

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

\* \* \* \* \*

TWENTY-SEVENTH DAY

Bismarck, February 11, 1987

The Senate convened at 1:00 p.m., with President Pro Tem Redlin presiding.

The prayer was offered by Senator Dan Wogsland.

Let us bow our heads in a word of prayer for a prayer which is attributed to St. Francis of Assisi.

Lord, make us instruments of Your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Grant that we may not seek so much to be consoled as to console, to be understood as to understand, to be loved as to love, for it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. Amen.

ROLL CALL

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

A quorum was declared by the President Pro Tem.

CORRECTION AND REVISION OF THE JOURNAL

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

SEN. J. MEYER, Chairman

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

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1109, HB 1237, HB 1328, HB 1363, HB 1388, HB 1393,  
HB 1397, HB 1400, HB 1415, HB 1425, HB 1437, HB 1452,  
HB 1461, HB 1484, HB 1548, HB 1628, HB 1643

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

SB 2307, SB 2420, SB 2459, SCR 4016

PERRY GROTEBERG, Secretary

SENATE CHAMBER

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

HB 1057

PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2127 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 10, delete the word "in"

On page 2, line 11, delete the words "amounts it deems necessary"

On page 2, line 12, after the word "fund" insert the following words "not to exceed amounts which are necessary and sufficient to meet payment of unemployment compensation benefits, repayment of Title XII advances from the federal unemployment trust fund, repayment of funds borrowed from sources other than Title XII advances from the federal unemployment trust fund, payment of interest on Title XII advances from the federal unemployment trust fund, and payment of interest on funds borrowed from sources other than Title XII advances from the federal unemployment trust fund" and after the underscored period insert the following new sentences: "Any such amounts borrowed from sources other than Title XII advances from the federal unemployment trust fund must be repaid no later than the end of the biennium in which they are borrowed. Any such amounts borrowed from sources other than Title XII advances from the federal unemployment trust fund are not indebtedness of the state or of any officer or agent of the state within the meaning of any statutory or constitutional provision."

And renumber the lines, sections, and pages accordingly

SEN. LANGLEY, Chairman

SB 2127 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred SB 2128 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the word "twenty-five" and insert in lieu thereof the word "fifty"

On page 1, line 15, after the word "dollars" insert the words "including physical construction and site preparation but excluding design, engineering, and supplies if performed outside the state"

On page 3, after line 4, insert the following new subsection:

- "4. Upon completion of the contract, a contractor may receive a credit of ten percent of the total bond for every twenty percent of the total wages which were paid to individuals who at the time of hire, were North Dakota residents. For the purposes of this subsection a person may be considered a resident provided the person has earned in covered employment in North Dakota as defined in title 52, the sum of two thousand dollars during the past four completed calendar quarters preceding the date of employment or can provide evidence of having resided in the state during the past four completed calendar quarters preceding the date of employment."

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

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

**MADAM PRESIDENT:** Your Committee on Judiciary to which was referred SB 2450 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 8, delete the words "If a homestead" and insert in lieu thereof the words "All mortgages on homesteads executed after June 30, 1987, which are not purchase money agreements"

On page 1, delete line 9

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

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

**MADAM PRESIDENT:** Your Committee on Education to which was referred SB 2484 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 23, after the word "insurance" insert the words ", except that the requirement shall be six hours for persons having a license limited to line of credit life insurance"

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

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

**MADAM PRESIDENT:** Your Committee on Agriculture to which was referred SB 2486 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 36-05 of the North Dakota Century Code, relating to the establishment of a livestock auction marketing grievance committee.

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

SECTION 1. A new section to chapter 36-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Grievance committee.** Any livestock auction market having a complaint against the veterinarian assigned to the livestock auction market may submit a written complaint to the grievance committee. The grievance committee consists of the president of the North Dakota stockmen's association or the president's designee, the president of the livestock auction market association or the president's designee, and the state veterinarian or the state veterinarian's designee. The members of the committee shall choose one member to serve as chairman. The committee shall meet at the call of the chairman. The committee shall take all complaints under consideration and report its recommendation to the livestock sanitary board within thirty days after receipt of the complaint."

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

SB 2486 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2511 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for standards and compliance requirements for organic foods.

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

SECTION 1. Legislative intent. It is the intent of the legislative assembly to recognize a public benefit in establishing standards and compliance requirements for food products marketed and labeled using the term or a derivative of the term organic food. These standards are intended to protect the public and facilitate the development of national and international markets for food grown by organic methods in this state.

SECTION 2. Definitions. As used in this Act, unless the context otherwise requires:

1. "Organic food" means any food product including meat, dairy, or a beverage, that is marketed or sold using the term or a derivative of the term organic food in the labeling or advertising of the product.
2. "Pesticides" means synthetic herbicides, insecticides, and fungicides, and all other toxic materials. The term does not include material from naturally derived substances.
3. "Synthetic fertilizer" means all nitrogen sources derived from ammonia; phosphorus derived from the acid treatment of rock phosphates; refined or highly soluble potassium salts, whether manufactured or mined; and all other chemically refined, synthesized, or acid treated material.
4. "Vendor" means any person who sells organic food to a consumer or another vendor, or who processes, manufactures, or otherwise transforms

## JOURNAL OF THE SENATE

an organic food on behalf of a seller of organic food.

5. "Verification" means a system maintained by the vendor of organic foods that demonstrates compliance to standards under which product identity may be traced from farm to consumer, using a series of documents that record information about the vendor's production and processing techniques, including records documenting inspection visits by the vendor or the vendor's designee, records documenting inventory, and records documenting adherence to standards.

**SECTION 3. Production standards.** The minimum standards qualifying a product to be labeled as an organic food require that:

1. The product was grown or raised, or is composed of ingredients that were grown or raised, without the use of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, arsenicals or other synthetic products. However, treated seed may be used if untreated seed is not available.
2. The soil on which an organic food is grown or raised must have been free of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, and arsenicals for a minimum of three years prior to the harvest of the organic food.
3. No synthetic products were used in the storage, processing, or manufacturing process.

**SECTION 4. Compliance.** Any vendor using the term organic food on the label of any product shall:

1. Use only raw materials in the product which conform to the standards in section 3 of this Act.
2. Have sufficient verification to ensure that all products labeled as organic foods are in compliance with the standards in section 3 of this Act.
3. Utilize verification guidelines and detail standards on file with the commissioner of agriculture."

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

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

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SB 2505 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 9, delete the word "needed" and insert in lieu thereof the words "time permits"

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

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

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred SB 2220 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LANGLEY, Chairman

SB 2220 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SB 2485 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. D. MEYER, Chairman

SB 2485 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SB 2534 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SB 2534 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SCR 4020 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SCR 4020 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SCR 4036 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

**SEN. D. MEYER, Chairman**

SCR 4036 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

**SEN. STROMME MOVED** that the Senate reconsider its action whereby SB 2341 lost, which motion prevailed on a verification vote.

#### SECOND READING OF SENATE BILL

**SB 2341:** A BILL for an Act relating to temporary authority of cities to allow certain activities on Sunday; and to provide for an effective date and an expiration date.

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

#### ROLL CALL

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

**YEAS:** Bakewell; David; Dotzenrod; Heigaard; Heinrich; Kelsh; Langley; Lashkowitz; Lips; Maxson; Meyer, D.; Meyer, W.; Mushik; Naaden; Nalewaja; Nething; Olson; Peterson; Richard; Satrom; Stenehjem; Stromme; Tallackson; Thane; Waldera; Yockim

**NAYS:** Adams; Axtman; Freborg; Hilken; Holmberg; Ingstad; Keller; Kelly; Krauter; Lodoen; Maixner; Mathern; Meyer, J.; Moore; Mutch; Nelson; Redlin; Reiten; Schoenwald; Shea; Streibel; Todd; Tweten; Vosper; Wogsland; Wright

**ABSENT AND NOT VOTING:** Tennefos; Madam President

SB 2341 lost for want of a Constitutional majority.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SEN. LASHKOWITZ MOVED** that the amendments to SB 2040 as recommended by the Committee on Judiciary as printed on page 640 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2040 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. SATROM MOVED that the amendments to SB 2063 as recommended by the Committee on Finance and Taxation as printed on pages 640-642 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS.

#### REQUEST

SEN. HOLMBERG REQUESTED that the Senate divide the amendments to SB 2063, which request was granted.

DIVISION I includes the entire amendment except the paragraph beginning on page 3, after line 11

DIVISION II includes the paragraph on page 3, after line 11, which is as follows:

"Any city or county receiving in excess of one thousand dollars annually under this section must report annually to the attorney general on a form designated by the attorney general. The report must specify how the money is being or was expended in the enforcement of this chapter. Failure to report as required or to properly expend the money for enforcement of this chapter, as determined by the attorney general, will result in that entity's funds being retained and utilized in the general fund. Those funds and any future amounts must be utilized for gaming enforcement purposes by the attorney general until the city or county files an acceptable report or expenditure plan for the use of those funds expected from their apportionment. Cities or counties may not supplant existing funding for law enforcement agencies with apportionments from this tax."

The question being on the adoption of Division I of the proposed amendments to SB 2063.

Division I of the proposed amendments to SB 2063 lost on a verification vote.

The question being on the adoption of Division II of the proposed amendments to SB 2063.

Division II of the proposed amendments to SB 2063 passed on a verification vote.

#### MOTIONS

SEN. MAIXNER MOVED that SB 2063 be referred to the Committee on Finance and Taxation, which motion prevailed on a verification vote.

SEN. MAIXNER MOVED that SB 2319 be moved to the head of the Sixth order on the calendar, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. D. MEYER MOVED that the amendments to SB 2319 as recommended by the Committee on State and Federal Government as printed on pages 683-684 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2319 was rereferred to the Committee on Appropriations.

## MOTION

SEN. MAIXNER MOVED that SB 2477 be moved to the head of the Sixth order on the calendar, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. W. MEYER MOVED that the amendments to SB 2477 as recommended by the Committee on Agriculture as printed on pages 685-686 of the Senate Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. MAIXNER MOVED that SB 2477 be rereferred to the Committee on Appropriations.

SB 2477 was rereferred to the Committee on Appropriations.

## MOTIONS

SEN. DOTZENROD MOVED that SB 2190, which is on the Sixth order, be rereferred to the Committee on Political Subdivisions, which motion prevailed.

SEN. KRAUTER MOVED that SB 2183, which is on the Sixth order, be rereferred to the Committee on Natural Resources, which motion prevailed.

SEN. PETERSON MOVED that SB 2424 and SB 2425 be returned to the Senate floor from the Committee on Education, which motion prevailed.

## REQUEST

SEN. PETERSON REQUESTED the unanimous consent of the Senate to withdraw SB 2424 and SB 2425. There being no objection, it was so ordered by the President Pro Tem.

## MOTION

SEN. STENEHJEM MOVED that SCR 4029, which is on the Eleventh order, be rereferred to the Committee on Judiciary, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2097 as recommended by the Committee on Industry, Business and Labor as printed on pages 642-643 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2097 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LASHKOWITZ MOVED that the amendments to SB 2175 as recommended by the Committee on Judiciary as printed on page 643 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2175 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LASHKOWITZ MOVED that the amendments to SB 2176 as recommended by the Committee on Judiciary as printed on pages 643-644 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2176 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LASHKOWITZ MOVED that the amendments to SB 2181 as recommended by the Committee on Judiciary as printed on page 644 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2181 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2299 as recommended by the Committee on Transportation as printed on page 648 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2299 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to SB 2301 as recommended by the Committee on Political Subdivisions as printed on page 649 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SB 2301 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2304 as recommended by the Committee on Natural Resources as printed on pages 649-651 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS.

#### REQUESTS

SEN. MOORE REQUESTED that the Senate divide the amendments to SB 2304, which request was granted.

DIVISION I being the entire amendment except SECTION 2

DIVISION II being SECTION 2 of the amendment

SEN. MOORE REQUESTED a recorded roll call vote on Division I of the proposed amendments to SB 2304, which request was granted.

#### ROLL CALL

The question being on the adoption of Division I of the proposed amendments to SB 2304, the roll was called and there were 26 YEAS, 25 NAYS, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Thane; Todd; Vosper; Yockim

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

Division I of the proposed amendments to SB 2304 were adopted.

The question being on the adoption of Division II of the proposed amendments to SB 2304.

Division II of the proposed amendments to SB 2304 were adopted.

#### MOTION

SEN. MAIXNER MOVED that the rules be suspended and that SB 2304 be placed on the Eleventh order, as amended, for second reading and final passage, which motion failed.

SB 2304 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### RECOGNITION

SEN. MAIXNER MOVED that, as the Boy Scouts are in the Senate Chamber, a committee of two be appointed to escort them to the rostrum.

THE PRESIDENT PRO TEM APPOINTED as such a committee Sens. W. Meyer and Holmberg.

The Boy Scouts were escorted to the rostrum and introduced to the Assembly.

THE PRESIDENT PRO TEM ANNOUNCED the participants in the 1986 scouting report to the Governor, which was held this noon at the Bismarck Rotary Club meeting.

The following scouts are from around our state, and their escorts, Bob Peterson, Bismarck, Vice President for Programs, of Northern Lights Council, and Bob Schaible, Scoutmaster, Troop 11, Bismarck, North Dakota, today are:

Cub Scout - Jeffrey Anderson, Powers Lake, ND  
Cub Scout - Marcus Leggate, Dickinson, ND  
Cub Scout - Joshua Neugebauer, Hatton, ND  
Star Scout - Aaron Gunderson, Dunseith, ND  
Life Scout - Jason Loney, West Fargo, ND  
Life Scout - Terry Moe, Watford City, ND

#### CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to SB 2327 as recommended by the Committee on Transportation as printed on page 651 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2327 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2328 as recommended by the Committee on Transportation as printed on pages 651-652 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2328 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to SB 2331 as recommended by the Committee on Political Subdivisions as printed on page 652 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SB 2331 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to SB 2336 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 652 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2336 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTIONS

SEN. D. MEYER MOVED that SB 2346 be moved to the foot of the Sixth order on the calendar, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2172 be moved to the head of the Sixth order on the calendar, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2172 as recommended by the Committee on Industry, Business and Labor as printed on pages 681-682 of the Senate Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

## MOTIONS

SEN. NOTHING MOVED that SB 2172 be further amended as follows:

On page 1 of the engrossed bill, line 15, overstrike the numerals "1973" and insert immediately thereafter the numerals "1987"

On page 2 of the engrossed bill, line 20, overstrike the words "shall be"

On page 2 of the engrossed bill, overstrike line 21

On page 2 of the engrossed bill, line 22, overstrike the numeral "(1)" and delete the word "Sixty" and insert in lieu thereof the words "is sixty"

On page 2 of the engrossed bill, line 24, overstrike the words ", shall be"

On page 2 of the engrossed bill, overstrike lines 25 and 26

On page 2 of the engrossed bill, line 27, overstrike the words "commences on or after July 1," delete the numerals "1987", and overstrike the period

On page 2 of the engrossed bill, overstrike lines 28 through 32

On page 2 of the engrossed bill, line 33, overstrike the words "or after July 1," delete the numerals "1988", and overstrike the period

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

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

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

On page 3 of the engrossed bill, line 19, remove the overstrike over the numeral "3-"

On page 4 of the engrossed bill, line 9, delete the numeral "3."

And renumber the lines, sections, and pages accordingly

SEN. NOTHING MOVED that the proposed amendments be adopted.

## REQUEST

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

## ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2172, the roll was called and there were 25 YEAS, 26 NAYS, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Tennefos; Tweten

The proposed amendments to SB 2172 lost.

## MOTIONS

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

On page 2, line 6, delete the word "fifty-fourth" and insert in lieu thereof the word "seventy-eight"

On page 2, line 9, overstrike the word "two" and insert immediately thereafter the word "three"

And renumber the lines, sections, and pages accordingly

SEN. NETHING MOVED that the proposed amendments be adopted.

## REQUEST

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

## ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2172, the roll was called and there were 26 YEAS, 26 NAYS, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Tennefos; Madam President

The proposed amendments to SB 2172 lost.

SB 2172 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MESSAGE FROM THE HOUSE  
HOUSE CHAMBER**

**MADAM PRESIDENT:** I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1668

ROY GILBREATH, Chief Clerk

**MOTIONS**

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

**SEN. MAIXNER MOVED** that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Ninth order of business, and at the conclusion of the Ninth order of business, be on the Thirteenth order of business, and at the conclusion of the Thirteenth order of business, and after the reading of SB 2040, SB 2097, SB 2172, SB 2175, SB 2176, SB 2181, SB 2220, SB 2299, SB 2301, SB 2304, SB 2327, SB 2328, SB 2331, SB 2336, SB 2485, SB 2534, SCR 4020, SCR 4036, and HB 1668, the Senate adjourn and convene at 1:00 p.m., Thursday, February 12, 1987, which motion prevailed.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Ingstad, Bakewell, D. Meyer and Reps. Cleveland, Lindgren introduced:

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

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

**FIRST READING OF HOUSE BILLS**

**HB 1034:** A BILL for an Act to amend and reenact subsection 4 of section 14-09-09.8, sections 14-13-03, 23-16-08, 25-01-01, 25-10-01, 25-10-02, 25-11-02, 25-15-03, 25-15-08, subsection 2 of section 25-16-01, sections 25-16-02, 25-16-03, 25-16-04, 25-16-06, 25-16-08, 25-16-09, 25-16-10,

25-16-12, 50-06-01.4, subsection 1 of section 50-19-01, sections 50-19-02, 50-19-03, 50-19-03.1, 50-19-04, 50-19-06, 50-19-07, 50-19-09, 50-19-10, 50-19-12, 50-19-13, 50-19-14, 50-20-01, 50-20-02, subsections 3 and 7 of section 50-25.1-02, sections 50-25.1-03, 50-25.1-03.1, 50-25.1-04, 50-25.1-04.1, 50-25.1-05, subsection 2 of section 50-25.1-05.2, sections 50-25.1-05.3, 50-25.1-06, 50-25.1-07, 50-25.1-11, and 54-38-01 of the North Dakota Century Code, relating to the structure of the department of human services; and to repeal section 54-38-02 of the North Dakota Century Code, relating to the alcoholism and drug abuse division.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1041: A BILL for an Act to create and enact a new section to chapter 6-07 of the North Dakota Century Code, relating to the priority of paying expenses of and claims against an insolvent bank; and to amend and reenact sections 6-03-67 and 41-04-27 of the North Dakota Century Code, relating to liability of a banking association for appropriation of deposits and the right of payor banks to setoff.

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

HB 1131: A BILL for an Act to create and enact a new subsection to section 39-29-09 of the North Dakota Century Code, relating to all-terrain vehicle operation requirements; and to amend and reenact subsection 1 of section 39-29-01 of the North Dakota Century Code, relating to definition of all-terrain vehicle and safety requirements.

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

HB 1214: A BILL for an Act to amend and reenact subsection 1 of section 39-16-05, subsection 1 of section 39-16.1-09, subsection 1 of section 39-16.1-10, and section 39-16.1-12 of the North Dakota Century Code, relating to proof of financial responsibility after an accident, proof of motor vehicle insurance coverage, filing certificates of insurance by an insurance carrier, notice of insurance coverage cancellation to the highway commissioner.

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

HB 1218: A BILL for an Act to amend and reenact subsection 4 of section 6-06-08 of the North Dakota Century Code, relating to assessments of state credit unions.

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

HB 1247: A BILL for an Act to amend and reenact subsection 1 of section 47-30.1-06, subsections 2 and 5 of section 47-30.1-17, subsections 3 and 4 of section 47-30.1-18,

sections 47-30.1-22, 47-30.1-26, and 47-30.1-35 of the North Dakota Century Code, relating to abandoned property under the Uniform Unclaimed Property Act.

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

**HB 1248:** A BILL for an Act to amend and reenact sections 15-01-01, 15-01-02.1, 15-01-03, 15-01-04, 15-08.1-04, 15-08.1-06, 15-08.1-08, 15-08.2-09, and 47-06-08 of the North Dakota Century Code, relating to the composition of the board of university and school lands, fees charged by the board of university and school lands for managing certain property, composition and meetings of the board, depositing of income from certain lands in the lands and minerals trust fund.

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

**HB 1254:** A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to the organization of local child protection teams in each county; and to amend and reenact subsection 5.1 of section 50-25.1-02 of the North Dakota Century Code, relating to the definition of a local child protection team.

Was read the first time and referred to the **Committee on Human Services and Veterans Affairs**.

**HB 1330:** A BILL for an Act to create and enact two new sections to chapter 50-06.1 of the North Dakota Century Code, relating to a registry of traumatic head injuries and to require the attending physician to report such injuries.

Was read the first time and referred to the **Committee on Human Services and Veterans Affairs**.

**HB 1340:** A BILL for an Act to amend and reenact sections 58-07-01 and 58-08-01 of the North Dakota Century Code, relating to compensation of township clerks and treasurers.

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

**HB 1406:** A BILL for an Act to create and enact subdivision d of subsection 1 of section 43-11-27 of the North Dakota Century Code, relating to cosmetology training; and to amend and reenact subsection 3 of section 43-11-19 of the North Dakota Century Code, relating to educational qualifications of cosmetology students.

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

**HB 1612:** A BILL for an Act to create and enact a new section to chapter 34-11.1 of the North Dakota Century Code, relating to rights of state employees to employment with their spouses.

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

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

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

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3024:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing educational programs relating to career guidance and development for children and adults in the state.

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

**HCR 3025:** A concurrent resolution expressing the importance of the knowledge of foreign languages and the potential benefits to be derived from the use of electronic media to assist in teaching foreign languages in North Dakota schools.

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

**REPORT OF STANDING COMMITTEE**

**MADAM PRESIDENT:** Your **Committee on Finance and Taxation** to which was referred HB 1668 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

**SEN. SATROM, Chairman**

HB 1668 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

**PERRY GROTEBERG, Secretary**