

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FORTY-NINTH DAY

Bismarck, March 19, 1985

The Senate convened at 9:00 a.m., with President Meiers presiding.

The prayer was offered by Reverend Wesley Macy, Mission Evangelical Free Church, Wilton, North Dakota.

O Lord, Our Lord, how majestic is Thy name in all the earth. The whole earth is full of Your glory. You alone are exalted. You alone are the creator and ruler of us, Your creation.

We seek Your guidance today, Lord. We acknowledge that we need wisdom from You as we seek the common good for all people. May the decisions that are made today be honoring to You. Amen.

ROLL CALL

The roll was called and all members were present, except Senator W. Meyer.

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-eighth day and finds the same to be correct.

SEN. DAVID, Chairman

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

MESSAGES TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on:

HB 1077: Sens. Moore, Todd, Maixner

LEO LEIDHOLM, Secretary

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 2508

LEO LEIDHOLM, Secretary

MOTION

SEN. NETHING MOVED that Rule 507 be suspended, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. REITEN MOVED that the Senate do not concur in the House amendments to SB 2251 as printed on page 1436 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2251:

Sens. Todd, Mutch, Krauter

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do not concur in the House amendments to SB 2470 as printed on pages 1407-1408 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2470:

Sens. Christensen, Stenehjtem, Matchie

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

SB 2037, SB 2173, SB 2183, SB 2196, SB 2262, SB 2311,
SB 2359, SB 2395, SB 2406, SB 2446, SB 2463, SB 2488,
SB 2499, SCR 4004, SCR 4006, SCR 4008, SCR 4009, SCR 4013,
SCR 4017, SCR 4024, SCR 4030, SCR 4031, SCR 4034, SCR 4035,
SCR 4036, SCR 4038, SCR 4042, SCR 4046, SCR 4047, SCR 4050,
SCR 4052, SCR 4054, SCR 4055, SCR 4058, SCR 4062, SCR 4064,
SCR 4065, SCR 4068

ROY GILBREATH, Chief Clerk

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 1655

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2193, SB 2467, SCR 4048

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2095, SB 2201, SB 2374, SCR 4007, SCR 4026, and SCR 4053 which the House has amended:

HOUSE AMENDMENTS TO SB 2095

On page 1, line 2, delete the words "; to amend and reenact subsection 1 of section"

On page 1, delete lines 3 through 5

On page 1, line 6, delete the word "appropriation"

On page 1, lines 9 through 28, remove the underscore

On pages 2 through 6, remove the underscore

On page 7, lines 1 through 9, remove the underscore

On page 7, delete lines 10 through 35

Delete pages 8 through 10

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2201

On page 8, lines 35, after the word "purposes" insert the words ", including the one-way transmission of video programming or other programming service by a cable system as well as subscriber interaction, if any, which is required for the selection of such video programming or other programming service"

On page 11, line 28, delete the word "In"

On page 11, line 29, delete the words "order to prevent revenues" and insert in lieu thereof the word "Revenues", and delete the word "being" and insert in lieu thereof the words "shall not be"

On page 11, line 31, delete the word ", where" and insert in lieu thereof the word ". If"

On page 12, line 28, delete the word "other" and insert in lieu thereof the word "the"

On page 12, line 29, delete the words "this title" and insert in lieu thereof the word and numerals "section 49-05-05"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2374

On page 1, line 1, delete the word "a" and insert in lieu thereof the word "two", and delete the word "subsection" and insert in lieu thereof the word "subsections"

On page 2, line 1, delete the word "A" and insert in lieu thereof the word "Two", and delete the word "subsection" and insert in lieu thereof the word "subsections"

On page 2, line 2, delete the word "is" and insert in lieu thereof the word "are"

On page 2, after line 10, insert the following new subsection:

"This chapter does not prevent individuals with masters or doctoral degrees in the field of counseling with specialization in mental health from serving as counselors or therapists in mental health in state institutions or regional human service centers, if they do not hold themselves out to the public as social workers."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SCR 4007

On page 1, line 18, after the word "Forks" insert the words "Mark Andrews"

On page 1, line 22, after the word "Forks" insert the words "Mark Andrews"

On page 2, line 32, after the comma insert the word "and"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SCR 4026

On page 1, line 1, after the word "study" insert the words "the equity of the rate of and exemptions from the coal severance tax, the equity of the farm residence property tax exemption, and"

On page 1, after line 4, insert the following new paragraph:

"WHEREAS, the rate of the coal severance tax and existing and alternative exemptions from the coal severance tax should be studied with regard to the competitive position of the North Dakota coal industry and the industries which utilize North Dakota coal; and"

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

"WHEREAS, the equity of the farm residence exemption should be reexamined in light of the difficulty of applying the exemption and recent changes in the assessment of agricultural property; and"

On page 2, line 4, after the word "study" insert the words "the equity of the rate of and exemptions from the coal severance tax;"

On page 2, line 9, after the word "limitations" insert the words "; and the equity of the farm residence exemption from property taxes in light of the difficulty of applying the exemption and recent changes in the assessment of agricultural property"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SCR 4053

On page 1, line 2, delete the words "small power producers" and insert in lieu thereof the words "producers of small amounts of power"

On page 1, line 22, delete the words "small power", after the word "of" insert the words "small amounts of", and after the word "on" insert the word "power"

And renumber the lines and pages accordingly

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed:

SB 2215

SEN. BAKEWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

SB 2094, SB 2112, SB 2132, SB 2185, SB 2192, SB 2195,
 SB 2199, SB 2206, SB 2208, SB 2213, SB 2215, SB 2219,
 SB 2220, SB 2224, SB 2230, SB 2233, SB 2236, SB 2237,
 SB 2239, SB 2241, SB 2252, SB 2254, SB 2258, SB 2264,
 SB 2268, SB 2270, SB 2272, SB 2276, SB 2280, SB 2297,
 SB 2298, SB 2310

SEN. BAKEWELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2094, SB 2112, SB 2132, SB 2185, SB 2192, SB 2195,
 SB 2199, SB 2206, SB 2208, SB 2213, SB 2215, SB 2219,
 SB 2220, SB 2224, SB 2230, SB 2233, SB 2236, SB 2237,
 SB 2239, SB 2241, SB 2252, SB 2254, SB 2258, SB 2264,
 SB 2268, SB 2270, SB 2272, SB 2276, SB 2280, SB 2297,
 SB 2298, SB 2310

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed:

SCR 4021

SEN. BAKEWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly enrolled:

SB 2007

SEN. BAKEWELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2007

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

SB 2041, SB 2043, SB 2044, SB 2045, SB 2046, SB 2050,
 SB 2058, SB 2084, SB 2106, SB 2107, SB 2121, SB 2122,
 SB 2123, SB 2124, SB 2125, SB 2131, SB 2149, SB 2155,
 SB 2166, SB 2190, SCR 4019, and SCR 4027

SEN. BAKEWELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2043, SB 2044, SB 2045, SB 2046, SB 2050, SB 2058,
 SB 2084, SB 2106, SB 2121, SB 2122, SB 2123, SB 2124,
 SB 2125, SB 2131, SB 2149, SB 2155, SB 2166, SB 2190,
 SCR 4019, SCR 4027

LEO LEIDHOLM, Secretary

MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

HB 1382, HB 1402, HB 1418, HB 1441, HB 1607, HB 1651,
 HCR 3020, HCR 3022, HCR 3034, HCR 3036, HCR 3051, HCR 3056,
 HCR 3070, HCR 3078, HCR 3080, HCR 3082, HCR 3083, HCR 3084,
 HCR 3086, HCR 3087, HCR 3089, HCR 3090

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1203, HB 1274, HB 1403, HB 1471, HB 1560, HB 1580,
 HCR 3015

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1159, HB 1199, HB 1295, HB 1334, HB 1431, HB 1500,
HB 1537, HB 1539

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2251 and SB 2470 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2251: Sens. Todd, Mutch, Krauter

SB 2470: Sens. Christensen, Stenehjelm, Matchie

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

SB 2082, SB 2090, SB 2126, SB 2128, SB 2129, SB 2152,
SB 2154, SB 2158, SB 2191, SB 2210, SB 2211, SB 2221,
SB 2226, SB 2294, SB 2299, SB 2380

SEN. BAKEWELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2082, SB 2090, SB 2126, SB 2128, SB 2129, SB 2152,
SB 2154, SB 2158, SB 2191, SB 2210, SB 2211, SB 2221,
SB 2226, SB 2294, SB 2299, SB 2380

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

SB 2073, SB 2085, SB 2087, SB 2088, SB 2099, SB 2102,
SB 2110, SB 2117, SB 2118, SB 2119, SB 2134, SB 2142,
SB 2156, SB 2157, SB 2207, SB 2261, SB 2271, SB 2315,
SB 2318, SB 2339, SB 2340

SEN. BAKEWELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2073, SB 2085, SB 2087, SB 2088, SB 2099, SB 2102,
SB 2110, SB 2117, SB 2118, SB 2119, SB 2134, SB 2142,
SB 2156, SB 2157, SB 2207, SB 2261, SB 2271, SB 2315,
SB 2318, SB 2339, SB 2340

LEO LEIDHOLM, Secretary

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 2204: Reps. Hamerlik, Nalewaja, DeMers

SB 2223: Reps. Timm, R. Anderson, Richard

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 1081, HB 1168, and HB 1233 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1081: Reps. Timm, Goetz, Schneider

HB 1168: Reps. D. Olsen, Gates, DeMers

HB 1233: Reps. Lang, Shaw, Dotzenrod

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

SB 2077, SB 2141, SB 2145, SB 2147, SB 2162, SB 2189,
SB 2285, SB 2333, SB 2347, SB 2372, SB 2376, SB 2378,
SB 2382, SB 2384, SB 2392, SB 2393, SB 2399, SB 2407,
SB 2416, SB 2447, SB 2483, SB 2496, SB 2506, SCR 4003

SEN. BAKEWELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2077, SB 2141, SB 2145, SB 2147, SB 2162, SB 2189,
SB 2285, SB 2333, SB 2347, SB 2372, SB 2376, SB 2378,
SB 2382, SB 2384, SB 2392, SB 2393, SB 2399, SB 2407,
SB 2416, SB 2447, SB 2483, SB 2496, SB 2506, SCR 4003

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1013 as recommended by the Committee on Appropriations as printed on pages 1505-1506 of the

Senate Journal be adopted, and when so adopted, recommends that HB 1013 DO PASS, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to HB 1083 as recommended by the **Committee on Political Subdivisions** as printed on pages 1506-1508 of the Senate Journal be adopted, and when so adopted, recommends that HB 1083 DO PASS, which motion prevailed.

MOTION

SEN. REITEN MOVED that consideration of the proposed amendments to HB 1153, SB 2509 which is on the Eleventh order, and HB 1557 which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. WRIGHT MOVED that the amendments to HB 1327 as recommended by the **Committee on Finance and Taxation** as printed on page 1516 of the Senate Journal be adopted, and when so adopted, recommends that HB 1327 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to HB 1354 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on pages 1516-1517 of the Senate Journal be adopted, and when so adopted, recommends that HB 1354 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to HB 1446 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on pages 1517-1518 of the Senate Journal be adopted, and when so adopted, recommends that HB 1446 DO PASS, which motion prevailed.

SEN. MUTCH MOVED that the amendments to HB 1464 as recommended by the **Committee on Transportation** as printed on pages 1518-1519 of the Senate Journal be adopted, and when so adopted, recommends that HB 1464 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to HB 1536 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on page 1519 of the Senate Journal be adopted, and when so adopted, recommends that HB 1536 DO PASS, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural **Committee on Delayed Bills** has examined a bill relating to the issuance of personalized plates and has approved its introduction by a unanimous vote.

SEN. TENNEFOS, Chairman

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

FIRST READING OF SENATE BILL

Sen. Mutch introduced:

(Approved by the Committee on Delayed Bills)

SB 2510: A BILL for an Act to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to the issuance of personalized plates.

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

MOTIONS

SEN. NOTHING MOVED that the Senate request the return of HB 1645 from the House, which motion prevailed.

SEN. NOTHING MOVED that the Senate be on the Fourteenth order of business, which motion prevailed.

SEN. NOTHING MOVED that HB 1480 be placed at the head of the calendar, which motion prevailed.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to request the return of HB 1645.
LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILLS

HB 1480: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to assessment of points for certain speeding violations; and to amend and reenact paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to assessment of points for speeding violations.

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, 9 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; David; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Shea; Stenehjem; Tennesfos; Thane; Todd; Tweten; Waldera; Walsh; Wogsland; Wright

NAYS: Christensen; Heinrich; Matchie; Moore; Redlin; Satrom; Streibel; Tallackson; Wenstrom

ABSENT AND NOT VOTING: Parker; Stromme; Vosper

HB 1480 passed and the title was agreed to.

MOTIONS

SEN. LIPS MOVED that the Senate reconsider the action by which HB 1347 lost, which motion lost on a verification vote.

SEN. NETHING MOVED that the Senate message HB 1005 to the House, which motion prevailed.

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1005

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILL

HB 1070: A BILL for an Act to create and enact three new sections to chapter 20.1-01 and a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to noncriminal game and fish violations; to amend and reenact sections 20.1-01-05, 20.1-01-09, 20.1-01-10, 20.1-01-25, 20.1-01-26, 20.1-03-01.2, 20.1-03-16, 20.1-03-23, 20.1-03-27, 20.1-04-09, 20.1-04-10, 20.1-04-12, 20.1-04-14, 20.1-05-06, 20.1-06-07, 20.1-07-05, 20.1-08-01, 20.1-10-01, 20.1-13-02, subsection 13 of section 20.1-13-03, sections 20.1-13-03.1, 20.1-13-03.2, 20.1-13-04, subsection 7 of section 20.1-13-05, section 20.1-13-07, subsection 6 of section 20.1-13-10, sections 20.1-13-17 and 27-07.1-17 of the North Dakota Century Code, relating to noncriminal game and fish violations and the suspension of hunting, trapping, or fishing privileges; and to provide penalties.

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; Ereborg; 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; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Parker; Stromme; Vosper

HB 1070 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1070 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1078: A BILL for an Act to enter into the Rocky Mountain interstate compact on low-level radioactive waste; to designate North Dakota's member of the administrative board under this compact; and to provide a contingent effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 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; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Parker; Vosper

HB 1078 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1078 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1314: A BILL for an Act to create and enact three new sections to chapter 15-44, a new subsection to section 15-47-15, a new section to chapter 39-06.1, and a new subsection to section 39-06.1-06 of the North Dakota Century Code, relating to a driver education fund, contracts by school districts for commercial driver education services, reimbursement by school districts for

commercial driver education expenses incurred on behalf of students, and fees for noncriminal disposition of certain traffic offenses; to amend and reenact subsection 7 of section 39-06.1-03 of the North Dakota Century Code, relating to reporting of traffic offenses and fees for reporting to be assessed against defendants; and to provide an appropriation.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 26 YEAS, 25 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Mushik; Redlin; Reiten; Satrom; Shea; Stromme; Tallackson; Thane; Waldera; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; David; Dotzenrod; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lashkowitz; Lips; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Tennefos; Todd; Tweten; Walsh

ABSENT AND NOT VOTING: Parker; Vosper

HB 1314 was declared lost for want of a Constitutional majority.

HB 1378: A BILL for an Act to create and enact a new section to chapter 39-04, seven new sections to chapter 51-07, and a new section to chapter 57-40.4 of the North Dakota Century Code, relating to the duty of a manufacturer to repair a new motor vehicle under warranty or to refund the purchase price or replace the vehicle under certain circumstances; and to provide a penalty.

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, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; 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; Redlin; Reiten; Satrom; Shea;
 Stenehjem; Streibel; Stromme; Tallackson; Tennefos;
 Thane; Todd; Tweten; Waldera; Walsh; Wenstrom;
 Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Berube; Parker; Peterson; Vosper

HB 1378 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1378 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1472: A BILL for an Act to amend and reenact section 38-11.1-09 of the North Dakota Century Code, relating to the award of costs and expenses under an oil and gas production damage compensation action.

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 21 YEAS, 28 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Redlin; Satrom; Shea; Tweten; Walsh; Wogsland

NAYS: Adams; Christensen; David; Freborg; Ingstad; Kelly; Kilander; Langley; Lips; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Wenstrom; Wright

ABSENT AND NOT VOTING: Holmberg; Parker; Vosper; Waldera

HB 1472 was declared lost.

HB 1493: A BILL for an Act to amend and reenact sections 28-22-03 and 28-22-03.1 of the North Dakota Century Code, relating to property exempt from all process, and bankruptcy exemptions.

Which has been read.

ROLL CALL

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

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

NAYS: Ingstad; Lashkowitz; Stenehjøm; Tweten

ABSENT AND NOT VOTING: Parker; Vosper; Waldera

HB 1493 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1493 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1521: A BILL for an Act to limit flaring of gas.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 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; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjøm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Parker; Vosper

HB 1521 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1521 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1565: A BILL for an Act to amend and reenact section 65-05-09.1, subsection 1 of section 65-05-17, and sections 65-05.2-01 and 65-05.2-02 of the North Dakota Century Code, relating to the social security offset, to workmen's compensation death benefits and to supplementary workmen's compensation benefits.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 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; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Parker; Vosper

HB 1565 passed and the title was agreed to.

MOTIONS

SEN. NETHING MOVED that the vote by which HB 1565 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WALSH MOVED that the Senate reconsider the action whereby HB 1314 failed to pass for want of a Constitutional majority, which motion lost on a verification vote for want of a Constitutional majority.

SECOND READING OF HOUSE BILLS

HB 1571: A BILL for an Act to amend and reenact sections 28-26-31 and 47-19.1-09 of the North Dakota Century Code, relating to filing of frivolous lawsuits, awards of

attorneys' fees, slander of title, and soliciting obstruction of judicial proceedings.

Which has been read.

MOTIONS

SEN. OLSON MOVED that HB 1571 be amended as follows:

On page 1 of the engrossed bill, line 4, after the word "proceedings" insert the words "; and to declare an emergency"

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

"SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines and pages accordingly

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

SEN. OLSON MOVED that the rules be suspended, that HB 1571 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1571: A BILL for an Act to amend and reenact sections 28-26-31 and 47-19.1-09 of the North Dakota Century Code, relating to filing of frivolous lawsuits, awards of attorneys' fees, slander of title, and soliciting obstruction of judicial proceedings; 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 50 YEAS, 1 NAY, 2 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; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Mutch

ABSENT AND NOT VOTING: Parker; Vosper

HB 1571 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. NETHING MOVED that the vote by which HB 1571 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1574: A BILL for an Act to create and enact a new subsection to section 57-60-02 of the North Dakota Century Code, relating to a temporary exemption from the tax for the privilege of producing products from each coal conversion facility which commences construction after July 1, 1985.

Which has been read.

MOTIONS

SEN. MAIXNER MOVED that HB 1574 be amended as follows:

On page 1 of the engrossed bill, line 2, after the word "to" insert the words "an exemption from"

On page 1 of the engrossed bill, line 4, after the word "facility" insert the words ", other than an electrical generating plant,"

On page 1 of the engrossed bill, delete lines 10 through 19 and insert in lieu thereof the following new subsection:

"a. Notwithstanding the other provisions of this section, a county is hereby authorized and empowered, in its discretion and as limited in this subsection, to negotiate with and to grant to the potential operator of a coal conversion facility, other than an electrical generating plant, to be constructed in the county after July 1, 1985, a partial or complete exemption from the tax imposed by this section for a period not exceeding five years from the date of the first production from the facility.

b. The potential operator of the facility shall make an application for the tax exemption to the board of county commissioners of the county in which the facility will be located. The form of application shall be prescribed by the state board of equalization. The application shall include proof that the

potential operator of the facility has published two notices to competitors of the applicant and to the public in the official newspaper of the county at least one week apart. The publications shall be completed not less than fifteen days nor more than thirty days before the meeting at which the board of county commissioners will consider the application. The form of the published notices shall be prescribed by the state board of equalization. After the meeting at which the application is considered by the board of county commissioners, the county board, before granting any exemption, shall make application to the state board of equalization for approval of any exemption it proposes to grant. The form of application shall be prescribed by the state board of equalization.

- c. The state board of equalization shall, if it finds that the exemption will not result in unfair tax reduction competition between counties of this state, determine whether the exemption is in the best interests of the people of North Dakota, and if it so determines, shall give its approval. The state board shall, after making its determination, certify its findings back to the county and to the tax commissioner.
- d. The county, after receiving the certification from the state board of equalization, may then, by action of its board of commissioners, grant to the operator of the facility an exemption from the tax imposed by this section. The exemption granted shall not exceed the amount approved by the state board of equalization."

And renumber the lines and pages accordingly

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Kusler; Langley; Lips; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik;

Mutch; Naaden; Nelson; Nething; Olson; Peterson;
Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme;
Tallackson; Tennefos; Thane; Todd; Tweten; Waldera;
Wenstrom; Wright

NAYS: Hilken; Krauter; Lashkowitz; Maixner; Matchie;
Shea; Walsh; Wogsland

ABSENT AND NOT VOTING: Parker; Vosper

HB 1574 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1574 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Senate has requested:

HB 1645

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. NETHING MOVED that the Senate reconsider the action by which HB 1645 was passed, which motion prevailed.

SEN. NETHING MOVED that the Senate reconsider the action by which the amendments to HB 1645 were adopted, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3037: A concurrent resolution directing the Legislative Council to study the need for additional appellate court services.

Which has been read.

The question being on the final adoption of the resolution, as amended.

HCR 3037 was declared adopted on a voice vote.

MOTIONS

SEN. NETHING MOVED that the vote by which HCR 3037 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. NOTHING MOVED that HB 1639 be placed at the head of the calendar, which motion prevailed.

SEN. NELSON MOVED that HCR 3027 be placed between HB 1639 and HCR 3065 on the calendar, which motion prevailed.

SEN. NOTHING MOVED that the Senate stand in recess until 3:15 p.m., which motion prevailed.

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

HB 1005

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1005

LEO LEIDHOLM, Secretary

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1005

LEO LEIDHOLM, Secretary

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:

SCR 4021, SCR 4071, SCR 4072

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILL

HB 1639: A BILL for an Act to provide a statement of legislative intent relating to wetlands; to provide for a conditional property tax exemption for wetlands, for payment to counties by the state of the amount of tax exempted, and an authorization for receipt of funds; to amend and reenact sections 61-16.1-41, 61-31-01, and 61-31-10 of the North Dakota Century Code, relating to drainage permits, declaration of legislative intent concerning wetlands, and receipt of funds for the waterbank program; to provide a

standing and continuing appropriation; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 45 YEAS, 1 NAY, 7 ABSENT AND NOT VOTING.

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

NAYS: Heinrich

ABSENT AND NOT VOTING: Heigaard; Langley; Meyer, D.; Meyer, W.; Parker; Vosper; Wenstrom

HB 1639 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3027: A concurrent resolution directing the Legislative Council to study the economic and other impacts that could occur in this state if the drainage permit laws were repealed.

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

The question being on the final adoption of the resolution.

HCR 3027 was declared lost on a voice vote.

HCR 3065: A concurrent resolution directing the Legislative Council to study North Dakota's wetlands.

Which has been read.

The question being on the final adoption of the resolution, as amended.

HCR 3065 was declared adopted on a voice vote.

MOTION

SEN. NETHING MOVED that the vote by which HCR 3065 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1492: A BILL for an Act to amend and reenact section 23-17.3-05 of the North Dakota Century Code, relating to home health agency standards of licensure.

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 8 YEAS, 40 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Kelsh; Lashkowitz; Naaden; Nelson; Tennefos; Tweten; Wenstrom

NAYS: Adams; Bakewell; Berube; Christensen; David; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kilander; Krauter; Kusler; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Mushik; Mutch; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Langley; Meyer, D.; Meyer, W.; Parker; Vosper

HB 1492 was declared lost.

MOTION

SEN. MUTCH MOVED that HB 1507 and HB 1654 which are on the Fourteenth order be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1513: A BILL for an Act to create and enact a new section to chapter 15-40.2 of the North Dakota Century Code, relating to tuition payments for students attending schools in South Dakota; to amend and reenact sections 15-40.2-09 and 15-40.2-10 of the North Dakota Century Code, relating to payments for students attending South Dakota schools and reciprocal master agreements for students attending schools in other states; and to provide an expiration 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 0 YEAS, 46 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: None

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

ABSENT AND NOT VOTING: Langley; Meyer, D.; Meyer, W.; Parker; Stromme; Vosper; Wenstrom

HB 1513 was declared lost.

HB 1516: A BILL for an Act to repeal sections 23-13-03.1, 23-13-03.2, 23-13-03.3, 23-13-03.4, and 23-13-03.5 of the North Dakota Century Code, relating to the marking of containers used for liquified petroleum gas, and regulating the filling, transferring and possession of marked containers.

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, 48 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; 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

ABSENT AND NOT VOTING: Langley; Meyer, D.; Meyer, W.; Parker; Vosper

HB 1516 was declared lost.

HB 1542: A BILL for an Act to amend and reenact sections 25-16-01, 25-16-02, 25-16-03, 25-16-03.1, 25-16-04, 25-16-06, 25-16-07, 25-16-08, 25-16-09, 25-16-10, and 25-16-12 of the North Dakota Century Code, relating to the licensure, ownership, operation, and the confidentiality of records of treatment and care centers for developmentally disabled persons.

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 17 YEAS, 31 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Christensen; David; Freborg; Kilander; Lashkowitz; Mutch; Naaden; Nelson; Nething; Peterson; Reiten; Streibel; Tennefos; Thane; Tweten; Wright

NAYS: Bakewell; Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Kusler; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Mushik; Olson; Redlin; Satrom; Shea; Stenehjem; Stromme; Tallackson; Todd; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Langley; Meyer, D.; Meyer, W.; Parker; Vosper

HB 1542 was declared lost.

HB 1546: A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to department of human services caseload standards and reimbursement to counties.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 44 YEAS, 3 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Kelly; Nelson; Tennefos

ABSENT AND NOT VOTING: Langley; Meyer, D.; Meyer, W.;
Parker; Vosper; Wright

HB 1546 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that HB 1636 which is on the Fourteenth order be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3024: A concurrent resolution for the amendment of section 6 of article IX of the Constitution of the State of North Dakota, relating to the exchange of state coal mineral interests with federal coal mineral interests.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 35 YEAS, 12 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Freborg; Hilken; Holmberg; Ingstad; Kelly; Kilander; Lashkowitz; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Walsh; Wenstrom; Wright

NAYS: Dotzenrod; Heigaard; Heinrich; Kelsh; Krauter; Kusler; Matchie; Meyer, J.; Mushik; Satrom; Waldera; Wogsland

ABSENT AND NOT VOTING: Langley; Maixner; Meyer, D.; Meyer, W.; Parker; Vosper

HCR 3024 was declared adopted.

MOTIONS

SEN. NETHING MOVED that HB 1515, HB 1657, and HCR 3075 be placed immediately following HCR 3069, on the calendar, which motion prevailed.

SEN. WRIGHT MOVED that HB 1638 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3069: A concurrent resolution directing the Legislative Council to study the capability of the various street, highway, and air transportation systems of the state to provide for the efficient transportation of people, goods, commodities, and services and to identify the resources needed to provide adequate and efficient street, highway, and air transportation systems in the future.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3069 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILLS

HB 1515: A BILL for an Act to create and enact a new subsection to section 21-10-06 and a new chapter to title 37 of the North Dakota Century Code, relating to funds under management of the state investment board, and to the establishment of a national guard trust fund for training area and facility development; to amend and reenact section 54-17.1-08 of the North Dakota Century Code, relating to the sinking fund for Vietnam Conflict adjusted compensation bonds; to provide an appropriation; and to provide a statement of legislative intent.

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; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; 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: Langley; Meyer, D.; Meyer, W.; Parker; Vosper

HB 1515 passed and the title was agreed to.

HB 1657: A BILL for an Act to amend and reenact section 57-01-02.1 of the North Dakota Century Code, relating to tax collection agreements with home rule cities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 44 YEAS, 3 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Hilken; Moore; Tweten

ABSENT AND NOT VOTING: David; Langley; Meyer, D.; Meyer, W.; Parker; Vosper

HB 1657 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3075: A concurrent resolution directing the Legislative Council to study the desirability of adopting uniform or model laws where uniformity in state laws is desirable and practicable.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3075 was declared adopted on a voice vote.

APPOINTMENTS OF CONFERENCE COMMITTEES

SEN. WRIGHT MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1081, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1081:

Sens. Wright, Moore, Satrom

SEN. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1168, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1168:

Sens. Stenehjem, Christensen, Heinrich

SEN. HOLMBERG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1233, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1233:

Sens. Ingstad, Olson, Dotzenrod

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House respectfully requests the return of HB 1645.

ROY GILBREATH, Chief Clerk

MOTION

SEN. NETHING MOVED that the Senate return HB 1645 to the House, which motion prevailed.

MESSAGES TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return HB 1645 which the House has requested.

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on:

HB 1081: Sens. Wright, Moore, Satrom
HB 1168: Sens. Stenehjem, Christensen, Heinrich
HB 1233: Sens. Ingstad, Olson, Dotzenrod

LEO LEIDHOLM, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1008 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1008 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1016 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1016 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1024 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1024 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1037 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1037 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 1067 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 3 of the engrossed bill, line 14, after the word "daughter" insert the words ", stepson, stepdaughter"

On page 5 of the engrossed bill, line 12, overstrike the words "cause to be printed in" and insert immediately thereafter the words "furnish to"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1067 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 1069 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 5 of the engrossed bill, line 33, after the word "been" insert the words "diagnosed and"

On page 5 of the engrossed bill, line 35, after the word "elsewhere" insert the words "by a court of competent jurisdiction,"

On page 6 of the engrossed bill, line 2, delete the word "owning" and insert in lieu thereof the word "purchasing"

On page 7 of the engrossed bill, line 22, after the word "concerts," insert the words "public auction sales,"

- On page 8 of the engrossed bill, line 2, after the period insert the words "Such an ordinance supersedes this section within the jurisdiction of the political subdivision."
- On page 8 of the engrossed bill, line 26, delete the numerals "62.1-01-01" and insert in lieu thereof the numerals "62.1-02-01"
- On page 10 of the engrossed bill, line 22, delete the numerals "62.1-02-11" and insert in lieu thereof the numerals "62.1-02-10"
- On page 13 of the engrossed bill, line 22, delete the words "An unloaded rifle or shotgun while carried in a motor" and insert in lieu thereof the words "A bow and arrow, an unloaded rifle or shotgun, or an unloaded weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas including any such weapon commonly referred to as a BB gun, air rifle, or CO₂ gun, while carried in a motor vehicle"
- On page 13 of the engrossed bill, line 23, delete the word "vehicle"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1069 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 1085 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1085 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred HB 1089 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

HB 1089 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 1145 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1145 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 1170 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 1, delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "50-11-06.1" insert the word and numerals "and 50-11-06.3"

On page 1, line 3, after the word "adults" insert the words "and the requirement that such homes be licensed"

On page 1, line 10, overstrike the words "shall mean" and insert immediately thereafter the word "means"

On page 1, line 11, overstrike the words "any home" and insert immediately thereafter the words "a licensed occupied private residence", and overstrike the word "less" and insert immediately thereafter the word "fewer"

On page 1, after line 14, insert the following new section:

"SECTION 2. AMENDMENT. Section 50-11-06.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11-06.3. License required - Term - Revocation. No person shall keep, operate, conduct, or manage a foster family care home for adults as defined in this chapter. No person shall provide food, shelter, and care for adults in a private residence without holding a valid license issued by the department of human services as herein provided unless care is provided to only one person or to only two persons who are related to each other. The license shall not be valid for more than one year. Any license may be revoked by the department for violation of the provisions of this chapter and the rules which may be prescribed by the department. No person acting on behalf of any state, county, or local governmental entity may arrange for, promote or authorize payment for, care provided in a foster family care home for adults which does not have a valid license issued by the department."

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

HB 1170 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 HB 1243 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 3 of the engrossed bill, line 27, overstrike the word "three" and insert immediately thereafter the word "five"

And renumber the lines and pages accordingly

SEN. LIPS, Chairman

HB 1243 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 HB 1250 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 17, after the word "meeting" insert the words "and for meals attended at the request of and on behalf of the state or any of its subdivisions, agencies, bureaus, boards, or commissions"

On page 2 of the engrossed bill, line 16, delete the words "or the"

On page 2 of the engrossed bill, line 17, delete the words "certificate of a member of the legislative assembly"

On page 3 of the engrossed bill, line 16, overstrike the word "twenty" and insert immediately thereafter the word "twenty-five"

On page 4 of the engrossed bill, line 35, overstrike the word "twenty" and insert immediately thereafter the word "twenty-five"

And renumber the lines and pages accordingly

SEN. LIPS, Chairman

HB 1250 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 HB 1267 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1267 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 1293 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 2 of the engrossed bill, line 32, delete the first word "two" and insert in lieu thereof the word "three"

On page 3 of the engrossed bill, after line 28, insert the following:

"i. Early childhood services provided in federally funded headstart programs which meet federal headstart standards."

And renumber the lines accordingly

SEN. STENEHJEM, Chairman

HB 1293 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 1318 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, delete lines 11 through 27

On page 4 of the engrossed bill, line 31, delete the words "nor use" and insert in lieu thereof the word "using"

On page 4 of the engrossed bill, line 32, delete the word ""nutritionist", "

On page 5 of the engrossed bill, line 1, delete the words ""nutritionist" or", delete the comma, and delete the words "may use"

On page 5 of the engrossed bill, line 3, delete the words ""nutritionist" or", delete the comma, and delete the words "may use"

On page 7 of the engrossed bill, line 12, after the word "services" insert the words ", including weight control programs"

On page 7 of the engrossed bill, line 13, after the word "dietitian" insert the words ", a dietitian licensed in another state that has licensure requirements considered by the board to be at least as stringent as the requirements for licensure under this Act, or a dietitian registered by the commission on dietetic registration of the American dietetic association"

On page 7 of the engrossed bill, line 25, delete the words "A nutrition" and insert in lieu thereof the word "An"

On page 7 of the engrossed bill, line 32, delete the word "persons" and insert in lieu thereof the word "person"

On page 7 of the engrossed bill, line 33, delete the words "persons do" and insert in lieu thereof the words "person"

does", delete the word "themselves" and insert in lieu thereof the words "that the person is a"

On page 7 of the engrossed bill, line 34, delete the word "dietitians" and insert in lieu thereof the word "dietitian", and delete the word "nutritionists" and insert in lieu thereof the word "nutritionist"

On page 8 of the engrossed bill, after line 2, insert the following subsection:

"10. A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the explanation of the use of those products or the preparation of those products, if that person does not represent that that person is a licensed registered dietitian or licensed nutritionist."

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

HB 1318 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 1341 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, after the word "parents" insert the words "and care is requested by a parent"

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

HB 1341 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HB 1399 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 3 of the engrossed bill, line 34, delete the words "must be left unplugged, if"

On page 3 of the engrossed bill, line 35, delete the words "requested by the landowner" and insert in lieu thereof the words "with sodium bentonite chunks pursuant to subdivision (b) of subsection 1 of this section, and stabilization must occur within a reasonable length of time"

And renumber the lines and pages accordingly

SEN. MOORE, Chairman

HB 1399 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 1427 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1427 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 1485 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1485 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1494 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

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

On page 5 of the engrossed bill, after line 18, insert the following two sections:

"SECTION 12. TRANSFER. The amount of \$4,000,000 shall be transferred from the general fund in the state treasury to the home-quarter purchase fund.

SECTION 13. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary, to the farm foreclosure negotiation board for the negotiation of farm foreclosures for the period beginning with the effective date of this Act, and ending June 30, 1987."

And renumber the lines accordingly

SEN. VOSPER, Chairman

HB 1494 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 1522 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 1, after the first word "the" insert the word "discretionary", and after the word "revocation" insert the words ", by executive order of the governor,"

On page 1, line 3, after the semicolon insert the words "to provide an expiration date;"

On page 1, line 7, after the word "The" insert the words "governor may, by executive order, revoke the"

On page 1, line 12, delete the words "are hereby revoked", and after the period insert the words "Revocation of the permit and certificate pursuant to this Act by the governor must be based upon relevant statutory guidelines, including the factors considered in the issuance of a certificate of public convenience and necessity and the factors to be considered in evaluating applications and designations of sites, corridors, and routes as provided in section 49-22-09, and upon the governor's determination that the MANDAN project is not consistent with the public convenience and necessity of this state, or is not consistent with the general health and welfare of the citizens of this state."

On page 1, after line 12, insert the following new section:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1987, and after that date is ineffective."

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

HB 1522 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 1523 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 19, after the period insert the following sentence: "This section shall not apply to any transmission facility for which a route permit and certificate of corridor compatibility has been issued prior to the effective date of this Act, or any extension thereof issued after the effective date of this Act."

And renumber the lines accordingly
SEN. LODOEN, Chairman

HB 1523 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 1528 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 4, delete the word "four" and insert in lieu thereof the word "two"

On page 2 of the engrossed bill, line 10, delete the word "four" and insert in lieu thereof the word "two"

On page 3 of the engrossed bill, line 19, delete the word "four" and insert in lieu thereof the word "two"

On page 3 of the engrossed bill, line 24, delete the word "four" and insert in lieu thereof the word "two"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1528 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1547 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 13, after the word "land" insert the words "and minerals"

On page 1 of the engrossed bill, line 14, delete the words "all corporations that are not nonprofit" and insert in lieu thereof the words "any corporation which acquires mineral interests through foreclosure or in lieu of foreclosure which were not specifically valued at the time the security interest in the minerals was acquired", and delete the second word "are" and insert in lieu thereof the word "is"

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

And renumber the lines accordingly

SEN. VOSPER, Chairman

HB 1547 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1577 has had the same under consideration and recommends that

the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new subsection to section 15-38-07 of the North Dakota Century Code, relating to required subjects of instruction in all schools.

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

SECTION 1. A new subsection to section 15-38-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

Give to all pupils above the eighth year of school instruction in basic cardiopulmonary resuscitation in accordance with standards adopted by the American heart association, American red cross, or another similar cardiopulmonary resuscitation training program."

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

HB 1577 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 HB 1583 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1583 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 1585 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1585 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred HB 1587 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1587 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1596 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 11, delete the words "A crop lien or"

On page 1, delete lines 12 through 17 and insert in lieu thereof the words "A security interest upon crops shall attach only to the crop next maturing after the delivery of the security agreement. The provisions of this section shall not apply to liens by contract given to secure the purchase price or the rental of land upon which the crops covered by the lien are to be grown."

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

HB 1596 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1625 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 12, delete the word "direction" and insert in lieu thereof the word "recommendations"

On page 1, line 22, overstrike the word "he" and insert immediately thereafter the words "the superintendent of public instruction"

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

HB 1625 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1070, HB 1078, HB 1378, HB 1493, HB 1521, HB 1565,
HB 1571, HB 1574, HCR 3037, HCR 3065

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

SB 2443

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2065, SB 2075, SB 2194, SB 2234, SB 2273, SB 2313, SB 2324, SB 2338, SB 2345, SB 2355, SB 2360, SB 2444, SB 2464, SB 2471, and SB 2478 which the House has amended:

HOUSE AMENDMENTS TO ENGROSSED SB 2065

- On page 7 of the engrossed bill, line 25, after the word "the" insert the word "qualified"
- On page 16 of the engrossed bill, line 5, after the word "the" insert the word "qualified"
- On page 24 of the engrossed bill, line 26, after the word "the" insert the word "qualified"
- On page 25 of the engrossed bill, line 18, after the word "the" insert the word "qualified"
- On page 25 of the engrossed bill, line 21, delete the word "containing" and insert in lieu thereof the words "signed by"
- On page 25 of the engrossed bill, line 22, delete the word "signatures" and insert in lieu thereof the words "qualified electors", and after the word "of" insert the words "qualified electors"
- On page 25 of the engrossed bill, line 26, delete the word "persons" and insert in lieu thereof the words "qualified electors"
- On page 25 of the engrossed bill, line 27, after the word "signatures" insert the words "of qualified electors"
- On page 25 of the engrossed bill, line 28, after the word "twenty-five" insert the word "qualified"
- On page 25 of the engrossed bill, line 29, after the word "the" insert the word "qualified"
- On page 25 of the engrossed bill, line 31, after the word "twenty-five" insert the word "qualified"
- On page 25 of the engrossed bill, line 32, after the word "of" insert the word "qualified"

On page 25 of the engrossed bill, line 33, after the second word "the" insert the word "qualified"

And renumber the lines and pages accordingly

On page 11 of the engrossed bill, line 24, after the period insert the words "The state board shall not approve any proposed annexation petition which does not require the school district receiving annexed territory, regardless of whether the school district is reorganized or not, to provide for the transportation to and from appropriate public schools within the district of all school age children residing within the territory to be annexed and who are also outside the city limits of the city in which the school they are assigned to attend is located. The transportation of those children in the annexed territory must be provided at no cost to the children or the children's parents or guardians."

And renumber the lines and pages accordingly

On page 1 of the engrossed bill, line 2, after the numerals "15-27.4" insert the words and numerals "and a new section to chapter 15-40.1"

On page 1 of the engrossed bill, line 3, delete the word "and" and insert in lieu thereof a comma

On page 1 of the engrossed bill, line 4, after the word "dissolution" insert the words ", and school transportation requirements"

On page 1 of the engrossed bill, line 8, after the word "repeal" insert the words "section 15-34.2-06.1 and"

On page 1 of the engrossed bill, line 9, after the word "to" insert the words "optional school transportation and"

On page 1 of the engrossed bill, line 10, after the semicolon insert the words "to provide an effective date;"

On page 32 of the engrossed bill, after line 3, insert the following new section:

"SECTION 7. A new section to chapter 15-40.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

School district transportation required - Contractual arrangements permitted.

1. Every school district, whether reorganized or not, shall provide or make contractual arrangements for the transportation of all school age children residing within the district and outside the city limits of the city in which the school they are assigned to attend is located. The transportation must be provided to a public school or schools in another school district if the district does not operate a school for those children. The transportation required by this section must be provided at no cost to the children or the children's parents or guardians.
2. A school board may contract with a child's parents or guardian or with a private carrier to provide the transportation required by subsection 1."

On page 33 of the engrossed bill, line 29, delete the word "Chapter" and insert in lieu thereof the words "Section 15-34.2-06.1 and chapter"

On page 33 of the engrossed bill, line 30, delete the word "is" and insert in lieu thereof the word "are"

On page 33 of the engrossed bill, after line 30, insert the following new section:

"EFFECTIVE DATE. Section 7 of this Act becomes effective on July 1, 1987, and the repeal of section 15-34.2-06.1 is effective on July 1, 1987."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2075

On page 4, line 11, after the word "used" insert the word "primarily"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2194

On page 2, line 23, delete the words "written notice shall be given to" and insert in lieu thereof the words "the state engineer shall request written permission from the landowner to enter the property. If the landowner refuses to give written permission, or fails to respond within five days of the request, the state engineer may request the district court of the district containing the property for an order authorizing the state engineer to enter the property to inspect or investigate the alleged violation"

On page 2, line 24, delete the words "the landowner five days prior to making entry upon land"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2234

On page 3, line 2, remove the overstrike over the word "~~01a~~"

On page 3, remove the overstrike on lines 3 through 5

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2273

On page 1 of the engrossed bill, line 1, after the numerals "55-11-04" insert the commas and numerals ", 55-11-05,"

On page 1 of the engrossed bill, line 3, after the word "program" insert the words "and acquisition of nature preserves and natural areas"

On page 1 of the engrossed bill, immediately following line 16, insert the following new section:

"SECTION 2. AMENDMENT. Section 55-11-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

55-11-05. Acquisition of nature preserves and natural areas.

The department is authorized and empowered, for and on behalf of the state of North Dakota, to acquire nature preserves by gift, devise, ~~or~~ exchange, or purchase. The department may acquire the fee simple interest in a natural area or any one or more lesser estates, interests, and rights therein, including, without limitation upon the generality of the foregoing by reason of specification, a leasehold estate, an easement either appurtenant or in gross and either granting the state specified rights of use or denying to the grantor specified rights of use, or both."

On page 1 of the engrossed bill, line 21, overstrike the word "highway", after the overstruck word "~~department~~" insert the word "agricultural", and overstrike the word "forest"

On page 1 of the engrossed bill, line 22, delete the comma and words ", and four"

On page 1 of the engrossed bill, delete line 23

On page 1 of the engrossed bill, line 24, delete the words "director of the department"

On page 1 of the engrossed bill, line 25, remove the overstrike over the word "~~Sueh~~", and delete the words "Meetings with these eight advisers must be held at"

On page 1 of the engrossed bill, line 26, delete the words "regular times established by the department. The"

On page 1 of the engrossed bill, line 28, remove the overstrike over the word "~~shall~~"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2313

On page 1, line 20, after the numeral and period "4." insert the following:

"No creditor may charge, receive, or collect a late payment charge on medical, hospital, or residential utility bills.

5."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2324

On page 2 of the engrossed bill, line 11, delete the words "during which the ballots are"

On page 2 of the engrossed bill, delete lines 12 through 17

On page 2 of the engrossed bill, line 18, delete the word "recount" and insert in lieu thereof the following: "the county auditor shall take appropriate steps to safeguard the ballots"

And renumber the lines accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2338

On page 1 of the engrossed bill, line 2, delete the numerals "20.1-03" and insert in lieu thereof the numerals "20.1-08"

On page 1 of the engrossed bill, line 4, after the word "elk" insert the words "; and to provide an expiration date"

On page 1 of the engrossed bill, line 11, delete the word "one-half" and insert in lieu thereof the word "one-quarter", and delete the numerals "129.50" and insert in lieu thereof the numerals "64.75"

On page 1 of the engrossed bill, line 16, delete the words "within the"

On page 1 of the engrossed bill, line 17, delete the words "district or unit in which" and insert in lieu thereof the word "on"

On page 1 of the engrossed bill, line 18, delete the words "is located"

On page 2 of the engrossed bill, after line 22, insert the following new section:

"SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 1987, and after that date is ineffective."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2345

On page 1 of the engrossed bill, line 1, after the word "enact" insert the words and numerals "a new subsection to section 57-02-08 and"

On page 1 of the engrossed bill, line 2, after the word "to" insert the words "an exemption from ad valorem taxes for certain athletic and recreational facilities and"

On page 1 of the engrossed bill, after line 6, insert the following new section:

"SECTION 1. A new subsection to section 57-02-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Property owned by a nonprofit corporation organized for the purpose of promoting public athletic or recreational activities if the property is subject to a lease to a political subdivision with an option to purchase."

On page 1 of the engrossed bill, line 11, after the word "levy" insert the words "the lesser of"

On page 1 of the engrossed bill, line 12, after the comma insert the word "or", and after the word "the" insert the words "amount in dollars"

On page 1 of the engrossed bill, line 13, delete the words "percentage increase", after the numeral "2" insert the word and numeral "or 3", and delete the words "more than the"

On page 1 of the engrossed bill, delete lines 14 through 19

On page 1 of the engrossed bill, line 20, delete the word "less"

On page 1 of the engrossed bill, line 23, delete the word "four" and insert in lieu thereof the word "one"

On page 1 of the engrossed bill, line 25, delete the word "four" and insert in lieu thereof the word "one"

On page 3 of the engrossed bill, line 1, delete the words "after the effective date of the Act, but" and insert in lieu thereof a period

On page 3 of the engrossed bill, delete lines 2 through 4

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

On page 3 of the engrossed bill, line 23, delete the word "four" and insert in lieu thereof the word "one"

On page 3 of the engrossed bill, line 31, delete the word "This" and insert in lieu thereof the words "Section 1 of this Act is effective for taxable years beginning after December 31, 1984, and section 2 of this"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2355

On page 2 of the engrossed bill, line 19, delete the words "one week" and insert in lieu thereof the words "five business days"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2360

On page 1 of the engrossed bill, line 2, delete the words "or in the alternative section 5 of House Bill"

On page 1 of the engrossed bill, line 3, delete the words "No. 1082 as approved by the forty-ninth legislative assembly"

On page 1 of the engrossed bill, line 7, delete the words "If House Bill No. 1082 is not" and insert in lieu thereof the word "Section"

On page 1 of the engrossed bill, delete line 8

On page 1 of the engrossed bill, line 9, delete the words "effective, section"

On page 1 of the engrossed bill, line 16, overstrike the words "Membership of such"

On page 1 of the engrossed bill, overstrike line 17

On page 1 of the engrossed bill, line 18, overstrike the words "appointed from the board of county commissioners", and delete the words "in a county with a"

On page 1 of the engrossed bill, delete lines 19 through 22

On page 1 of the engrossed bill, line 23, delete the words "commissioners are elected from districts in the county", and overstrike the words ", and two from"

On page 1 of the engrossed bill, overstrike line 24

On page 1 of the engrossed bill, line 25, overstrike the words "county to serve for their respective terms of elective office." and insert immediately thereafter the following: "In counties with three-member boards of county commissioners, the planning commission consists of seven members, of whom at least one must be appointed from the governing body of the city that is the county seat, and of whom at most one may be appointed from the board of county commissioners. In counties with five-member boards of county commissioners the planning commission consists of nine members, of whom at least two must be appointed from the governing body of the city that is the county seat, and of whom at most two may be appointed from the board of county commissioners. The term of an ex officio member is coterminous with the member's term in the underlying office."

On page 1 of the engrossed bill, line 26, after the period insert the following sentence: "In counties that elect county commissioners from districts, at least one at large member of the planning commission must be appointed from each district."

On page 2 of the engrossed bill, delete lines 6 through 33

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2444

On page 1, line 27, immediately after the word "appealed" insert the words "pursuant to section 50-06-05.1"

And renumber the lines accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2464

On page 1 of the engrossed bill, line 1, delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "44-11-02" insert the numerals ", 44-11-10, and 44-11-13"

On page 1 of the engrossed bill, line 3, after the word "official" insert the words ", the fees of the special commissioner and payment of stenographer's expenses, and payment of costs upon dismissal and the filing of an indemnity bond with regard to gubernatorial removal of public officials"

On page 1 of the engrossed bill, line 13, after the comma insert the following: "or upon the relation of ten percent of the

qualified electors voting at the preceding general election for the office of governor in the state, county, or district in which the person charged is an officer, whichever is least,"

On page 1 of the engrossed bill, after line 21, insert the following new sections:

"SECTION 2. AMENDMENT. Section 44-11-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-11-10. Fees of special commissioner - Stenographer - Witnesses. The fees of the special commissioner provided for by this chapter shall be ~~six~~ one hundred dollars per day, and in addition thereto, he shall receive his mileage from his residence to the place of trial the same as is allowed by law to sheriffs. He ~~shall have power to~~ may employ a stenographer, ~~who shall be paid fifteen cents per folio for the original transcript of testimony and five cents per folio for copies required and pay the expenses of the stenographer.~~ Such expenses shall be itemized by the commissioner and filed with his report and findings and audited and allowed by the governor. Witnesses giving testimony before such commissioner, the number to be limited by the commissioner, shall be allowed the same fees as witnesses in district court. In proceedings to remove a county officer, such fees shall be paid by the county upon allowance by the board of county commissioners in the same manner as other claims against the county, and if a municipal or township officer, then by the city council, board of city commissioners, or board of township supervisors, in the same manner as other claims against the municipality are paid.

SECTION 3. AMENDMENT. Section 44-11-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-11-13. Costs on dismissal of charges - Bond. When charges are preferred against any of the officers mentioned in section 44-11-01 by qualified voters electors other than the state's attorney or attorney general, as provided in section 44-11-02, and upon such hearing it shall appear that such charges were not preferred in good faith, then all of the costs of the proceedings under this chapter, not exceeding the sum of ~~three~~ five hundred dollars, in the discretion of the governor, may be taxed to the persons making such charges. When such charges are made by such relators there shall be filed, together with such charges, a good and sufficient indemnity bond in the sum of ~~three~~ five hundred dollars, to be approved by the governor, binding such relators to the payment of such costs upon the failure to maintain such charges as herein provided."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2471

On page 1, line 1, after the word "reenact" insert the words "subsection 3 of section 38-08-14 and"

On page 1, line 2, after the word "to" insert the words "the suspension of orders of the industrial commission and fixing the amount of supersedeas bonds and"

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

"SECTION 1. AMENDMENT. Subsection 3 of section 38-08-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. At the time of filing of the notice of appeal, if an application for the suspension of the order is filed, the commission ~~shall~~ may enter an order suspending the order complained of and fixing the amount of the supersedeas bond. Within ten days after the entry of an order by the commission which suspends the order complained of and fixes the amount of the bond, the appellant must file with the commission a supersedeas bond in the required amount and with proper surety. Upon approval of the bond, the order of the commission shall suspend ~~suspending~~ the order complained of is effective until its final disposition upon appeal. The bond shall run in favor of the commission for the use and benefit of any person who may suffer damage by reason of the suspension of the order in the event the same is affirmed by the district court. If the order of the commission is not superseded, it shall continue in force and effect as if no appeal was pending, unless a stay is ordered by the court to which the appeal is taken under section 28-32-20."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2478

On page 1, line 22, after the period insert the following sentence: "Nothing in this section shall deny the telephone company reimbursement for the value of their services or damage to their facilities resulting from their compliance with such order."

And renumber the lines and pages accordingly

ROY GILBREATH, Chief Clerk

FIRST READING OF HOUSE BILL

HB 1655: A BILL for an Act to create and enact a new subsection to section 38-08-08 of the North Dakota Century Code, authorizing the industrial commission in its discretion after hearing to impose a risk penalty from production against a nonparticipating lessee in the pooling of fractional tracts of oil and gas interests in a drilling unit.

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

MOTIONS

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

SEN. NETHING MOVED that at the conclusion of the Fifth order of business, the Fourteenth order of business and after the reading of HB 1008, HB 1013, HB 1016, HB 1024, HB 1037, HB 1083, HB 1085, HB 1089, HB 1145, HB 1267, HB 1327, HB 1354, HB 1427, HB 1446, HB 1464, HB 1485, HB 1507, HB 1536, HB 1557, HB 1583, HB 1585, HB 1587, HB 1636, HB 1638, and HB 1654, the Senate adjourn and convene at 9:00 a.m., Wednesday, March 20, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary