

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FIFTY-FIRST DAY

Bismarck, March 21, 1985

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

The prayer was offered by Reverend Marv Mutzenberger, BJC Campus Ministries, Bismarck, North Dakota.

Kind and Heavenly Father: We always come to You as Your children, trusting that You love us and that You care about us.

Embrace those who hold office in our state that they may pursue their work with a contemporary measure of wisdom, a full cup of compassion, and a fair sense of justice.

Help them to exercise their elected and appointed authorities in rendering faithful service in the promotion of our general well-being. Amen.

ROLL CALL

The roll was called and all Senators were present.

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 Fiftieth 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 Senate has concurred in the House amendments to SB 2051 and SB 2072.

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 2068, SB 2273, SB 2313, and SB 2338 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2068: Sens. Holmberg, Christensen, Redlin
 SB 2273: Sens. Vosper, David, D. Meyer
 SB 2313: Sens. Reiten, Parker, Langley
 SB 2338: Sens. Freborg, David, Krauter

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 2345, SB 2355, SB 2374, and SB 2464 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2345: Sens. Wright, Kilander, Dotzenrod
 SB 2355: Sens. Olson, Stenehjem, J. Meyer
 SB 2374: Sens. Christensen, Kelly, Matchie
 SB 2464: Sens. Holmberg, Olson, Lashkowitz

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE
 HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

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

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval:

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

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 the following bills were delivered to the Secretary of State for his filing:

SCR 4019, SCR 4027

SEN. BAKEWELL, Chairman

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

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

SB 2069, SB 2070, SB 2089, SB 2198, SB 2259, SB 2293,
SB 2308, SB 2403, SB 2449, SB 2452, SB 2486, SB 2494,
SCR 4032, SCR 4040, SCR 4061, SCR 4067

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 2180, SB 2391, SB 2398

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return SB 2170, SB 2228, SB 2342, SB 2354, SB 2364, SB 2405, SB 2410, SB 2430, SB 2432, SB 2442, SB 2477, and SB 2498 which the House has amended:

HOUSE AMENDMENTS TO SB 2170

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

On page 1, line 2, delete the numerals "39-04-36"

On page 1, line 3, delete the words "and transfer of motor vehicle registration"

On page 2, delete lines 22 through 35

On page 3, delete lines 1 through 14

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2228

On page 1, line 1, after the word "create" insert the words "and enact"

On page 1, line 9, after the word "personally" insert the words "in civil litigation involving private parties", and delete the word "his" and insert in lieu thereof the words "the engineer's"

On page 1, line 10, delete the word "he" and insert in lieu thereof the words "the engineer"

On page 1, line 14, delete the words "Under this subsection, water resource boards"

On page 1, delete line 15

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2342

On page 1, line 10, remove the overstrike over the word "~~shall~~" and delete the word "may"

On page 2, line 4, delete the word "may" and insert in lieu thereof the word "shall"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2354

On page 1, line 2, delete the word "sections" and insert in lieu thereof the word "section", and delete the numerals "57-43.1-36,"

On page 1, line 3, delete the word "sections" and insert in lieu thereof the word "section", and delete the word and numerals "and 57-43.2-29"

On page 2, delete lines 1 through 13

On page 3, delete lines 27 through 35

On page 4, delete lines 1 through 5

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2364

On page 4 of the engrossed bill, line 23, delete the underscored comma

On page 4 of the engrossed bill, line 24, delete the word "but" and insert in lieu thereof the words ". The increase in salary necessary to meet the minimum may be spread over a two-year period with a minimum of a fifty percent increase for the first year. In addition,"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2405

On page 1 of the engrossed bill, line 2, delete the words and numerals "and section 39-06-37"

On page 1 of the engrossed bill, line 4, delete the words ", and to required driver education for certain"

On page 1 of the engrossed bill, line 5, delete the words "motor vehicle operators with suspended licenses"

On page 2 of the engrossed bill, delete lines 12 through 35

On page 3 of the engrossed bill, delete lines 1 through 17

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2410

On page 1 of the engrossed bill, line 8, after the comma insert the words "the commissioner of agriculture,", and after the word "director" insert the word "of"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2430

On page 1 of the engrossed bill, line 10, after the word "nominated" insert the word "annually", and after the word "by" insert the words "the adjutant general and the director of institutions from"

On page 1 of the engrossed bill, line 19, delete the words "at least" and insert in lieu thereof the words "up to"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2432

On page 1, line 2, delete the words "a restriction on the"

On page 1, line 9, delete the word "only"

On page 1, line 10, immediately after the numerals "32-09.1-03" insert the following: "and in this chapter"

And renumber the lines accordingly

HOUSE AMENDMENTS TO REENGROSSED SB 2442

On page 1 of the reengrossed bill, line 2, after the semicolon insert the words "to create and enact a new subdivision to subsection 6 of section 28-32-01 of the North Dakota Century Code, relating to a definition of rules adopted by certain agencies;"

On page 2 of the reengrossed bill, line 28, delete the word "fifteen" and insert in lieu thereof the word "twenty-one"

On page 3 of the reengrossed bill, line 2, delete the word "regulation" and insert in lieu thereof the word "rule"

On page 5 of the reengrossed bill, after line 28, insert the following:

"SECTION 6. A new subdivision to subsection 6 of section 28-32-01 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

A rule adopted by an agency selection committee under section 3 of this Act."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2477

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 amend and reenact section 40-22-29 of the North Dakota Century Code, relating to limitations on awards of bids for improvements by special assessment.

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

SECTION 1. AMENDMENT. Section 40-22-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-22-29. Engineer's statement of estimated cost required - Governing body to enter into contracts. Before adopting or rejecting any bid filed under the provisions of this chapter, the governing body shall require the engineer for the municipality to make a careful and detailed statement of the estimated cost of the work. The governing body may not award the contract to any bidder if the engineer's estimate prepared pursuant to this section exceeds the engineer's estimate prepared pursuant to section 40-22-10 by forty percent or more. If all bids are not rejected, the governing body shall award the contract to the lowest responsible bidder, upon the basis of cash payment for the work, if such bidder has furnished the certified check and bidder's bond required under the provisions of this chapter."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2498

On page 1 of the engrossed bill, line 1, immediately after the word "to" insert the following: "create and enact subsection 3 of section 19-03.1-13 of the North Dakota Century Code, relating to definitions of certain controlled substances; and to"

On page 15 of the engrossed bill, after line 23, insert the following new section:

"SECTION 5. Subsection 3 of section 19-03.1-13 of the North Dakota Century Code is hereby created and enacted to read as follows:

3. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts:

a. Buprenorphine.

b. Reserved."

And renumber the lines, sections, and pages accordingly
ROY GILBREATH, Chief Clerk

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 1480, HB 1515, HB 1546, HB 1639, HB 1657, HCR 3024,
HCR 3069, HCR 3075

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1472, HB 1492, HB 1513, HB 1516, HCR 3027

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1072, HB 1287, HB 1327, HB 1493, and HB 1574 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1072: Reps. Larson, Riley, Dotzenrod
HB 1287: Reps. Kloubec, Koland, Starke
HB 1327: Reps. A. Olson, A. Hausauer, Schneider
HB 1493: Reps. Gates, Kent, Riehl
HB 1574: Reps. Goetz, R. Anderson, Richard

ROY GILBREATH, Chief Clerk

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 2470: Reps. Gates, Nalewaja, Hill

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:

HCR 3095

ROY GILBREATH, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1015 as recommended by the **Committee on Appropriations** as printed on page 1598 of the Senate Journal be adopted, and when so adopted, recommends that HB 1015 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to HB 1195 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on pages 1599-1602 of the Senate Journal be adopted, and when so adopted, recommends that HB 1195 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1285 as recommended by the **Committee on Judiciary** as printed on page 1602 of the Senate Journal be adopted, and when so adopted, recommends that HB 1285 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1588 as recommended by the **Committee on Judiciary** as printed on pages 1602-1603 of the Senate Journal be adopted, and when so adopted, recommends that HB 1588 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1615 as recommended by the **Committee on Judiciary** as printed on pages 1603-1604 of the Senate Journal be adopted, and when so adopted, recommends that HB 1615 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1067: A BILL for an Act to create and enact five new sections to chapter 10-06 of the North Dakota Century Code, relating to the definition of nonprofit organizations, exemptions from the corporate farm prohibition, and required divestiture; and to amend and reenact sections 10-06-04.1, 10-06-07, and 10-06-07.3 of the North Dakota Century Code, relating to the corporations allowed to farm or ranch, an income limitation on nonfarm activities of corporate farms, and initial report requirements.

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 39 YEAS, 14 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Freborg; Heigaard; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Meyer, D.; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Dotzenrod; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, J.; Meyer, W.; Moore; Walsh

ABSENT AND NOT VOTING: None

HB 1067 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1067 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1069: A BILL for an Act to create and enact chapters 62.1-01, 62.1-02, 62.1-03, 62.1-04, and 62.1-05 of the North Dakota Century Code, relating to the possession, sale, and use of weapons; to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to methods of taking of game birds and animals; to repeal chapter 12.1-26 and title 62 of the North Dakota Century Code, relating to the possession, sale, and use of weapons; 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 46 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Hilken; Kelly; Mutch; Nelson; Redlin; Streibel; Walsh

ABSENT AND NOT VOTING: None

HB 1069 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1069 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1153: A BILL for an Act to create and enact sections 41-08-07.1, 41-08-36.1, 41-08-43, 41-08-44, and a new subsection to section 41-09-03 of the North Dakota Century Code, relating to investment securities and a revision of article 8 of the Uniform Commercial Code with appropriate changes in article 9; and to amend and reenact subsections 5, 14, and 20 of section 41-01-11, subsection 2 of section 41-05-14, sections 41-08-02, 41-08-03, 41-08-04, 41-08-05, 41-08-06, 41-08-07, 41-08-09, 41-08-10, 41-08-11, 41-08-12, 41-08-13, 41-08-14, 41-08-15, 41-08-16, 41-08-17, 41-08-18, 41-08-20, 41-08-21, 41-08-22, 41-08-23, 41-08-24, 41-08-25, 41-08-26, 41-08-27, 41-08-28, 41-08-29, 41-08-30, 41-08-31, 41-08-32, 41-08-33, 41-08-34, 41-08-35, 41-08-36, 41-08-37, 41-08-38, 41-08-39, 41-08-40, 41-08-41, 41-08-42, subdivision a of subsection 3 of section 41-09-03, subdivision i of subsection 1 of section 41-09-05, subsection 1 of section 41-09-16, subsection 1 of section 41-09-23, sections 41-09-25, 41-09-26, 41-09-30, and subsection 7 of section 41-09-33 of the North Dakota Century Code, relating to investment securities and a revision of article 8 of the Uniform Commercial Code with appropriate changes to articles 1, 5, and 9.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Holmberg

HB 1153 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1153 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1170: A BILL for an Act to amend and reenact sections 50-11-06.1 and 50-11-06.3 of the North Dakota Century Code, relating to the definition of foster family care home for adults and the requirement that such homes be licensed.

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, 2 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Mutch

ABSENT AND NOT VOTING: Maixner

HB 1170 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1170 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to amend and reenact sections 54-03-10, 54-03-20, and 54-35-10 of the North Dakota Century Code, relating to compensation and expense reimbursement for members of the legislative assembly; to repeal section 54-03-20.1 of the North Dakota Century Code and chapter 551 of the 1983 Session Laws of North Dakota, relating to compensation and expense reimbursement for

members of the legislative assembly; to provide an effective date; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kilander; Krauter; Langley; Lips; Lodoen; Maixner; Matchfe; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Tweten; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; David; Hilken; Kelsh; Kusler; Lashkowitz; Meyer, W.; Mutch; Parker; Streibel; Tennefos; Thane; Todd; Vosper; Waldera; Walsh

ABSENT AND NOT VOTING: None

HB 1243 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1243 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1250: A BILL for an Act to amend and reenact sections 44-08-04 and 54-06-09 of the North Dakota Century Code, relating to mileage, meals, and lodging expense allowances for state employees.

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

YEAS: Adams; Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane;

Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom;
Wogsland; Wright

NAYS: Bakewell; Christensen; David; Kelsh; Lashkowitz;
Mutch; Nelson; Streibel; Tennefos

ABSENT AND NOT VOTING: Freborg

HB 1250 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1250 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1318: A BILL for an Act to provide for the licensure of dietitians and nutritionists; 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 44 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Berube; David; Freborg; Heigaard; Meyer, D.; Moore; Streibel

ABSENT AND NOT VOTING: None

HB 1318 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1318 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1341: A BILL for an Act to create and enact a new subdivision to subsection 5 of section 27-20-02 of the North Dakota

Century Code, relating to the definition of "deprived child"; and to amend and reenact subdivision h of subsection 1 of section 27-20-06, subsection 1 of section 27-20-13, subdivision a of subsection 1 of section 27-20-15, section 27-20-16, subsections 1 and 2 of section 27-20-17, and subsection 1 of section 27-20-22 of the North Dakota Century Code, relating to juvenile courts and detention and shelter care children.

Which has been read.

MOTIONS

SEN. CHRISTENSEN MOVED that HB 1341 be amended as follows:

On page 1 of the engrossed bill, line 2, after the numerals "27-20-02" insert the words "and a new section to chapter 27-20"

On page 1 of the engrossed bill, line 3, after the words "deprived child" insert the words "and an affirmative defense to certain actions under chapter 27-20 relating to school attendance"

On page 5 of the engrossed bill, after line 33, insert the following new section:

"SECTION 8. A new section to chapter 27-20 of the North Dakota Century Code is hereby created and enacted to read as follows:

Affirmative defense. It is an affirmative defense to an action under this chapter alleging educational deprivation or truancy that the child is absent from school because the child's parents, who may not be certified by the department of public instruction, are providing for the education of the child in a course of study as prescribed in 15-38-07."

SEN. CHRISTENSEN 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 45 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; David; Freborg; Moore; Mutch; Shea; Streibel; Tennefos

ABSENT AND NOT VOTING: None

HB 1341 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1341 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1399: A BILL for an Act to amend and reenact sections 38-08.1-06 and 38-08.1-06.1 of the North Dakota Century Code, relating to the plugging of drill holes for subsurface mineral exploration; 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1399 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1399 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. NETHING MOVED that HB 1522 and HB 1523 which are on the Fourteenth order be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1528: A BILL for an Act to amend and reenact subsections 2 and 18 of section 26-41-03 and section 26-41-06 of the North Dakota Century Code, or in the alternative to amend and reenact subsections 2 and 21 of section 26.1-41-01 and section 26.1-41-04 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to levels of no-fault insurance coverage and the definition of serious injury.

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 35 YEAS, 17 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Naaden; Nething; Olson; Redlin; Satrom; Shea; Stenehjem; Streibel; Thane; Todd; Waldera; Walsh; Wogsland

NAYS: Bakewell; Berube; David; Lips; Lodoen; Mushik; Mutch; Parker; Peterson; Reiten; Stromme; Tallackson; Tennefos; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Nelson

HB 1528 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1528 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. NETHING 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.

SECOND READING OF HOUSE BILL

HB 1547: A BILL for an Act to amend and reenact section 10-06-01 of the North Dakota Century Code, relating to disposal of agricultural land and mineral interests by certain corporations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 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; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Berube

HB 1547 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1547 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1577: A BILL 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.

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 17 YEAS, 35 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Heigaard; Kelsh; Kusler; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Redlin; Satrom; Stromme; Tallackson; Vosper; Waldera; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kilander; Krauter; Lashkowitz; Lips; Lodoen; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Shea; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: Langley

HB 1577 was declared lost.

HB 1596: A BILL for an Act to create and enact a new section to chapter 35-05 of the North Dakota Century Code, relating to limitations on crop liens; and to amend and reenact subsection 1 of section 41-09-17 and subsection 2 of section 41-09-42 of the North Dakota Century Code, relating to after-acquired property and the duration of financing statement filings.

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, 2 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Tallackson; Tweten

ABSENT AND NOT VOTING: None

HB 1596 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1596 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1625: A BILL for an Act to amend and reenact section 15-38-18 of the North Dakota Century Code, relating to the duties of the teachers' professional practices commission.

Which has been read.

ROLL CALL

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

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

NAYS: Vosper

ABSENT AND NOT VOTING: None

HB 1625 passed and the title was agreed to.

MOTIONS

SEN. NETHING MOVED that the vote by which HB 1625 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. NETHING MOVED that HB 1067, HB 1069, HB 1153, HB 1170, HB 1243, HB 1250, HB 1318, HB 1341, HB 1399, HB 1528, HB 1547, HB 1596, and HB 1625 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1067, HB 1069, HB 1153, HB 1170, HB 1243, HB 1250,
HB 1318, HB 1341, HB 1399, HB 1528, HB 1547, HB 1596,
HB 1625

LEO LEIDHOLM, Secretary

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LODOEN MOVED that the Senate do concur in the House amendments to SB 2074 as printed on page 1406 of the Senate Journal, which motion prevailed.

MOTION

SEN. LODOEN MOVED that the rules be suspended, that SB 2074 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to health council membership.

Which has been read.

ROLL CALL

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

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

NAYS: Bakewell

ABSENT AND NOT VOTING: None

SB 2074 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do concur in the House amendments to SB 2075 as printed on page 1564 of the Senate Journal, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2075 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2075: A BILL for an Act to amend and reenact subsections 1, 4, 7, 8, 16, and 18 of section 23-17.2-02, subsection 1 of section 23-17.2-03, and subsection 3 of section 23-17.2-04 of the North Dakota Century Code, relating to definitions, thresholds, and scope of coverage of certificate of need review.

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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2075 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. PARKER MOVED that the Senate do concur in the House amendments to SB 2078 as printed on pages 1406-1407 of the Senate Journal, which motion prevailed.

MOTION

SEN. PARKER MOVED that the rules be suspended, that SB 2078 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2078: A BILL for an Act to create and enact sections 26.1-01-03.1 and 26.1-01-03.2, and chapters 26.1-26, 26.1-27, 26.1-28, 26.1-29, 26.1-30, 26.1-31, 26.1-32, 26.1-33, 26.1-34, 26.1-35, 26.1-36, 26.1-37, 26.1-38, 26.1-39, 26.1-40, 26.1-41, 26.1-42, 26.1-43, and 26.1-44 of the North Dakota Century Code, relating to the authority of the commissioner of insurance; insurance agents, brokers, consultants, and representatives; insurance administrators; insurance vending machines; insurance contracts; insurance policies; reinsurance and double insurance; loss and notice of loss; life insurance; annuities; life insurance and annuity valuation; accident and health insurance; credit life and accident and health insurance; the North Dakota life and health insurance guaranty association; property and casualty insurance; automobile insurance and warranties; auto accident reparations; the North Dakota insurance guaranty association; legal expense insurance;

and surplus line insurance; to repeal chapters 26-02, 26-03, 26-03.1, 26-03.2, 26-03.3, 26-03.4, 26-03.5, 26-03.6, 26-05, 26-06, 26-09.2, 26-10, 26-10.1, 26-11.1, 26-17.1, 26-17.2, 26-18, 26-31, 26-33, 26-34, 26-35, 26-36, 26-36.1, 26-39, and 26-41, and sections 26.1-17-13, 26.1-17-14, 26.1-17-15, 26.1-17-17, 26.1-18-15, and 26.1-18-16 of the North Dakota Century Code, sections 1 and 10 of chapter 247, sections 1 and 12 of chapter 248, and section 1 of chapter 249 of the 1977 Session Laws, section 1 of chapter 303 of the 1981 Session Laws, and section 27 of chapter 332 of the 1983 Session Laws, relating to the insurance laws remaining in title 26, uncodified provisions pertaining to those laws, contract requirements covered by title 26.1, and temporary transition from title 26 to title 26.1; to provide penalties; and to provide for transition.

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; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Naaden; Tennefos

SB 2078 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do concur in the House amendments to SB 2086 as printed on pages 1399-1400 of the Senate Journal, which motion prevailed.

MOTION

SEN. J. MEYER MOVED that the rules be suspended, that SB 2086 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2086: A BILL for an Act to create and enact subsections 19.1 and 28 to section 57-15-06.7, subsection 25.1 to section 57-15-10, and subsection 5.1 to section 57-15-20.2 of the North Dakota Century Code, relating to tax levy references; to amend and reenact sections 2-03-14, 4-22-51, 4-25-04, 4-30-04, 4-30-07, 5-01-06, 6-09-27, 6-09.4-17, 7-07-02, 9-08-08, subsection 3 of section 10-15-38, subsection 2 of section 10-15-46, subsection 4 of section 10-15-52.4, subsection 1 of section 10-15-56, section 10-19-63, subsection 4 of section 10-22-14, section 10-24-37, subsection 4 of section 10-27-14, subsection 2 of section 11-15-07, sections 11-15-08, 11-18-14, subsection 2 of section 13-03-05, sections 14-02-06, 14-02-10, 14-07.1-06, 15-20.1-09, 15-20.4-13, subsections 2 and 5 of section 15-47-38, subsection 11 of section 15-47-38.1, subsection 1 of section 15-53.1-05.2, sections 15-60-08, 18-04-05, subdivision h of subsection 1 of section 19-03.1-36, section 21-06-10, subsection 4 of section 23-28-03, subsection 2 of section 23-28-04, subsection 2 of section 23-28-05, sections 25-02-01, 26.1-21-01, 27-08.1-01, 27-19-01, 27-19-04, 27-19-09, 27-19-12, 27-19-13, 28-01-05, 28-01-14, 28-01-15, 28-01-16, 28-01-17, 28-01-18, 28-01-19, 28-01-22, 28-01-22.1, 28-01-24, 28-01-25, 28-01-26, 28-01-26.1, 28-01-28, 28-01-30, 28-01-31, 28-01-32, 28-01-37, 28-01-42, subsection 2 of section 28-01.1-02, section 28-05-07, subsection 4 of section 28-14-06, sections 28-22-07, 28-24-02, 28-26-08, 28-26-24, subdivision a of subsection 1 of section 28-32-01, section 30.1-12-09, subsection 2 of section 32-08.1-03, sections 32-12.1-10, 32-13-05, 32-15-06, 32-17-04, 32-19-30, 32-20-02, 32-20-03, subsection 3 of section 32-22-27, subsection 4 of section 32-38-03, sections 32-39-03, 34-01-13, 34-06.1-05, 34-06.1-06, 34-08-09, 34-14-08, 35-18-01, 35-18-05, 35-18-11, 35-27-27, 36-04-12, 36-04-16, 36-22-08, 38-14.2-09, subsection 27 of section 39-01-01, section 39-12-11, subsection 3 of section 39-16-01, sections 39-16.1-01, 39-22.3-07, 40-05.1-13, 40-11-10, 40-49-17, subsection 1 of section 41-02-101, sections 41-02-104, 41-03-22, subsection 3 of section 41-03-68, subsection 2 of section 41-05-15, sections 43-23-10, 43-23.1-19, 43-23.2-05, 43-23.2-06, 43-31-06, subdivision c of subsection 1 of section 43-40-16, subsection 2 of section 47-16-17, sections 47-16-30, 48-02-15, 49-04.1-04, 51-07-09, subsection 3 of section 51-13-02.1, subsection 3 of section 51-18-05, section 51-21-04, subsection 3 of section 51-22-03, sections 52-04-12, 52-04-16, 54-18-12, 54-46-03, 54-46-11, 54-46.1-01, 54-46.1-02, 54-46.1-04, 54-46.1-05, 54-46.1-06, 57-15-06.6, 57-15-06.8, 57-15-22.2, 57-15-55.1, 57-16-07, 57-26-07, 57-30-02, 57-30-04, 57-38-35, 57-38-61, 57-39.2-23, 58-04-09, 58-14-01, 60-04-03.1, 60-04-05, 61-02-61, 61-02-68.11, 61-02-72, 61-24.4-09, 65-01-01, subsection 9 of section 65-01-02, sections 65-01-08 and 65-05-06 of the North Dakota Century

Code, relating to improper, inaccurate, redundant, or obsolete references; and to repeal sections 14-02-11, 15-08-01.1, 25-10-04, 50-02-02, 54-27.1-10, 54-46-03.1, and subsection 13 of section 57-15-10 of the North Dakota Century Code, relating to discrimination, oil and gas bonus payments, state hospital administration, residency, reports, records management, and tax levies.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Naaden

SB 2086 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WRIGHT MOVED that the Senate do concur in the House amendments to SB 2095 as printed on page 1523 of the Senate Journal, which motion prevailed.

MOTION

SEN. DOTZENROD MOVED that the rules be suspended, that SB 2095 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to create the Tenneco plant impact assistance interstate compact.

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 33 YEAS, 18 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nething; Olson; Redlin; Reiten; Shea; Stenehjem; Stromme; Tallackson; Thane; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; David; Freborg; Hilken; Kilander; Kusler; Lodoen; Mutch; Nelson; Parker; Peterson; Satrom; Streibel; Tennefos; Tweten; Vosper; Waldera

ABSENT AND NOT VOTING: Naaden; Todd

SB 2095 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. PARKER MOVED that the Senate do concur in the House amendments to SB 2127 as printed on pages 1400-1401 of the Senate Journal, which motion prevailed.

MOTION

SEN. PARKER MOVED that the rules be suspended, that SB 2127 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2127: A BILL for an Act to amend and reenact section 6-03-59 of the North Dakota Century Code, relating to bank loan limitations; and to provide an 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Naaden

SB 2127 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do concur in the House amendments to SB 2144 as printed on page 1401 of the Senate Journal, which motion prevailed.

MOTION

SEN. CHRISTENSEN MOVED that the rules be suspended, that SB 2144 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to amend and reenact section 16.1-11-10 of the North Dakota Century Code, relating to the candidate's affidavit to place a name on the primary election ballot.

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; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjsem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Naaden

SB 2144 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2164 as printed on page 1436 of the Senate Journal, which motion prevailed.

MOTION

SEN. MUTCH MOVED that the rules be suspended, that SB 2164 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2164: A BILL for an Act to amend and reenact subsection 23 of section 39-01-01 and section 39-18-01 of the North Dakota Century Code, relating to the definition of house car and the sale of house cars.

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, 2 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Langley; Meyer, D.

ABSENT AND NOT VOTING: Kelsh; Naaden

SB 2164 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MOORE MOVED that the Senate do concur in the House amendments to SB 2194 as printed on page 1564 of the Senate Journal, which motion prevailed.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, that SB 2194 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2194: A BILL for an Act to create and enact two new sections to chapter 61-03 of the North Dakota Century Code, relating to inspection and removal of unsafe water works; and to amend and reenact section 61-16.1-38 of the North Dakota Century Code, relating to the state engineer's authority over unsafe or unauthorized works.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Naaden

SB 2194 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MOORE MOVED that the Senate do concur in the House amendments to SB 2234 as printed on page 1565 of the Senate Journal, which motion prevailed.

MOTION

SEN. REDLIN MOVED that the rules be suspended, that SB 2234 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2234: A BILL for an Act to amend and reenact sections 61-20-01, 61-20-02, and 61-20-03 of the North Dakota Century Code, relating to artesian wells.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Naaden

SB 2234 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do concur in the House amendments to SB 2275 as printed on pages 1401-1403 of the Senate Journal, which motion prevailed.

MOTION

SEN. OLSON MOVED that the rules be suspended, that SB 2275 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act to amend and reenact sections 11-17-01, 11-17-05, 11-17-09, 15-29-10, subsection 2 of section 27-02-05.1, sections 27-07.1-12, 27-07.1-24, 27-08.1-06, 27-08.1-07, 28-20-12, 28-20-13, 28-20-16, 28-20-20, subsection 4 of section 28-20-21, sections 28-20-22, 28-20-25, 29-01-26, 32-28-02, 32-28-03, 35-15-05, 35-18-04, 35-21-05, 35-24-12, and 57-22-31 of the North Dakota Century Code, relating to the duties and recordkeeping functions of the clerks of district courts and clerks of county courts; and to repeal sections 28-20-10 and 28-20-19 of the North Dakota Century Code, relating to recordkeeping requirements of the clerks of district courts and the clerks of county courts.

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, 2 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; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wogsland; Wright

NAYS: Lashkowitz; Walsh

ABSENT AND NOT VOTING: Naaden; Waldera

SB 2275 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do concur in the House amendments to SB 2282 as printed on page 1402 of the Senate Journal, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2282 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2282: A BILL for an Act to amend and reenact sections 27-05-02 and 44-01-03 of the North Dakota Century Code, relating to the date state and district officers qualify for office.

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; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Shea; Stenehjem; Streibel;

Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Naaden; Satrom

SB 2282 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2292 as printed on page 1437 of the Senate Journal, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2292 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2292: A BILL for an Act to amend and reenact sections 11-18-14, 35-20-16, and 35-21-01 of the North Dakota Century Code, relating to the destruction of documents by the register of deeds and unpaid earned insurance premium liens.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Naaden

SB 2292 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do concur in the House amendments to SB 2303 as printed on page 1407 of the Senate Journal, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2303 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to create and enact a new section to chapter 23-13 of the North Dakota Century Code, relating to smoke detection systems in residential rental property; and to amend and reenact section 23-13-04 of the North Dakota Century Code, relating to the construction of doors of public buildings; 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 48 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: David; Mutch; Nelson

ABSENT AND NOT VOTING: Meyer, W.; Naaden

SB 2303 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do concur in the House amendments to SB 2324 as printed on page 1566 of the Senate Journal, which motion prevailed.

MOTION

SEN. CHRISTENSEN MOVED that the rules be suspended, that SB 2324 be deemed properly reengrossed and placed on the calendar, as

amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2324: A BILL for an Act to amend and reenact subsection 5 of section 16.1-16-01 of the North Dakota Century Code, relating to election recount procedures.

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

NAYS: None

ABSENT AND NOT VOTING: David; Langley; Meyer, W.; Naaden

SB 2324 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2325 as printed on page 1503 of the Senate Journal, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2325 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2325: A BILL for an Act to amend and reenact section 40-24-11 of the North Dakota Century Code, relating to the payment of special assessments.

Which has been read.

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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.; Moore; Mushik; Mutch; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Naaden

SB 2325 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LODOEN MOVED that the Senate do concur in the House amendments to SB 2329 as printed on page 1402 of the Senate Journal, which motion prevailed.

MOTION

SEN. LODOEN MOVED that the rules be suspended, that SB 2329 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2329: A BILL for an Act to create and enact a new section to chapter 12-44.1 and a new chapter to title 65 of the North Dakota Century Code, relating to an inmate work release program for city and county jails and workmen's compensation coverage for participating inmates.

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.; Moore; Mushik; Mutch; Nelson; Nething; Olson; Parker; Peterson; Redlin;

Reiten; Satrom; Shea; Stenehjelm; Streibel; Stromme;
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Naaden

SB 2329 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. PARKER MOVED that the Senate do concur in the House amendments to SB 2330 as printed on page 1402 of the Senate Journal, which motion prevailed.

MOTION

SEN. PARKER MOVED that the rules be suspended, that SB 2330 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2330: A BILL for an Act to amend and reenact subsection 8 of section 15-20.4-02, and sections 43-11-01, 43-11-02, 43-11-03, 43-11-04, 43-11-05, 43-11-06, 43-11-07, 43-11-08, 43-11-10, 43-11-11, 43-11-12, 43-11-13, 43-11-14, 43-11-15, 43-11-16, 43-11-17, 43-11-18, 43-11-19, 43-11-20, 43-11-20.1, 43-11-20.2, 43-11-20.3, 43-11-20.4, 43-11-21, 43-11-22, 43-11-23, 43-11-24, 43-11-25, 43-11-26, 43-11-27, 43-11-28, 43-11-29, 43-11-30, 43-11-31, 43-11-33, 43-11-34, and 43-11-35 of the North Dakota Century Code, relating to the regulation of cosmetology; 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Naaden

SB 2330 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do concur in the House amendments to SB 2356 as printed on page 1403 of the Senate Journal, which motion prevailed.

MOTION

SEN. CHRISTENSEN MOVED that the rules be suspended, that SB 2356 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to create and enact a new paragraph to subdivision d of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide an adjustment to taxable income for adoption of a child; and to provide an 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 48 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Kilander; Moore; Thane; Tweten

ABSENT AND NOT VOTING: Naaden

SB 2356 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2360 as printed on pages 1568-1569 of the Senate Journal, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2360 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2360: A BILL for an Act to amend and reenact section 11-33-04 of the North Dakota Century Code, relating to membership on county zoning commissions.

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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2360 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do concur in the House amendments to SB 2362 as printed on page 1407 of the Senate Journal, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2362 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2362: A BILL for an Act to authorize the inclusion of motor vehicles of senior citizens groups in state or political subdivision insurance policies.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell

SB 2362 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. PARKER MOVED that the Senate do concur in the House amendments to SB 2386 as printed on pages 1503-1504 of the Senate Journal, which motion prevailed.

MOTION

SEN. PARKER MOVED that the rules be suspended, that SB 2386 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2386: A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to the disclosure of customer financial institution records; 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme;

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Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Bakewell

SB 2386 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. OLSON MOVED that the Senate do concur in the House amendments to SB 2390 as printed on page 1504 of the Senate Journal, which motion prevailed.

MOTION

SEN. OLSON MOVED that the rules be suspended, that SB 2390 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2390: A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to the prohibition of sexual performances by children; and to amend and reenact section 14-10-06 of the North Dakota Century Code, relating to contributing to the deprivation of a minor.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: David

SB 2390 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WRIGHT MOVED that the Senate do concur in the House amendments to SB 2409 as printed on page 1403 of the Senate Journal, which motion prevailed on a division vote.

MOTION

SEN. DOTZENROD MOVED that the rules be suspended, that SB 2409 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2409: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the exemption of farm structures from property taxes; and to provide an 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 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

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

NAYS: Matchie

ABSENT AND NOT VOTING: None

SB 2409 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do concur in the House amendments to SB 2444 as printed on page 1569 of the Senate Journal, which motion prevailed.

MOTION

SEN. CHRISTENSEN MOVED that the rules be suspended, that SB 2444 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2444: A BILL for an Act to create and enact a new subsection to section 50-06-05.1 and a new subsection to section 54-12-01 of the North Dakota Century Code, relating to the powers and duties of the department of human services and the attorney general regarding administrative hearings.

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 39 YEAS, 14 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; David; Freborg; Kelly; Lashkowitz; Moore; Mutch; Nelson; Parker; Streibel; Tennefos; Thane; Todd

ABSENT AND NOT VOTING: None

SB 2444 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WRIGHT MOVED that the Senate do concur in the House amendments to SB 2466 as printed on page 1504 of the Senate Journal, which motion prevailed.

MOTION

SEN. WRIGHT MOVED that the rules be suspended, that SB 2466 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2466: A BILL for an Act to amend and reenact subsection 2 of section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit for rent paid by persons living in government subsidized low or middle income housing; and to provide an 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 31 YEAS, 20 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Holmberg; Ingstad; Kilander; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Wright

NAYS: Heigaard; Heinrich; Hilken; Kelly; Kelsh; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Redlin; Shea; Tweten; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Langley; Meyer, W.

SB 2466 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LODOEN MOVED that the Senate do concur in the House amendments to SB 2471 as printed on page 1571 of the Senate Journal, which motion prevailed.

MOTION

SEN. D. MEYER MOVED that the rules be suspended, that SB 2471 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2471: A BILL for an Act to amend and reenact subsection 3 of section 38-08-14 and section 38-08-16 of the North Dakota Century Code, relating to the suspension of orders of the industrial commission and fixing the amount of supersedeas bonds and penalties imposed upon violators of rules, regulations, or orders of the industrial commission; 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Kelly; Kelsh; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson;

Nething; Olson; Parker; Peterson; Redlin; Reiten;
 Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson;
 Tennefos; Thane; Todd; Vosper; Waldera; Walsh;
 Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Langley; Meyer, W.;
 Tweten

SB 2471 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do concur in the House amendments to SB 2478 as printed on page 1571 of the Senate Journal, which motion prevailed.

MOTION

SEN. CHRISTENSEN MOVED that the rules be suspended, that SB 2478 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2478: A BILL for an Act to create and enact two new sections to chapter 8-10 of the North Dakota Century Code, relating to interruption of telephone communications during a kidnap or hostage emergency, and to exemption from liability for making such an interruption; 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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Langley; Meyer, W.; Tweten

SB 2478 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do concur in the House amendments to SB 2480 as printed on pages 1504-1505 of the Senate Journal, which motion prevailed.

MOTION

SEN. CHRISTENSEN MOVED that the rules be suspended, that SB 2480 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2480: A BILL for an Act to amend and reenact section 12.1-27.1-01 of the North Dakota Century Code, relating to obscenity, definitions, and classification of offenses.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Langley; Meyer, W.; Tweten

SB 2480 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SCR 4007 as printed on page 1524 of the Senate Journal, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SCR 4007 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4007: A concurrent resolution expressing support of the state of North Dakota for a regional airport authority serving the areas of Moorhead, Minnesota, and Fargo, North Dakota, and of East Grand Forks, Minnesota, and Grand Forks, North Dakota, and urging the Minnesota Legislature to enact legislation authorizing creation of regional airport authorities serving those two pairs of cities.

Which has been read.

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

SCR 4007 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WRIGHT MOVED that the Senate do concur in the House amendments to SCR 4026 as printed on pages 1524-1525 of the Senate Journal, which motion prevailed.

MOTION

SEN. ADAMS MOVED that the rules be suspended, that SCR 4026 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4026: A concurrent resolution directing the Legislative Council to study the equity of the rate of and exemptions from the coal severance tax, the equity of the farm residence property tax exemption, and recent changes in classification and assessment of real property for purposes of ad valorem taxation and the effects of these changes upon mill levy limitations imposed by law on political subdivisions.

Which has been read.

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

SCR 4026 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MOORE MOVED that the Senate do concur in the House amendments to SCR 4053 as printed on page 1525 of the Senate Journal, which motion prevailed.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, that SCR 4053 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4053: A concurrent resolution directing the Legislative Council to study sales and purchases of power produced by producers of small amounts of power.

Which has been read.

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

SCR 4053 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. PETERSON MOVED that the Senate do not concur in the House amendments to SB 2065 as printed on pages 1562-1564 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 2065:

Sens. Peterson, Freborg, Heinrich

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2438 as printed on page 1403 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 2438:

Sens. Stenehjem, Olson, Lashkowitz

APPOINTMENTS OF CONFERENCE COMMITTEES

SEN. REITEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1072, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1072:

Sens. Parker, Todd, Krauter

SEN. REITEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1287, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1287:

Sens. Reiten, Mutch, Langley

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 1327, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1327:

Sens. Moore, Kilander, Satrom

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 1493, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1493:

Sens. Kilander, Moore, Waldera

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 1574, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1574:

Sens. Wright, Moore, Waldera

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report on HB 1057 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

REPORTS OF CONFERENCE COMMITTEES

MADAM PRESIDENT: Your Conference Committee to which was referred SB 2279 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1372-1373 of the Senate Journal and that Engrossed SB 2279 be amended as follows:

On page 2 of the engrossed bill, line 15, remove the overstrike over the word "~~fifteenth~~" and delete the word "first"

On page 2 of the engrossed bill, line 28, remove the overstrike over the word "~~fifteenth~~" and delete the word "first"

On page 3 of the engrossed bill, line 28, remove the overstrike over the word "~~fifteenth~~"

On page 3 of the engrossed bill, line 29, delete the word "first"

And renumber the lines and pages accordingly

For the Senate: Sens. Freborg, Peterson, Wogsland

For the House: Reps. Rydell, Hamerlik, Klundt

SB 2279 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1057 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 878 of the Senate Journal and that Engrossed HB 1057 be amended as follows:

On page 4 of the engrossed bill, line 20, delete the words "No statement of intent or similar"

On page 4 of the engrossed bill, line 21, delete the words "explanatory information may be attached to the petition" and insert in lieu thereof the following: "A petition may not include a statement of intent or similar explanatory information"

And renumber the lines accordingly

For the Senate: Sens. Stenehjem, Holmberg, Maixner

For the House: Reps. Kretschmar, Dalrymple, A. Williams

Engrossed HB 1057 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2507 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

SB 2507 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2510 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

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

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1019 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 26, delete the numerals "397,000" and insert in lieu thereof the numerals "342,000"

On page 1 of the engrossed bill, line 27, delete the numerals "397,000" and insert in lieu thereof the numerals "342,000"

On page 1 of the engrossed bill, line 28, delete the numerals "3,741,630" and insert in lieu thereof the numerals "3,686,630"

On page 2 of the engrossed bill, line 4, delete the numerals "4,529,598" and insert in lieu thereof the numerals "4,474,598"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

International Peace Garden

The grants, benefits, and claims line item is reduced \$55,000 from the general fund, reflecting the original 1985-87 executive recommendation.

SEN. LIPS, Chairman

HB 1019 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 1020 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 15, delete the numerals "1,325,067" and insert in lieu thereof the numerals "1,355,067"

On page 1 of the engrossed bill, line 19, delete the numerals "2,837,967" and insert in lieu thereof the numerals "2,867,967"

On page 1 of the engrossed bill, line 21, delete the numerals "1,379,739" and insert in lieu thereof the numerals "1,409,739"

On page 2 of the engrossed bill, after line 6, insert the following section:

"SECTION 4. LEGISLATIVE INTENT. It is the intent of the legislative assembly that \$30,000 of operating expenses appropriated in section 1 of this Act be used by the economic development commission for the purpose of attracting a federal aviation administration management training program and facility to the university of North Dakota."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Economic Development Commission

The salaries and wages line item provides for the continuation of a 5.5 percent increase the first year of the biennium (\$50/month minimum) and a four percent increase the second year of the biennium (\$50/month minimum).

The operating expenses line item is increased by \$30,000 from the general fund for the purpose of attracting a Federal Aviation Administration management training program and facility to the University of North Dakota. A section is added to express the legislative intent for the expenditure of those funds.

SEN. LIPS, Chairman

HB 1020 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 1025 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 11, delete the numerals "498,787" and insert in lieu thereof the numerals "513,907"

On page 2 of the engrossed bill, line 16, delete the numerals "2,844,659" and insert in lieu thereof the numerals "2,859,779"

On page 2 of the engrossed bill, line 33, delete the numerals "6,991,271" and insert in lieu thereof the numerals "7,006,391"

On page 2 of the engrossed bill, line 34, delete the numerals "6,991,271" and insert in lieu thereof the numerals "7,006,391"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Wheat Commission

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

In addition, the salaries and wages line item is increased \$15,120 from other funds to allow Wheat Commission board members

to receive \$62.50 per day compensation; the same compensation as members of the legislative council.

Sunflower Council

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

State Barley Council

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

Agricultural Products Utilization Commission

The salaries and wages line item allows funds to continue the cost of average salary increases of 5.5 percent for the first year and to provide average salary increases of four percent for the second year of the biennium, with funds to provide a minimum increase of \$50 per month for each year of the biennium.

SEN. LIPS, Chairman

HB 1025 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 1029 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, delete lines 5 through 7 and insert in lieu thereof the words "provide for an appropriation - transfer from the coal development impact fund to the general fund."

On page 2 of the engrossed bill, delete lines 16 through 26 and insert in lieu thereof the following new section:

"SECTION 5. APPROPRIATION - TRANSFER TO GENERAL FUND. There is hereby appropriated \$9,415,651 from the coal development impact fund to the general fund in the state treasury for the biennium beginning July 1, 1985, and ending June 30, 1987. The office of management and budget shall make such transfers as necessary after sufficient collections have been received by the coal development impact fund for other appropriations made from the fund."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment includes a new section which appropriates and transfers \$9,415,651 to the general fund during the 1985-87 biennium. Also the previous Section 5 which changed the allocation of moneys in the coal development impact fund is deleted.

SEN. LIPS, Chairman

HB 1029 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 1033 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1033 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 1034 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1034 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 1038 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1038 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 1394 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 9, after the word "may" insert the word "knowingly"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides that a person must "knowingly" sell Canadian fish or fish products to be guilty of a Class A misdemeanor.

SEN. LIPS, Chairman

HB 1394 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 1486 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 4, after the word "removing" insert the word "certain"

On page 1, line 14, delete the words "money judgment within a"

On page 1, line 17, delete the first word "the" and insert in lieu thereof the word "a", and delete the word "not", and after the word "entitled" insert the word "only", and after the third word "the" insert the word "absolute"

On page 1, line 18, delete the word and numerals "chapter 28-22" and insert in lieu thereof the word and numerals "section 28-22-02"

On page 1, line 23, delete the words "a money judgment within"

On page 1, line 25, delete the word "the" and insert in lieu thereof the word "a"

On page 1, line 26, delete the word "not", and after the word "entitled" insert the word "only"

On page 1, line 27, delete the word and numerals "chapter 28-22" and insert in lieu thereof the word and numerals "section 28-22-02"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1486 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 1545 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1545 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return SB 2062, SB 2167, SB 2186, SB 2214, SB 2245, SB 2250, SB 2260, SB 2300, SB 2369, SB 2413, SB 2435, SB 2489, and SB 2495 which the House has amended:

HOUSE AMENDMENTS TO ENGROSSED SB 2062

On page 1 of the engrossed bill, line 18, delete the word "seventy" and insert in lieu thereof the words "the full amount"

On page 1 of the engrossed bill, line 19, delete the word "percent"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2167

On page 1 of the engrossed bill, line 18, delete the letter "A" and insert in lieu thereof the letter "B"

On page 1 of the engrossed bill, underscore line 23

On page 1 of the engrossed bill, line 24, underscore the words "alteration of odometers", and delete the words "or violating any state or federal"

On page 1 of the engrossed bill, line 25, delete the words "consumer fraud laws", and underscore the period

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2186

On page 1, line 1, after the word "reenact" insert the words "section 57-38-01.15 and"

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

"SECTION 1. AMENDMENT. Section 57-38-01.15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-01.15. ~~Itemization~~ Proration and itemization of deductions and exemptions.

1. ~~Any individual taxpayer~~ Individual taxpayers filing a North Dakota income tax ~~return~~ returns pursuant to the provisions of this chapter, ~~other than section 57-38-30.3,~~ may itemize deductions in lieu of taking a standard the zero bracket amount deduction even though a standard the zero bracket amount deduction was used in determining federal taxable income; provided, that married persons filing separately for state income tax purposes must both either itemize or take the standard zero bracket amount deduction. This provision of law is effective for taxable years beginning on or after January 1, 1979. Itemized deductions must be apportioned between spouses in the proportion that the adjusted gross income of each bears to their combined gross income.

Exemptions for themselves or their dependents are to be reported in the same way that they would have been reported in separate federal returns if separate federal returns had been filed.

2. If married persons file separate North Dakota income tax returns and one spouse elects to file pursuant to the provisions of section 57-38-30.3 and the other does not, the spouse that elects not to file pursuant to section 57-38-30.3 may either itemize or use the zero bracket amount deduction. Itemized deductions must be apportioned between spouses in the proportion that the adjusted gross income of each bears to their combined gross income. The spouse not electing to file pursuant to section 57-38-30.3 is entitled to claim only one exemption."

On page 1, line 16, overstrike the word "and"

On page 1, overstrike line 17

On page 1, line 18, overstrike the words "dependents are" and insert immediately thereafter the word "is"

On page 1, line 19, overstrike the word "them" and insert immediately thereafter the word "it"

On page 2, delete lines 6 through 10

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2214

On page 1 of the engrossed bill, line 24, overstrike the second comma, and delete the words "on a" and insert in lieu thereof the words "which may be collectable under any subsequent"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2245

On page 1, line 12, after the period insert the following: "A project qualifies as a community service project if it promotes the common good, enhances the social welfare of the community, and benefits an indefinite number of persons. The specific goals of a community service project may be to provide jobs within the community, or to develop or promote public services in areas such as education, housing, transportation, recreation, crime prevention, fire protection and prevention, safety, and health. Uses that directly benefit a chamber of commerce do not qualify."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2250

On page 15 of the engrossed bill, line 6, after the period insert the words "Gross receipts derived from the sale of a capital asset are not subject to the tax imposed by this subsection."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2260

On page 1 of the engrossed bill, line 11, remove the overstrike over the word "~~twelve~~"

On page 1 of the engrossed bill, line 12, delete the word "nine"

On page 1 of the engrossed bill, line 21, remove the overstrike over the word "~~twelve~~", and delete the word "nine"

And renumber the lines accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2300

On page 1 of the engrossed bill, line 1, delete the words "to create and enact a new subsection to section"

On page 1 of the engrossed bill, delete lines 2 and 3

On page 1 of the engrossed bill, line 4, delete the first word "and" and delete the words and numerals "subsections 7, 8, and 9 of section"

On page 1 of the engrossed bill, line 5, delete the numerals and word "57-39.2-01, section" and insert in lieu thereof the word "sections", and delete the words and numeral ", subsection 2 of section" and insert in lieu thereof the word and numerals "and 57-40.2-02.1"

On page 1 of the engrossed bill, delete line 6

On page 1 of the engrossed bill, line 7, delete the words "tax and" and insert in lieu thereof the words "sales and use taxes on"

On page 1 of the engrossed bill, line 8, delete the words "the exemption of", after the word "used" insert the word "primarily", after the word "heating" insert the words "or cooling", and delete the words "from sales and use" and insert in lieu thereof the words "in residential or commercial buildings"

On page 1 of the engrossed bill, line 9, delete the word "taxes"

On page 1 of the engrossed bill, delete lines 12 through 28

Delete pages 2 and 3 of the engrossed bill

- On page 4 of the engrossed bill, delete lines 1 through 15
- On page 6 of the engrossed bill, line 2, delete the word and numerals "December 31, 1985" and insert in lieu thereof the word and numerals "June 30, 1987"
- On page 6 of the engrossed bill, line 3, delete the word "three" and insert in lieu thereof the word "two", and delete the words and numeral "from January 1," and insert in lieu thereof the words and numerals "after June 30, 1987."
- On page 6 of the engrossed bill, delete lines 4 through 34 and insert in lieu thereof the following new section:

"SECTION 2. AMENDMENT. Section 57-40.2-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.2-02.1. Use tax imposed.

1. Except as otherwise expressly provided in subsection 2 for purchases of mobile homes used for residential or business purposes and for purchases of farm machinery and irrigation equipment used exclusively for agricultural purposes or in subsection 4 for sales of natural gas, an excise tax is imposed on the storage, use, or consumption in this state of tangible personal property purchased at retail for storage, use, or consumption in this state, at the rate of four percent of the purchase price of such property. Except as limited by section 57-40.2-11, an excise tax is imposed on the storage, use, or consumption in this state of tangible personal property not originally purchased for storage, use, or consumption in this state at the rate of four percent of the fair market value of such property at the time it was brought into this state.
2. An excise tax is imposed on the storage, use, or consumption in this state of mobile homes used for residential or business purposes, except as provided in subsection 19 of section 57-40.2-04, and of farm machinery and irrigation equipment used exclusively for agricultural purposes purchased at retail for storage, use, or consumption in this state at the rate of three percent of the purchase price thereof. Except as limited by section 57-40.2-11, and except as provided in subsection 35 of section 57-39.2-04, an excise tax is imposed on the storage, use, or consumption in this state of mobile homes used for residential or business purposes and of farm

machinery and irrigation equipment used exclusively for agricultural purposes not originally purchased for storage, use, or consumption in this state at the rate of three percent of the fair market value of such mobile homes used for residential or business purposes and of such farm machinery and irrigation equipment used exclusively for agricultural purposes at the time it was brought into this state.

3. In the case of a contract awarded for the construction of highways, roads, streets, bridges, and buildings prior to April 1, 1983, the contractor receiving the award shall be liable only for the sales or use tax at the rate of tax in effect on the date of contract.
4. There is hereby imposed a tax upon the storage, use, or consumption in this state of gas used primarily for the purpose of heating or cooling in residential or commercial buildings at the rate provided in this subsection.
 - a. The rate of the tax is four percent through June 30, 1987.
 - b. The rate of the tax is two percent after June 30, 1987."

On page 7 of the engrossed bill, delete lines 1 through 5

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2369

- On page 1 of the engrossed bill, line 2, delete the words "the exemption" and insert in lieu thereof the word "exemptions"
- On page 1 of the engrossed bill, line 3, delete the words "of sociologists"
- On page 1 of the engrossed bill, overstrike line 10
- On page 1 of the engrossed bill, line 11, delete the word "sociologists," and overstrike the words "psychotherapists, attorneys, court"
- On page 1 of the engrossed bill, overstrike line 12
- On page 1 of the engrossed bill, line 13, overstrike the words "counselors, or members of the clergy" and insert immediately thereafter the words "any person"

- On page 1 of the engrossed bill, line 14, overstrike the words "their professions" and insert immediately thereafter the words "that persons profession"
- On page 1 of the engrossed bill, line 15, overstrike the word "callings" and insert immediately thereafter the word "calling", overstrike the words "they do not hold themselves out", and insert immediately thereafter the words "that the person does not present"
- On page 1 of the engrossed bill, line 16, after the word "public" insert an underscored comma, and overstrike the words "as being"
- On page 1 of the engrossed bill, line 17, overstrike the word "engaged" and insert immediately thereafter the words ", that the person is engaging"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2413

- On page 1 of the engrossed bill, line 9, delete the word "twenty" and insert in lieu thereof the word "twenty-five"
- On page 1 of the engrossed bill, line 14, delete the words "'Collector's item", as used"
- On page 1 of the engrossed bill, line 15, delete the words "in this section, means a motor vehicle which" and insert in lieu thereof the words "A motor vehicle qualifies as a collector's item under this section only if it"
- On page 1 of the engrossed bill, line 17, after the word "from" insert the words "active entry and participation in"
- On page 1 of the engrossed bill, line 18, after the word "and" insert the words "to and from"
- On page 2 of the engrossed bill, line 3, delete the word "forty-five" and insert in lieu thereof the words "one hundred"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2435

- On page 1 of the engrossed bill, line 4, immediately after the word "veterans'" insert the word "disability"
- On page 2 of the engrossed bill, line 6, immediately after the word "Veteran's" insert the word "disability"
- On page 2 of the engrossed bill, line 18, immediately after the word "veterans'" insert the word "disability"

On page 4 of the engrossed bill, line 16, immediately after the word "veterans'" insert the word "disability"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2489

On page 1 of the engrossed bill, line 11, delete the word "shall" and insert in lieu thereof the word "may"

On page 1 of the engrossed bill, line 12, immediately after the word "two" insert the word "additional"

On page 1 of the engrossed bill, line 14, delete the word "must" and insert in lieu thereof the word "may"

And renumber the lines accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2495

On page 1 of the engrossed bill, line 14, after the semicolon insert the words "agriculturally related businesses;"

And renumber the lines and pages accordingly

ROY GILBREATH, Chief Clerk

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3095: A concurrent resolution urging Congress not to raise the fee charged for a federal migratory bird hunting stamp. Was read the first time and referred to the **Committee on Natural Resources**.

MOTION

SEN. NETHING MOVED that at the conclusion of the Fifth, Seventh, and Fourteenth orders of business, and after the reading of SB 2507, SB 2510, HB 1015, HB 1033, HB 1034, HB 1038, HB 1195, HB 1285, HB 1545, HB 1588, and HB 1615, the Senate adjourn and convene at 9:00 a.m., Friday, March 22, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary