared adopted and the title was agreed to on a voice vote.

MOTION

SEN. KELLER MOVED that the Senate reconsider its action whereby SB 2418 failed to pass, which motion prevailed on a verification vote.

ANNOUNCEMENT

THE PRESIDENT PRO TEM ANNOUNCED that SB 2418 was placed on the Eleventh order of business.

MOTION

SEN. MAIXNER MOVED that SB 2418, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4029: A concurrent resolution urging publishers and editors of North Dakota newspapers to identify editorial writers.

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

The question being on the final adoption of the resolution.

SCR 4029 was declared lost on a voice vote.

SCR 4035: A concurrent resolution urging the Agriculture Stabilization and Conservation Service to approve Brassica napus as a cover crop on set aside acreage.

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

The question being on the final adoption of the resolution.

SCR 4035 was declared adopted and the title was agreed to on a voice vote.

SCR 4036: A concurrent resolution expressing the full support of the Fiftieth Legislative Assembly of North Dakota for the North Dakota Hall of Fame.

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

The question being on the final adoption of the resolution.

SCR 4036 was declared adopted and the title was agreed to on a voice vote.

SCR 4046: A concurrent resolution directing the Legislative Council to study the state's game and fish laws and rules, with an emphasis on the laws and rules concerning the issuance of game and fish licenses and the role of county auditors in the issuance of game and fish licenses.

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

The question being on the final adoption of the resolution.

SCR 4046 was declared adopted and the title was agreed to on a voice vote.

SCR 4048: A concurrent resolution directing the Legislative Council to study the state's bountiful natural resources and outdoor recreation activities with an emphasis on the state's wildlife resources for the purpose of promoting tourism and economic development.

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

The question being on the final adoption of the resolution.

SCR 4048 was declared adopted and the title was agreed to on a voice vote.

SECOND READING OF SENATE BILLS

SB 2136: A BILL for an Act to amend and reenact subdivision e of subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to the definition of "employment" for purposes of unemployment compensation.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 2 YEAS, 47 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Langley

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

ABSENT AND NOT VOTING: Meyer, W.; Stromme; Tennefos; Vosper

SB 2136 lost.

SB 2149: A BILL for an Act to amend and reenact subsections 9 and 15 of section 65-01-02, and sections 65-04-04 and 65-07-01 of the North Dakota Century Code, relating to workmen's compensation definitions, determination of premiums, and coverage of employer's spouse and children.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 1 YEA, 50 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Langley

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

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2149 lost.

SB 2269: A BILL for an Act to amend and reenact subdivision c of subsection 4 and subdivision a of subsection 6 of section 65-13-03, and subsections 2 and 8 of section 65-13-06 of the North Dakota Century Code, relating to awards and limitations of crime victims reparations; and to repeal subsection 7 of section 65-13-06 of the North Dakota Century Code, relating to the minimum economic loss for crime victims reparations awards.

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

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

NAYS: Bakewell; David; Kelly

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2269 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that SB 2259 be moved to the head of the calendar, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2259 be further amended as follows:

On page 1 of the engrossed bill, line 2, after the word "fees" insert the words "; and to provide for a transfer of funds"

On page 8 of the engrossed bill, after line 18, insert the following new section:

"SECTION 2. TRANSFER. The state treasurer, on order of the state highway commissioner, shall transfer from the highway fund to the centennial commission revolving fund \$428,000 on January 1, 1988; \$429,000 on January 1, 1989; and \$431,000 on January 1, 1990."

And renumber the lines, sections, and pages accordingly

SEN. HEIGAARD MOVED that the proposed amendments be adopted.

REQUEST

SEN. OLSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2259, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2259, the roll was called and there were 30 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

The proposed amendments to SB 2259 were adopted.

SEN. HEIGAARD MOVED that the rules be suspended and that SB 2259 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2259: A BILL for an Act to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to vehicle registration fees; and to provide for a transfer of funds.

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 30 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2259 passed and the title was agreed to.

MOTIONS

SEN. NOTHING MOVED that SB 2279 be amended as follows:

On page 5, line 30, remove the overstrike over the words "~~Any trailer, semitrailer, or farm trailer when the~~"

On page 5, remove the overstrike over lines 31 through 34

On page 6, remove the overstrike over lines 1 and 2

On page 6, line 3, remove the overstrike over the letter "n."

On page 6, line 8, remove the overstrike over the letter "e-" and delete the letter "n."

And renumber the lines, sections, and pages accordingly

SEN. NOTHING MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. NOTHING MOVED that the rules be suspended and that SB 2279 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to amend and reenact subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to exemptions from motor vehicle registration.

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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2279 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILLS

SB 2330: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the exchange and transfer of mental health records within the department of human services and agencies under contract with the department.

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

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Kelly; Meyer, W.; Tennefos

SB 2330 passed and the title was agreed to.

SB 2410: A BILL for an Act to amend and reenact sections 60-06-01, 60-06-02, 60-06-03, 60-06-04, 60-06-05, 60-06-07, 60-06-08, 60-06-09, 60-06-10, 60-06-11, 60-06-12, 60-06-13, and 60-06-14 of the North Dakota Century Code, relating to the establishment of commercial enterprises on railroad right of way.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 5 YEAS, 46 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Krauter; Maixner; Mushik; Satrom; Tallackson

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

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2410 lost.

SB 2502: A BILL for an Act to provide immunity from civil liability to volunteers providing services for nonprofit charitable organizations; to amend and reenact subsection 14 of section 10-24-05 of the North Dakota Century Code, relating to indemnification of directors and officers of nonprofit corporations; and to provide for application of the Act.

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

ROLL CALL

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

YEAS: Bakewell; Dotzenrod; Todd; Wright

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

ABSENT AND NOT VOTING: Meyer, W.; Moore; Tennefos

SB 2502 lost.

SB 2532: A BILL for an Act to create and enact a new section to chapter 48-02 of the North Dakota Century Code, relating to bid requirements and acceptance for building and repair contracts; and to amend and reenact sections 48-02-04 and 48-02-06 of the North Dakota Century Code, relating to the contents of bid advertisements and awarding contracts.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 30 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Keller; Kelly; Kelsh; Krauter; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Redlin; Richard; Schoenwald; Shea; Stromme; Tallackson; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; David; Holmberg; Ingstad; Langley; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Satrom; Stenehjsem; Streibel; Thane; Todd; Tweten

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2532 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4042: A concurrent resolution directing the Legislative Council to study the life insurance needs of individuals born with incurable diseases.

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

The question being on the final adoption of the resolution.

SCR 4042 was declared adopted and the title was agreed to on a voice vote.

SCR 4045: A concurrent resolution directing the Legislative Council to study the process of approving and ultimately prioritizing studies to be conducted by the Legislative Council.

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

The question being on the final adoption of the resolution.

SCR 4045 was declared adopted and the title was agreed to on a verification vote.

SECOND READING OF SENATE BILLS

SB 2091: A BILL for an Act to amend and reenact subdivision j of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to an income tax deduction for annuitants of the United States foreign service retirement and disability fund; and to provide an effective date.

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

ROLL CALL

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

YEAS: Adams; Bakewell; David; Nalewaja; Peterson; Reiten; Thane; Tweten; Vosper; Wright

NAYS: Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2091 lost.

SB 2006: A BILL for an Act making an appropriation for defraying the expenses of the state industrial school of the state of North Dakota.

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, 1 NAY, 2 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething;

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

NAYS: Bakewell

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2006 passed and the title was agreed to.

SB 2007: A BILL for an Act making an appropriation for defraying the expenses of the school for the deaf and the school for the blind of the state of North Dakota.

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, 1 NAY, 2 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.; Moore;
Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething;
Olson; Peterson; Redlin; Reiten; Richard; Satrom;
Schoenwald; Shea; Stenehjsem; Streibel; Stromme;
Tallackson; Thane; Todd; Tweten; Vosper; Waldera;
Wogsland; Wright; Yockim

NAYS: Bakewell

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2007 passed and the title was agreed to.

SB 2008: A BILL for an Act making an appropriation for defraying the expenses of the state library of the state of North Dakota.

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, 13 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; David; Freborg; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Streibel; Todd; Wright

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2008 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2024, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2026: A BILL for an Act making an appropriation for defraying the expenses of the state seed department of the state of North Dakota.

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 40 YEAS, 11 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; David; Mutch; Naaden; Nelson; Nething; Olson; Streibel; Todd; Wright

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2026 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that SB 2392, SB 2396, and SB 2438 be moved to the head of the Eleventh order on the calendar, which motion prevailed.

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 Ninth order of business, and at the conclusion of the Ninth 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 2021, SB 2022, SB 2320, SB 2388, HB 1074, HB 1114, HB 1224, HB 1290, HB 1399, and HB 1519, the Senate adjourn and convene at 10:00 a.m., Thursday, February 19, 1987, which motion prevailed.

FIRST READING OF HOUSE BILLS

HB 1025: A BILL for an Act making an appropriation for defraying the expenses of job service North Dakota and divisions thereof of the state of North Dakota.

Was read the first time and referred to the Committee on Appropriations.

HB 1051: A BILL for an Act to provide for the reporting, collecting, maintaining, and disseminating of criminal history record information; to amend and reenact section 12-60-07 of the North Dakota Century Code, relating to the powers and duties of the bureau of criminal investigation; to repeal sections 12-60-10, 12-60-11, 12-60-12, 12-60-15, and 12-60-16 of the North Dakota Century Code, relating to the bureau of criminal investigation, fingerprinting arrestees, furnishing information, and reporting transfer, release or other disposition of arrestees; and to provide a penalty.

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

HB 1070: A BILL for an Act to require quarterly reports by the state tax commissioner to the budget section of the legislative council on corporate income tax collections and outstanding corporate income tax liability.

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

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

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

HB 1234: A BILL for an Act to amend and reenact sections 51-04-01, 51-04-03, 51-04-08, and 51-04-09 of the North Dakota Century Code, relating to the definition of

transient merchant, licensing of transient merchants by the attorney general, certain excepted sales, and regulation of transient merchants by a city or other municipality.

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

HB 1245: A BILL for an Act to create and enact sections 23-20.3-04.1 and 23-20.3-04.2 of the North Dakota Century Code, relating to establishing an underground storage tank program; and to amend and reenact sections 23-20.3-01, 23-20.3-02, 23-20.3-03, 23-20.3-04, subsection 2 of section 23-20.3-05, sections 23-20.3-06, 23-20.3-07, 23-20.3-08, and 23-20.3-10 of the North Dakota Century Code, relating to hazardous waste management.

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

HB 1259: A BILL for an Act to amend and reenact subsection 3 of section 57-38-62 of the North Dakota Century Code, relating to payment of estimated corporate income tax; and to provide an effective date.

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

HB 1301: A BILL for an Act to amend and reenact sections 37-07.1-03, 37-07.1-05, 37-07.1-06, and 37-07.2-01 of the North Dakota Century Code, relating to national guard tuition waivers and grants.

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

HB 1321: A BILL for an Act to amend and reenact section 31-01-16 of the North Dakota Century Code, relating to compensation and expenses for witnesses in criminal actions.

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

HB 1364: A BILL for an Act to require certain corporations receiving subsidies from the state to file annual audit reports and to submit to audit upon request.

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

HB 1481: A BILL for an Act to amend and reenact subsection 3 of section 57-43.1-01, sections 57-43.1-35, 57-43.1-42, 57-43.1-43, subsection 5 of section 57-43.2-01, and sections 57-43.2-28, 57-43.2-35, and 57-43.2-36 of the North Dakota Century Code, relating to the definition of importer for use, importer for use tax credits, reports, and payments for motor vehicle fuels and special fuels taxes.

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

HB 1532: A BILL for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to

payment of tuition for special education students between the ages of eighteen and twenty-one.

Was read the first time and referred to the Committee on Education.

HB 1539: A BILL for an Act to amend and reenact section 15-40.1-07 of the North Dakota Century Code, relating to foundation aid payments to school districts for students in grades nine through twelve and all alternative high schools.

Was read the first time and referred to the Committee on Education.

HB 1595: A BILL for an Act to create and enact a new section to chapter 43-19.1 of the North Dakota Century Code, relating to liability of engineers.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3005: A concurrent resolution directing the Legislative Council to establish a Jobs Development Commission composed of legislators, officials from the executive branch of government, officials from higher education, and representatives of private industry to study methods and coordinate efforts to initiate and sustain new economic development and to stimulate the creation of new employment opportunities for the citizens of this state.

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

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

PERRY GROTBORG, Secretary