

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FORTY-EIGHTH DAY

Bismarck, March 18, 1985

The Senate convened at 1:00 p.m., with President Meiers presiding.

The prayer was offered by Reverend Ted Kerr, Faith Lutheran Church, Hannaford, North Dakota.

Let us pray. Gracious Lord, we come to You today remembering the example of Your Son who came among us as a servant. One who came not to bring glory to himself, but to lay down his life for his friends and for people everywhere.

We come before You today asking for but a measure of that servanthood as we go about the business of this great state. Remind those who have been called to be public servants of their callings to serve the poor, the elderly, those who serve our educational institutions, our Native American residents, and our struggling farmers. Bless this body as it goes about the difficult and thankless task of making fair and just decisions for the people it represents.

Most of all, Lord, we thank You for the freedom we enjoy in this country that enables us to govern ourselves, and the privilege of serving You and one another. In Jesus' name, Amen.

ROLL CALL

The roll was called and all members were present, except Senators Berube, Mutch.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-seventh day and finds the same to be correct.

SEN. DAVID, Chairman

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

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1390, HB 1648, HB 1649, HCR 3074

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1218, HB 1645

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. MOORE MOVED that the amendments to HB 1070 as recommended by the **Committee on Natural Resources** as printed on pages 1479-1480 of the Senate Journal be adopted, and when so adopted, recommends that HB 1070 do pass, which motion prevailed.

SEN. MOORE MOVED that the amendments to HB 1078 as recommended by the **Committee on Natural Resources** as printed on page 1480 of the Senate Journal be adopted, and when so adopted, recommends that HB 1078 do pass, which motion prevailed.

SEN. PETERSON MOVED that the amendments to HB 1314 as recommended by the **Committee on Education** as printed on pages 1481-1482 of the Senate Journal be adopted, and when so adopted, recommends that HB 1314 do pass, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1378 as recommended by the **Committee on Industry, Business and Labor** as printed on pages 1450-1451 of the Senate Journal be adopted, and when so adopted, recommends that HB 1378 do pass, which motion prevailed.

SEN. MOORE MOVED that the amendments to HB 1472 as recommended by the **Committee on Natural Resources** as printed on page 1483 of the Senate Journal be adopted, and when so adopted, recommends that HB 1472 do not pass, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HB 1493 as recommended by the **Committee on Finance and Taxation** as printed on page 1484 of the Senate Journal be adopted, and when so adopted, recommends that HB 1493 do pass, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1565 as recommended by the **Committee on Industry, Business and Labor** as printed on pages 1484-1486 of the Senate Journal be adopted, and when so adopted, recommends that HB 1565 do pass, which motion prevailed.

MOTIONS

SEN. TODD MOVED that the amendment to HB 1565 be amended as follows:

On page 2 of the amendments, fourth line from the bottom, after the word "death" insert the word "benefits"

SEN. TODD MOVED that the amendment to the amendment be adopted, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

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

Madam President, ladies and gentlemen of the Senate, it is my luck that only on Friday we were admonished by this body not to prepare resolutions for the body in support of something other than a national catastrophe or national recognition. Then, lo and behold, wouldn't you know, Linton would win that State Class B tournament. I think they could beat the Class A, too.

Nevertheless, I would like to rise and recognize that valiant team from our home county of Emmons, who not only won it this year, but beat the same team for it a year ago. It, of course, wasn't my privilege to give them recognition a year ago, because we weren't in session.

I would imagine there were very few fans, other than the Linton fans, in that auditorium on Saturday night who would have given them much chance of winning on Saturday night. But, lo and behold, they did it with a tremendous shot in the last second to tie the game up, and then the same young man, Bob Petrick, did the same thing in overtime to win the game and put Linton in the Halls of Fame as being a consecutive winner in the Class B tournament. Not only that, but their coach, Dan Carr, was named Coach of the Year.

All in all, I would like the Senate to applaud the players and the coaches, the cheerleaders, and all from Linton for their tremendous success on Saturday night. Thank you.

POINT OF PERSONAL PRIVILEGE

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

Last weekend the finals of the North Dakota State Class B basketball tournament were held here in Bismarck.

I congratulate Linton on their win over Newburg. Newburg is a small school in my legislative district who had only had two losses out of 54 games in the past two years; one of them to Linton in the final game of the 1984 Class B and one again in the 1985 Class B championship game.

The Newburg basketball team worked very hard to win the tournament, but not everyone can win, and all of you who

watched the game will agree that Linton and Newburg provided a good, entertaining evening.

I was very proud of the Newburg team, their coach Bob Hunskor, and their parents and supporters for the way they handled the second loss to Linton. Their sportsmanship was superb; they received many well-deserved awards.

I also congratulate Chris Lamoureux for being named Mr. Basketball.

Newburg is fired up and ready to return again next year.

Congratulations, Newburg!

SECOND READING OF HOUSE BILLS

HB 1005: A BILL for an Act making an appropriation for the distribution of funds for the replacement of personal property taxes revenue.

Which has been read.

MOTIONS

SEN. HEIGAARD MOVED that HB 1005 be amended as follows:

On page 1, line 12, delete the numerals "44,540,000" and insert in lieu thereof the numerals "32,577,000"

On page 1, line 13, delete the numerals "44,540,000" and insert in lieu thereof the numerals "32,577,000"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Reduce the personal property tax replacement by \$11,963,000 to provide funding at the 1983-85 biennium level.

SEN. HEIGAARD MOVED that the proposed amendments be adopted.

REQUEST

SEN. LIPS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1005, which requested was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1005, the roll was called and there were 21 YEAS, 32 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelly; Kelsh; Krauter; Kusler; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Satrom; Shea; Stromme; Tallackson; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kilander; Langley; Lashkowitz; Lips; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: None

The proposed amendments to HB 1005 lost.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Freborg; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Dotzenrod; Heigaard; Hilken; Mushik; Satrom

ABSENT AND NOT VOTING: None

HB 1005 passed and the title was agreed to.

HB 1072: A BILL for an Act to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to issuing checks with insufficient funds or without an account; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Matchie

ABSENT AND NOT VOTING: None

HB 1072 passed, the title was agreed to, and the emergency clause carried.

HB 1135: A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the establishment of an agriculture in the classroom program and council.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 41 YEAS, 12 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; Dotzenrod; Heigaard; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Parker; Reiten; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Bakewell; David; Freborg; Heinrich; Kelly; Kilander; Mutch; Peterson; Redlin; Satrom; Streibel; Tennefos

ABSENT AND NOT VOTING: None

HB 1135 passed and the title was agreed to.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

- SB 2116: Reps. Wentz, Conmy, R. Solberg
- SB 2153: Reps. V. Olson, Belter, C. Williams
- SB 2267: Reps. D. Olsen, Nalewaja, Hoffner
- SB 2279: Reps. Rydell, Hamerlik, Klundt

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1077, and the

Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1077: Reps. A. Olson, Schindler, Watne
 ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILLS

HB 1143: A BILL for an Act to amend and reenact section 55-08-06 of the North Dakota Century Code, relating to permit fees for motor vehicles in state parks, recreational areas, or reserves.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

HB 1143 passed and the title was agreed to.

HB 1146: A BILL for an Act to adopt the Uniform Arbitration Act, relating to the enforcement of voluntary written agreements to arbitrate disputes; to amend and reenact sections 24-02-28, 32-04-12, and 60-06-06.1 of the North Dakota Century Code, relating to the procedure for arbitration of highway construction contracts, obligations which cannot be specifically enforced, and arbitration by the public service commission; and to repeal chapter 32-29 of the North Dakota Century Code, relating to the arbitration of controversies.

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, 53 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

HB 1146 was declared lost.

HB 1211: A BILL for an Act to create and enact section 26-39-03.1 of the North Dakota Century Code, relating to substance abuse benefits for human service centers; and to amend and reenact sections 26-39-01, 26-39-02, 26-39-03, and 26-39-05 of the North Dakota Century Code, relating to mental illness, addiction, and substance abuse insurance coverage; or in the alternative to amend and reenact sections 26.1-36-08 and 26.1-36-09 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to mental illness and addiction insurance coverage and substance abuse coverage.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 41 YEAS, 11 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Bakewell; Christensen; David; Dotzenrod; Hilken; Kusler; Maixner; Mutch; Parker; Thane; Vosper

ABSENT AND NOT VOTING: Meyer, W.

HB 1211 passed and the title was agreed to.

HB 1284: A BILL for an Act to amend and reenact section 43-17-18 of the North Dakota Century Code, relating to qualifications of an applicant for a license to practice medicine.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.

HB 1284 passed and the title was agreed to.

HB 1287: A BILL for an Act to create and enact a new subsection to section 39-06.1-05 and a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to traffic violations excluded from treatment as noncriminal and to points assigned against an operator's license; to amend and reenact section 39-08-20 of the North Dakota Century Code, to provide a penalty for driving without liability insurance; and to repeal subsection 6 of section 39-06.1-06 and paragraph 25 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to noncriminal disposition of the offense of driving without liability insurance.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Meyer, D.; Thane; Wright

ABSENT AND NOT VOTING: Meyer, W.

HB 1287 passed and the title was agreed to.

HB 1290: A BILL for an Act to amend and reenact sections 44-08-01 and 44-08-02 of the North Dakota Century Code, relating to the preference to North Dakota contractors for public construction contracts; and to declare an emergency.

Which has been read.

MOTIONS

SEN. KRAUTER MOVED that HB 1290 be amended as follows:

On page 1, line 3, after the word "to" insert the words "resident minority contractors; and to"

On page 1, line 10, after the word "contractors" insert the words "- Contract set-aside goals for resident minority bidders, sellers, and contractors"

On page 1, line 18, after the word "Dakota" insert the words "and shall set aside, as a minimum goal, contracts or portions of contracts with a total value equal to five percent of the value of all such contracts for exclusive bidding by North Dakota resident minority bidders, sellers, and contractors"

On page 2, line 3, delete the word "and" and insert in lieu thereof the word "or"

On page 2, line 4, after the word "contractor" insert the words "and "North Dakota resident minority bidder, seller, or contractor""

On page 2, line 9, after the period insert the following new sentence: "The term "North Dakota resident minority bidder, seller, or contractor" when used in section 44-08-01, unless the context clearly requires otherwise, means a bidder, seller, or contractor who has maintained a place of business within this state for at least one year prior to the date on which a contract is awarded and who has been approved as a bona fide minority business enterprise by the North Dakota screening committee formed pursuant to the Surface Transportation Assistance Act of 1982 [Pub. L. 97-424; 96 Stat. 2097]."

And renumber the lines and pages accordingly

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Christensen

HB 1290 passed, the title was agreed to, and the emergency clause carried.

HB 1347: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to adjustments to taxable income for education tuition, textbook, and other expenses.

Which has been read.

MOTIONS

SEN. SATROM MOVED that HB 1347 be amended as follows:

On page 2 of the engrossed bill, after line 12, insert the following new subparagraph:

"(j) Costs of transportation for school attendance."

On page 3 of the engrossed bill, after line 2, insert the following new paragraph:

"(4) "Transportation" does not include transportation to extracurricular activities, including sporting events, musical or dramatic events, speech activities, or programs of a similar nature."

And renumber the lines and pages accordingly

SEN. SATROM MOVED that the proposed amendments be adopted, which motion lost on a division vote.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 25 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Heigaard; Kelly; Krauter; Lashkowitz; Lodoen; Maixner; Matchie; Meyer, W.; Mutch; Naaden; Nelson; Nothing; Peterson; Reiten; Streibel; Stromme; Tennefos; Todd; Tweten; Waldera

NAYS: Dotzenrod; Ereborg; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Kusler; Langley; Lips; Meyer, D.; Meyer, J.; Moore; Mushik; Olson; Parker; Redlin; Satrom; Shea; Stenehjem; Tallackson; Thane; Vosper; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

HB 1347 was declared lost.

MOTION

SEN. NOTHING MOVED that the Senate reconsider the action whereby HB 1552 lost, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1552: A BILL for an Act to create and enact a new subsection to section 57-62-05 of the North Dakota Century Code, relating to duties of the director of the energy development impact office regarding grants to coal or oil and gas development impacted political subdivisions; and to amend and reenact section 57-62-06 of the North Dakota Century Code, relating to the coal and oil and gas development impact aid program.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 25 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjsem; Thane; Todd; Tweten; Vosper; Wright

NAYS: Bakewell; Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Satrom; Shea; Streibel; Stromme; Tallackson; Tennefos; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: None

HB 1552 was declared lost.

MOTION

SEN. KUSLER MOVED that the vote by which HB 1552 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1363: A BILL for an Act to create and enact a new subsection to section 39-04-12 of the North Dakota Century Code, relating to fleet registration of motor vehicles.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjsem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Meyer, D.; Stromme; Waldera

HB 1363 passed and the title was agreed to.

HB 1426: A BILL for an Act to limit liability for gratuitous health care provided amateur athletes.

Which has been read.

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; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Krauter; Stromme; Vosper

HB 1426 passed and the title was agreed to.

HB 1454: A BILL for an Act to create and enact a new section to chapter 29-04 of the North Dakota Century Code, relating to the limitation of time within which a prosecution for child sexual abuse must be commenced.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Krauter; Langley; Parker; Vosper

HB 1454 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MOORE MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1077, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1077:

Sens. Moore, Todd, Maixner

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith Engrossed SB 2068, SB 2325, Engrossed SB 2386, Engrossed SB 2390, SB 2466, and Engrossed SB 2480 which the House has amended:

HOUSE AMENDMENTS TO ENGROSSED SB 2068

On page 1 of the engrossed bill, line 1, delete the words and numerals "sections 16.1-06-04 and" and insert in lieu thereof the word "section"

On page 1 of the engrossed bill, line 2, delete the word "form" and insert in lieu thereof the word "stamping"

On page 1 of the engrossed bill, delete lines 6 through 28

On page 2 of the engrossed bill, delete lines 1 through 18

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2325

On page 1, line 12, delete the words "regardless of" and insert in lieu thereof the word "until"

On page 1, line 13, after the numeral "40-24-18" insert the words "is sufficient to cover outstanding principal of and interest on any obligations issued to fund such projects, and in addition thereto, to repay the city for any payments made by the city to fund deficiencies in the fund established pursuant to section 40-24-18"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2386

On page 3 of the engrossed bill, after line 12, insert the following new subsection:

- "8. An examination, handling, or maintenance of any customer information by any governmental agency or law enforcement agency for purposes of verifying information necessary in the licensing process, provided prior consent is obtained from the licensee and customer."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2390

- On page 1 of the engrossed bill, line 19, delete the word "transmute" and insert in lieu thereof the word "transmit"
- On page 2 of the engrossed bill, line 7, delete the letter "C" and insert in lieu thereof the letter "B"
- On page 2 of the engrossed bill, line 14, delete the letter "C" and insert in lieu thereof the letter "B"
- On page 2 of the engrossed bill, line 19, delete the words "A misdemeanor" and insert in lieu thereof the words "C felony"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2466

- On page 1, line 2, delete the words "to provide for the" and insert in lieu thereof the words "relating to"
- On page 1, line 3, delete the words "elimination of"
- On page 1, line 18, after the comma insert the words "but excluding any federal rent subsidy."
- On page 1, line 24, after the word "of" insert the words "any federal rent subsidy and of"
- On page 2, line 21, delete the words ", nor shall this subsection apply to any person"
- On page 2, delete line 22
- On page 2, line 23, delete the words "housing unit"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2480

- On page 1 of the engrossed bill, line 11, overstrike the words "A misdemeanor" and insert immediately thereafter the words "C felony"
- On page 1 of the engrossed bill, line 16, overstrike the words "A misdemeanor" and insert immediately thereafter the words "C felony"

On page 1 of the engrossed bill, line 21, overstrike the words "A misdemeanor" and insert immediately thereafter the words "C felony"

On page 1 of the engrossed bill, line 24, overstrike the second word "A"

On page 1 of the engrossed bill, line 25, overstrike the word "misdemeanor" and insert immediately thereafter the words "C felony"

And renumber the lines and pages accordingly

ROY GILBREATH, Chief Clerk

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1013 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 11, delete the numerals "140,000" and insert in lieu thereof the numerals "410,000"

On page 2 of the engrossed bill, line 12, delete the numerals "140,000" and insert in lieu thereof the numerals "410,000"

On page 2 of the engrossed bill, line 16, delete the numerals "70,000" and insert in lieu thereof the numerals "60,000"

On page 2 of the engrossed bill, line 17, delete the numerals "74,050" and insert in lieu thereof the numerals "64,050"

On page 2 of the engrossed bill, line 19, delete the numerals "30,000" and insert in lieu thereof the numerals "20,000"

On page 2 of the engrossed bill, delete lines 28 through 31

On page 2 of the engrossed bill, line 32, delete the numerals "11" and insert in lieu thereof the numerals "10"

On page 2 of the engrossed bill, after line 35, insert the following lines:

"Subdivision 11.

EDUCATION COMMISSION OF THE STATES

Operating expenses	\$ 40,000
Total general fund appropriation	\$ 40,000

Subdivision 12.

MIDWEST TECHNOLOGY DEVELOPMENT INSTITUTE

Operating expenses	<u>\$100,000</u>
Total general fund appropriation	\$100,000"

On page 3 of the engrossed bill, line 1, delete the numerals "545,600" and insert in lieu thereof the numerals "920,600"

On page 3 of the engrossed bill, line 3, delete the numerals "599,650" and insert in lieu thereof the numerals "974,650"

On page 3 of the engrossed bill, line 22, delete the numerals "11" and insert in lieu thereof the numerals "10"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Miscellaneous Refunds

The grants, benefits, and claims line item is increased from \$140,000 to \$410,000, an increase of \$270,000 from the general fund.

Nurses' Scholarships

The grants, benefits, and claims line item is reduced by \$10,000 from the general fund.

Commission on Uniform State Laws

Funding is deleted for the Commission on Uniform State Laws.

Education Commission of the States

General fund money is added for the Education Commission of the States in the amount of \$40,000.

Midwest Technology Development Institute

General fund money is added for the State of North Dakota to join the Midwest Technology Development Institute in the amount of \$100,000.

SEN. LIPS, Chairman

HB 1013 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1083 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 2, delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "12.1-01-05" insert the word and numerals "and 57-01-02.1"
- On page 1 of the engrossed bill, line 5, after the word "crimes" insert the words "and to allow home rule counties to enter sales tax collection agreements with the tax commissioner"
- On page 2 of the engrossed bill, line 34, after the semicolon insert the words "subject to the limitations of this section", delete the word "any" and insert in lieu thereof the word "property", and delete the words "excises, fees," and insert in lieu thereof the words "sales taxes, motor vehicle fuels and special fuels taxes, motor vehicle registration fees,"
- On page 2 of the engrossed bill, line 35, delete the word "charges,"
- On page 3 of the engrossed bill, line 5, after the word "services" insert the words "to the extent authorized by state law"
- On page 3 of the engrossed bill, delete lines 14 through 16
- On page 3 of the engrossed bill, line 20, after the comma insert the words "after adoption of a home rule charter", and after the word "county" insert the word "elected"
- On page 3 of the engrossed bill, line 24, after the period insert the following sentence: "Notwithstanding the other provisions of this subsection, a charter or ordinance or act of a governing body of a home rule county may not supercede any state law concerning the office or jurisdiction of the county court or county judge."
- On page 3 of the engrossed bill, line 31, after the period insert the words "However, this subsection does not confer any authority to regulate any industry or activity which is regulated by state law or by rules adopted by a state agency."
- On page 4 of the engrossed bill, delete lines 1 through 3
- On page 4 of the engrossed bill, delete lines 7 and 8
- On page 6 of the engrossed bill, after line 19, insert the following new section:

"SECTION 14. AMENDMENT. Section 57-01-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-01-02.1. Tax collection agreements with home rule cities or
counties.

1. The governing body of any incorporated city that has adopted the home rule provisions of chapter 40-05.1, or of any county which has adopted the home rule provisions of sections 1 through 12 of this Act, and the tax commissioner are hereby authorized and empowered to enter into contractual agreements whereby the tax commissioner shall have authority to collect any sales ~~and~~ or use taxes assessed by such incorporated city or county.
2. It shall be the duty of the tax commissioner to deposit with the state treasurer all money collected ~~by him~~ under this section and to accompany each remittance with a certificate showing the city or county for which it was collected. The state treasurer, quarterly, shall pay to the ~~city~~ city auditors of the several cities or counties the money to which they are entitled under this section.
3. The agreements entered into under this section may also provide for an agreed amount to be allowed the tax commissioner for services rendered in connection with such collections. Any sums collected for services rendered shall be paid to the state treasurer for deposit in the general fund."

And renumber the lines, subsections, sections, and pages accordingly

SEN. HOLMBERG, Chairman

HB 1083 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1153 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 4, line 27, overstrike the word "the" and insert immediately thereafter the word "whose", and overstrike the words "of which"

On page 4, line 29, after the comma insert the words "none of which, other than a national securities exchange or association, holds in excess of twenty percent of the capital stock of the corporation, and"

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

- On page 5, line 6, delete the words "federal securities laws", overstrike the words "," and none of", delete the word "which", and overstrike the second comma
- On page 5, overstrike lines 7 and 8
- On page 5, line 9, overstrike the words "the capital stock of such corporation", and insert immediately thereafter the words "the federal securities laws"
- On page 5, after line 35, insert the following:
- | | |
|-----------------------------|--------------------------|
| <u>"Secured party"</u> | <u>Section 41-09-05</u> |
| <u>"Security agreement"</u> | <u>Section 41-09-05"</u> |
- On page 6, line 13, after the word "purchaser" insert the words ", or if his interest is transferred to him other than by registration of transfer, pledge, or release, the initial transaction statement sent to the registered owner or the registered pledgee"
- On page 8, line 3, after the word "The" insert the words "law (including the conflict of laws rules) of the jurisdiction of organization of the issuer governs the"
- On page 10, line 11, delete the word "," if" and insert in lieu thereof the following: ": a. If"
- On page 10, line 12, delete the word "," if" and insert in lieu thereof the following: "; b. If"
- On page 10, line 14, after the word "purchaser" insert the words ", or, if his interest is transferred to him other than by registration of transfer, pledge, or release, the initial transaction statement sent to the registered owner or registered pledgee,", and overstrike the word "those" and insert immediately thereafter the following: "c. Those"
- On page 10, line 22, overstrike the words "Such a" and insert immediately thereafter the word "A", and after the word "reference" insert the words "under this subdivision"
- On page 10, line 27, overstrike the letter "a."
- On page 11, line 5, overstrike the words "b. The rule of subdivision a" and insert immediately thereafter the words "This subsection"
- On page 12, line 31, after the word "person" insert the words ", or, if his interest is transferred to him other than by registration of transfer, pledge, or release, the initial transaction statement sent to the registered owner or the registered pledgee"

- On page 15, line 19, delete the words "where the secured obligation is transferred" and insert in lieu thereof the words "if the security interest is assigned"
- On page 18, line 18, after the comma insert the words "to whom the transfer, pledge, or release"
- On page 18, line 19, after the word "security" insert the words "is registered", and after the word "claims" insert the words "as to which the issuer has a duty under subsection 4 of section 41-08-39 at the time of registration and which are"
- On page 18, line 21, delete the words "a person acting for him" and insert in lieu thereof the words ", if his interest is transferred to him other than by registration of transfer, pledge, or release, the initial transaction statement sent to the registered owner or the registered pledgee"
- On page 20, delete lines 15 through 34 and insert in lieu thereof the following: "issuer that:
- a. He is an appropriate person to originate the instruction; and
 - b. At the time the instruction is presented to the issuer he will be entitled to the registration of transfer, pledge, or release.
6. A person who originates an instruction warrants to any person specially guaranteeing his signature (subsection 3 of section 41-08-28) that:
- a. He is an appropriate person to originate the instruction; and
 - b. At the time the instruction is presented to the issuer:
 - (1) He will be entitled to the registration of transfer, pledge, or release; and
 - (2) The transfer, pledge, or release requested in the instruction will be registered by the issuer free from all liens, security interests, restrictions, and claims other than those specified in the instruction.
7. A person who originates an instruction warrants to a purchaser for value and to any person guaranteeing the instruction (subsection 6 of section 41-08-28) that:

- a. He is an appropriate person to originate the instruction;
 - b. The uncertificated security referred to therein is valid; and
 - c. At the time the instruction is presented to the issuer:
 - (1) The transferor will be entitled to the registration of transfer, pledge, or release;
 - (2) The transfer, pledge, or release requested in the instruction will be registered by the issuer free from all liens, security interests, restrictions, and claims other than those specified in the instruction; and
 - (3) The requested transfer, pledge, or release will be rightful.
8. If a secured party is the registered pledgee or the registered owner of an uncertificated security, a person who originates an instruction of release or transfer to the debtor or, after payment and on order of the debtor, a transfer instruction to a third person, warrants to the debtor or the third person only that he is an appropriate person to originate the instruction and at the time the instruction is presented to the issuer, the transferor will be entitled to the registration of release or transfer. If a transfer instruction to a third person who is a purchaser for value is originated on order of the debtor, the debtor makes to the purchaser the warranties of subdivision b and paragraphs 2 and 3 of subdivision c of subsection 7."

On page 21, delete lines 1 through 28

On page 29, line 8, delete the word "transferor" and insert in lieu thereof the word "debtor"

On page 29, line 10, delete the word "signed" and insert in lieu thereof the words ", which, in the case of the creation of the security interest, is signed", and delete the word "transferor" and insert in lieu thereof the word "debtor"

On page 29, line 11, after the comma insert the words "or which, in the case of the release or assignment of the security interest created pursuant to this subdivision, is signed by the secured party,"

On page 29, line 26, delete the word "or"

On page 29, line 30, after the word "party" insert the following:
"; or

- j. With respect to the transfer of a security interest where the secured party is a financial intermediary and the security has already been transferred to the financial intermediary under subdivision a, b, c, d, or g, at the time the transferor has signed a security agreement containing a description of the security and value is given by the secured party"

On page 30, line 11, after the word "registered" insert the words "free of the claim"

On page 30, line 22, after the period insert the following sentence: "A financial intermediary may have a security interest in securities held in account for its customers."

On page 30, line 32, overstrike the word "or" and insert immediately thereafter the following: "; (2) He," and after the word "requested" insert an underscored comma

On page 30, line 34, delete the word "the" and insert in lieu thereof the words "a certificated or uncertificated"

On page 31, line 1, delete the numeral "(2)" and insert in lieu thereof the numeral "(3)"

On page 31, line 4, delete the numeral "(3)" and insert in lieu thereof the numeral "(4)"

On page 32, line 1, overstrike the words "or at" and insert immediately thereafter the words "; b. At"

On page 32, line 2, after the word "request" insert an underscored comma

On page 32, line 3, delete the word "such", and after the word "certificated" insert the words "or uncertificated"

On page 32, line 5, delete the letter "b" and insert in lieu thereof the letter "c"

On page 36, delete line 8 and insert in lieu thereof the following:

- "1. In addition to other methods, a transfer, pledge, or release of a security or any interest therein may be effected by the making of appropriate entries on the books of a clearing corporation

reducing the account of the transferor, pledgor, or pledgee and increasing the amount of the obligation, or the number of shares or rights transferred, pledged, or released, if the security is shown on the account of a transferor, pledgor, or pledgee in the books of the clearing corporation; is subject to the control of the clearing corporation; and

a. If a security certificated,"

- On page 36, line 9, after the letter "a-" insert the numeral "(1)", and remove the overstrike over the word "is", and delete the word "is", and overstrike the words "or of" and insert immediately thereafter the words ", another clearing corporation,"
- On page 36, line 10, after the word "bank" insert an underscored comma, and overstrike the words "either subject to the"
- On page 36, line 11, delete the word "control", overstrike the words "of the clearing corporation" and insert immediately thereafter the words "any of them", and remove the overstrike over the semicolon and immediately thereafter insert the word "and"
- On page 36, line 12, after the letter "b-" insert the numeral "(2)", remove the overstrike over the word "is", and delete the words "and is"
- On page 36, line 15, remove the overstrike over the semicolon, and delete the words ", or an uncertified security is"
- On page 36 delete lines 16 through 18
- On page 36, line 19, delete the word "is", and overstrike the words "shown on the account of a transferor or pledgor"
- On page 36, overstrike lines 20 through 27
- On page 36, line 28, overstrike the words "transferred or pledged" and insert immediately thereafter the following:
"or

b. If uncertified, is registered in the name of a clearing corporation, another clearing corporation, or a nominee of any of them"

- On page 36, line 35, overstrike the word "or" and insert immediately thereafter an underscored comma, and after the word "pledges" insert the words ", or releases"
- On page 37, line 1, overstrike the words "or pledge" and the words "has the effect of"

- On page 37, line 2, overstrike the words "a delivery of a", and delete the word "certificated", and overstrike the words "security in bearer form or"
- On page 37, line 3, overstrike the words "duly endorsed in blank (section", delete the numerals "41-08-29", and overstrike the closing parentheses
- On page 37, overstrike line 4
- On page 37, line 5, overstrike the words "shares or rights transferred or pledged" and insert immediately thereafter the words "is effective (section 41-08-29) and the purchaser acquires the rights of the transferor (section 41-08-17). A pledge or release under this section is the transfer of a limited interest"
- On page 37, line 6, overstrike the second word "the"
- On page 37, overstrike line 7
- On page 37, line 8, overstrike the words "by the pledgee or a secured party ("
- On page 37, line 9, delete the words "section 41-08-36.1", and overstrike the parenthesis and insert immediately thereafter the words "the security interest is perfected at the time when both value is given by the pledgee and the appropriate entries are made (section 41-08-36)"
- On page 37, line 10, overstrike the words "is a holder" and insert immediately thereafter the words "may be a bona fide purchaser (section 41-08-18)"
- On page 43, line 19, delete the words "Except as provided in subsection 6, an" and insert in lieu thereof the word "An"
- On page 43, line 23, after the word "issuer" insert the words "if the process was served at a time and in a manner affording the issuer a reasonable opportunity to act on it in accordance with the requirements of subsection 5"
- On page 43, line 26, after the word "pledgee" insert the words "if the notification was received at a time and in a manner affording the issuer a reasonable opportunity to act on it in accordance with the requirements of subsection 5"
- On page 43, line 34, delete the semicolon and insert in lieu thereof an underscored period
- On page 43, delete line 35
- On page 44, delete lines 1 through 4

On page 44, line 13, before the word "If" insert the numeral "6."

On page 44, line 18, delete the numeral "6" and insert in lieu thereof the numeral "7"

On page 48, delete lines 1 through 23 and insert in lieu thereof the following subsections:

"2. Upon surrender of a certificated security with all necessary endorsements and presentation of a written request by the person surrendering the security, the issuer, if he has no duty as to adverse claims or has discharged the duty (section 41-08-39), shall issue to the person or a person designated by him an equivalent uncertificated security subject to all liens, restrictions, and claims that were noted on the certificated security.

3. Upon receipt of a transfer instruction originated by an appropriate person who so requests, the issuer of an uncertificated security shall cancel the uncertificated security and issue an equivalent certificated security on which must be noted conspicuously any liens and restrictions of the issuer and any adverse claims (as to which the issuer has a duty under subsection 4 of section 41-08-39) to which the uncertificated security was subject. The certificated security shall be registered in the name of and delivered to:

- a. The registered owner, if the uncertificated security was not subject to a registered pledge; or
- b. The registered pledgee, if the uncertificated security was subject to a registered pledge."

On page 49, line 2, after the word "owner" insert the words "and, if the security has been transferred subject to a registered pledge, the name and address and any taxpayer identification number of the registered pledgee"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

HB 1153 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 HB 1282 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1282 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1316 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1316 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 1327 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

On page 1 of the engrossed bill, line 4, after the word "beverages" insert the words ", powdered drink mixes, and certain soft drinks"

On page 1 of the engrossed bill, line 17, delete the word "not" and overstrike the words "including candy"

On page 1 of the engrossed bill, line 18, overstrike the words ", chewing gum"

On page 1 of the engrossed bill, line 24, after the third comma insert the words "beverages commonly referred to as soft drinks containing less than seventy percent fruit juice, powdered drink mixes,"

On page 2 of the engrossed bill, line 11, delete the word "not" and overstrike the words "including candy"

On page 2 of the engrossed bill, line 12, overstrike the words ", chewing gum"

On page 2 of the engrossed bill, line 18, delete the words "and confectionary products", and after the third comma insert the words "beverages commonly referred to as soft drinks containing less than seventy percent fruit juice, powdered drink mixes,"

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

HB 1327 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1354 has had the same under

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

On page 1, line 3, after the word "license" insert the semicolon and words "; and to provide and effective date"

On page 2, line 4, after the word "The" insert the words "group child care or child care center"

On page 2, line 6, delete the word "employee" and insert in lieu thereof the word "person"

On page 2, line 7, after the word "basic" insert the word "rescuer"

On page 2, after line 13, insert the following new section:

"SECTION 2. EFFECTIVE DATE. Subsection 5 of section 1 of this Act becomes effective on July 1, 1987."

And renumber the lines, sections, and pages accordingly

SEN. STENEHJEM, Chairman

HB 1354 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 HB 1408 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. CHRISTENSEN, Chairman

HB 1408 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 1421 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WRIGHT, Chairman

HB 1421 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1446 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, after the word "subsections" insert the numeral and comma "6,"

On page 1 of the engrossed bill, line 7, after the word "Subsections" insert the numeral and comma "6,"

On page 1 of the engrossed bill, after line 9, insert the following new subsection:

"6. "Expert examiner" means a licensed physician, psychiatrist, ~~or~~ clinical psychologist, or master addiction counselor appointed by the court to examine the respondent. An evaluation of a respondent's physical condition shall be made only by a licensed physician or psychiatrist, ~~while~~ an evaluation of a respondent's mental status shall be made only by a licensed psychiatrist or clinical psychologist, and an examination by a master addiction counselor shall be limited to whether the respondent is an alcoholic or drug addict."

On page 1 of the engrossed bill, line 11, after the word "or" insert the word "master"

On page 1 of the engrossed bill, line 12, delete the words "certified by the department of human services as"

On page 1 of the engrossed bill, delete line 13

On page 1 of the engrossed bill, line 14, delete the words "department for master addiction counselors,"

On page 2 of the engrossed bill, line 3, overstrike the word "An" and insert immediately thereafter the words "A master"

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

HB 1446 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1464 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 6 of the engrossed bill, line 23, delete the words "eighty rods [402.34 meters]" and insert in lieu thereof the words "880 yards [804.68 meters]"

On page 7 of the engrossed bill, line 14, delete the comma and insert in lieu thereof the words "of the state parks and recreation department and"

On page 7 of the engrossed bill, line 16, delete the words ", and is accompanied by a person holding a valid"

On page 7 of the engrossed bill, line 17, delete the words "operator's license"

And renumber the lines accordingly

SEN. MUTCH, Chairman

HB 1464 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 HB 1515 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1515 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1536 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 21, overstrike the first word "his", overstrike the second word "his", and insert immediately thereafter the word "the"

On page 2 of the engrossed bill, line 1, overstrike the word "he" and insert immediately thereafter the words "the dental hygienist"

On page 2 of the engrossed bill, line 2, overstrike the word "his"

On page 2 of the engrossed bill, line 5, overstrike the word "he" and insert immediately thereafter the words "the dental hygienist"

On page 3 of the engrossed bill, line 22, delete the word "permanent" and insert in lieu thereof the word "business"

On page 3 of the engrossed bill, line 23, delete the comma and words ", by certified mail with return receipt requested"

On page 3 of the engrossed bill, line 25, delete the word "permanent" and insert in lieu thereof the word "business"

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

HB 1536 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 HB 1609 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1609 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 1638 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1638 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 1657 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1657 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HCR 3045 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. CHRISTENSEN, Chairman

HCR 3045 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HCR 3075 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HCR 3075 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

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

SEN. NOTHING MOVED that at the conclusion of the Fifth order of business, and after the reading of HB 1070, HB 1078, HB 1282, HB 1314, HB 1316, HB 1378, HB 1408, HB 1421, HB 1472, HB 1493, HB 1515, HB 1565, HB 1609, HB 1638, HB 1657, HCR 3045, and HCR 3075, the Senate adjourn and convene at 9:00 a.m., Tuesday, March 19, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary