

TUESDAY, MARCH 3, 1987

1281

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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THIRTY-NINTH DAY

Bismarck, March 3, 1987

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

The prayer was offered by Father Phillip Ackerman, St. Paul's Catholic Church, Fargo.

Loving and all-knowing God, You continually bless us with Your love, forgiveness, and wisdom. You remind us in the Book of Jeremiah that You will send us one to write the law in our hearts - no longer needing them on tablets of stone.

Bless our hearts today with Your loving wisdom. Guide us as we strive to serve You and the people of North Dakota so that You may fully reign among us. We also thank You for the dignity in inviting us to co-create with You, that is, to be free to make decisions. Protect us so that we may not abuse this gift of power that You bestow on us.

Bless us with faith to recognize Your presence of people around us, Your temples of the Holy Spirit, even in times when there may be sharp disagreement or controversy.

Thank You for this day and the opportunity to come together in Your name. We ask all these things in the name of Jesus Christ, our Lord. Amen.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President Pro Tem.

CORRECTION AND REVISION OF THE JOURNAL

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

SEN. J. MEYER, Chairman

SEN. J. MEYER 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 2046, SB 2048, SB 2069, SB 2070, SB 2106, SB 2118,  
 SB 2121, SB 2123, SB 2124, SB 2125, SB 2193, SB 2196,  
 SB 2197

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2051 which the House has amended and subsequently failed to pass:

HOUSE AMENDMENTS TO SB 2051

On page 2, line 4, delete the words "funding agents" and insert in lieu thereof the words "investment officer"

On page 2, line 13, delete the words "funding agents" and insert in lieu thereof the words "investment officer"

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2113 and SB 2253 which the House has amended:

HOUSE AMENDMENTS TO ENGROSSED SB 2113

On page 1 of the engrossed bill, line 3, after the word "records" insert the words "; and to declare an emergency"

On page 1 of the engrossed bill, line 11, overstrike the word "seven" and insert immediately thereafter the word "one" and overstrike the words "five hundred"

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

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2253

On page 1 of the engrossed bill, line 11, delete the word "and" and insert in lieu thereof a comma, and after the comma insert the words "and the state university of North Dakota-Valley City,"

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

HB 1186, HB 1236

PERRY GROTBORG, Secretary

## SENATE CHAMBER

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

HB 1056

PERRY GROTBORG, Secretary

## SENATE CHAMBER

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

HB 1163

PERRY GROTBORG, Secretary

## REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1321 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. LASHKOWITZ, Chairman

HB 1321 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1122 has had the same under consideration and recommends by a vote of 7 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 of the reengrossed bill, line 23, delete the numerals "6-07-04.3" and insert in lieu thereof the numerals "6-07-04.2"

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

HB 1122 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 SCR 4056 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

SCR 4056 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Judiciary to which was referred SCR 4057 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

**SEN. LASHKOWITZ, Chairman**

SCR 4057 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 4058 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

**SEN. D. MEYER, Chairman**

SCR 4058 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred SCR 4060 has had the same under consideration and recommends by a unanimous voice vote that the same DO PASS.

**SEN. LANGLEY, Chairman**

SCR 4060 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred HB 1070 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 NOT PASS.

**SEN. SATROM, Chairman**

HB 1070 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred HB 1137 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. LANGLEY, Chairman**

HB 1137 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred HB 1138 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. LANGLEY, Chairman**

HB 1138 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred HB 1139 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1139 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred HB 1185 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1185 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred HB 1200 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1200 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred HB 1218 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1218 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred HB 1225 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1225 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred HB 1232 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

HB 1232 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1248 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1248 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1307 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

HB 1307 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1313 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

HB 1313 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1469 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

HB 1469 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1489 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

HB 1489 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1578 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HEINRICH, Chairman

HB 1578 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1612 has had the same under consideration and recommends by a vote of 4 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1612 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HCR 3009 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

HCR 3009 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

SEN. HEIGAARD MOVED that the rules be suspended and that SCR 4056, SCR 4057, SCR 4058, and SCR 4060 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

SEN. KRAUTER MOVED that the amendments to SCR 4041 as recommended by the Committee on Natural Resources as printed on pages 1252-1253 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4041: A concurrent resolution directing the Legislative Council to study game and fish laws and the liability of owners of land used for recreation.

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

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

SCR 4041 was declared adopted and the title was agreed to on a voice vote.

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#### CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to HB 1068 as recommended by the Committee on Transportation as printed on page 1246 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1068 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to HB 1099 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1246-1247 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1099 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to HB 1365 as recommended by the Committee on Natural Resources as printed on page 1247 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1365 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. AXTMAN MOVED that the amendments to HB 1397 as recommended by the Committee on Agriculture as printed on pages 1247-1248 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1397 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1594 as recommended by the Committee on Political Subdivisions as printed on pages 1248-1252 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1594 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4056: A concurrent resolution directing the Legislative Council to study the cost effectiveness and economic impact of governmental and intergovernmental services provided by state agencies, departments, and institutions, and alternative means of delivering those services.

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

The question being on the final adoption of the resolution.

SCR 4056 was declared adopted and the title was agreed to on a voice vote.

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SCR 4057: A concurrent resolution directing the Legislative Council to study the administrative hearing and license suspension process for alcohol-related traffic offenses.

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

The question being on the final adoption of the resolution.

SCR 4057 was declared adopted and the title was agreed to on a voice vote.

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SCR 4058: A concurrent resolution directing the Legislative Council to study alternative methods available for establishing a capital construction trust fund for the state.

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

The question being on the final adoption of the resolution.

SCR 4058 was declared adopted and the title was agreed to on a voice vote.

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SCR 4060: A concurrent resolution directing the Legislative Council to study the securities laws of North Dakota, the need for regulation of the various aspects of the securities business, and the desirability of revising the state's securities laws to foster legitimate capital formation in the state.

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

The question being on the final adoption of the resolution.

SCR 4060 was declared adopted and the title was agreed to on a voice vote.

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#### MOTION

SEN. HEIGAARD MOVED that HB 1668 be moved to the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

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.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 40 YEAS, 12 NAYS, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bakewell; David; Freborg; Kelly; Moore; Mutch; Naaden; Nething; Peterson; Streibel; Tennefos; Todd

**ABSENT AND NOT VOTING:** Meyer, W.

HB 1668 passed, the title was agreed to, and the emergency clause carried.

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#### MOTIONS

**SEN. HEIGAARD MOVED** that the vote by which SCR 4041, SCR 4056, SCR 4057, SCR 4058, SCR 4060, and HB 1668 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

**SEN. HEIGAARD MOVED** that the rules be suspended and that SCR 4041, SCR 4056, SCR 4057, SCR 4058, SCR 4060, and HB 1668 be messaged to the House immediately, which motion prevailed.

#### MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

HB 1029, HB 1040, HB 1050, HB 1059, HB 1069, HB 1074,  
HB 1100, HB 1105, HB 1111, HB 1112, HB 1113, HB 1114,  
HB 1120, HB 1124, HB 1132, HB 1143, HB 1146, HB 1153,  
HB 1155, HB 1173, HB 1182, HB 1190, HB 1224, HB 1226,  
HB 1260, HB 1261, HB 1290, HB 1399, HB 1519

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 3065, HCR 3067, HCR 3071, HCR 3073, HCR 3074

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 3066, HCR 3068, HCR 3072, HCR 3077, HCR 3078, HCR 3079  
ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

HB 1668

PERRY GROTBORG, Secretary

## SENATE CHAMBER

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

SCR 4041, SCR 4052, SCR 4056, SCR 4057, SCR 4058, SCR 4060  
PERRY GROTBORG, Secretary

## MOTIONS

SEN. D. MEYER MOVED that HCR 3016, which is on the Fourteenth order, be rereferred to the Committee on State and Federal Government, which motion prevailed.

SEN. HILKEN MOVED that HB 1121, which is on the Fourteenth order, be rereferred to the Committee on Transportation, which motion prevailed.

SEN. MAIXNER MOVED that SCR 4061 be returned to the Senate floor from the Committee on Natural Resources, which motion prevailed.

## REQUEST

SEN. MAIXNER REQUESTED the unanimous consent of the Senate to withdraw SCR 4061. There being no objection, it was so ordered by the President Pro Tem.

SECOND READING OF HOUSE BILLS  
ON CONSENT CALENDAR

HB 1061: A BILL for an Act to amend and reenact subsection 1 of section 38-08-14 of the North Dakota Century Code, relating to appeals from industrial commission orders.

HB 1067: A BILL for an Act to amend and reenact section 61-01-27 of the North Dakota Century Code, relating to the conversion of oil and gas exploration and production wells to water wells.

HB 1092: A BILL for an Act to create and enact three new sections to chapter 43-35 of the North Dakota Century Code,

relating to certified monitoring well contractors; and to amend and reenact sections 43-35-12, 43-35-13, 43-35-14, 43-35-21, and 43-35-22 of the North Dakota Century Code, relating to certification of monitoring well contractors.

- HB 1101:** A BILL for an Act to cancel and declare forfeited water permits numbered 814, 1470, and 1094, relating to the right of the North Dakota game and fish department to appropriate water; and to declare an emergency.
- HB 1108:** A BILL for an Act to repeal section 61-02-75 of the North Dakota Century Code, relating to the state engineer's authority to administer oaths and issue subpoenas.
- HB 1194:** A BILL for an Act to amend and reenact section 55-08-07.1 of the North Dakota Century Code, relating to use of the state parks and recreation department concession fund.
- HB 1206:** A BILL for an Act to amend and reenact section 55-08-06 of the North Dakota Century Code, relating to annual state park permits for motor vehicles.
- HB 1217:** A BILL for an Act to create and enact two new sections to chapter 61-16.1 of the North Dakota Century Code, relating to financing the maintenance of water projects.
- HB 1237:** A BILL for an Act to amend and reenact subsection 1 of section 23-29-02, and sections 23-29-03, 23-29-04, 23-29-07, 23-29-08, and 23-29-13 of the North Dakota Century Code, relating to solid waste management and land protection.
- HB 1263:** A BILL for an Act to amend and reenact section 20.1-05-04 of the North Dakota Century Code, relating to the use of horses and mules in the taking of big game.
- HB 1298:** A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to agreements between water resource boards and state and federal agencies for certain improvements.
- HB 1461:** A BILL for an Act to amend and reenact subsection 4 of section 38-08.1-03.1 and sections 38-08.1-04 and 38-08.1-04.1 of the North Dakota Century Code, relating to geophysical exploration bond requirements.

Which have been read.

#### ROLL CALL

The question being on the final passage of the bills, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tallackson

So the bills passed and the titles were agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1117: A BILL for an Act to amend and reenact section 2-06-14, subsection 2 of section 2-06-19, and subsection 2 of section 40-38-02 of the North Dakota Century Code, relating to the responsibility for maintaining airport authority and library funds and records.

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

#### ROLL CALL

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

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

NAYS: Adams; Bakewell

ABSENT AND NOT VOTING: Meyer, W.

HB 1117 passed and the title was agreed to.

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#### MOTIONS

SEN. HEIGAARD MOVED that HB 1079, HB 1082, HB 1110, HB 1279, HB 1364, HB 1428, HB 1450, HB 1454, HB 1549, and HB 1595 be returned to the Senate floor from the Committee on Industry, Business

and Labor and HB 1373 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1079, HB 1082, HB 1110, HB 1364, HB 1373, HB 1428, HB 1450, HB 1454, HB 1549, and HB 1595 be rereferred to the Committee on State and Federal Government and HB 1279 be rereferred to the Committee on Transportation, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, and after the reading of HB 1068, HB 1070, HB 1099, HB 1137, HB 1138, HB 1139, HB 1185, HB 1200, HB 1218, HB 1225, HB 1232, HB 1248, HB 1307, HB 1313, HB 1365, HB 1397, HB 1469, HB 1489, HB 1578, HB 1594, HB 1612, and HCR 3009, the Senate adjourn and convene at 12:30 p.m., Wednesday, March 4, 1987, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a BILL for an Act to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to the authority of counties and cities to establish centennial coordinating committees.

Your Committee on Delayed Bills cast a unanimous ballot to accept this bill.

SEN. MAIXNER, Chairman

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

#### FIRST READING OF SENATE BILL

Sen. Mushik introduced:  
(Approved by the Committee on Delayed Bills)

SB 2546: A BILL for an Act to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to the authority of counties and cities to establish centennial coordinating committees.

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

#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a BILL for an Act to create two new sections to chapter 23-20.3 of the North Dakota Century Code, relating to permits for hazardous waste disposal sites; and to amend and reenact section 23-20.3-02 of the North Dakota Century Code, relating to definitions.

Your Committee on Delayed Bills cast a unanimous ballot in favor of accepting this bill.

SEN. MAIXNER, Chairman

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

FIRST READING OF SENATE BILL

Sens. Lashkowitz, Redlin, Holmberg and Reps. Scherber, Shaft introduced:

(Approved by the Committee on Delayed Bills)

SB 2547: A BILL for an Act to create two new sections to chapter 23-20.3 of the North Dakota Century Code, relating to permits for hazardous waste disposal sites; and to amend and reenact section 23-20.3-02 of the North Dakota Century Code, relating to definitions.

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a BILL for an Act to amend and reenact subsection 1 of section 25-04-13.1 of the North Dakota Century Code, relating to the superintendent of the Grafton state school acting as guardian of any resident.

Your Committee on Delayed Bills cast a unanimous ballot in favor of accepting this bill.

SEN. MAIXNER, Chairman

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

FIRST READING OF SENATE BILL

Sen. Heigaard introduced:

(Approved by the Committee on Delayed Bills)

SB 2548: A BILL for an Act to amend and reenact subsection 1 of section 25-04-13.1 of the North Dakota Century Code, relating to the superintendent of the Grafton state school acting as guardian of any resident.

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a concurrent resolution for the amendment of section 5 of article X of the Constitution of the State of North Dakota, relating to taxation of property owned by the United States when Congress has waived exemption of the property.

Your Committee on Delayed Bills cast a unanimous ballot in favor of allowing this concurrent resolution.

SEN. MAIXNER, Chairman

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

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Wright, Richard, Moore, Kelsh introduced:

SCR 4047: A concurrent resolution for the amendment of section 5 of article X of the Constitution of the State of North Dakota, relating to taxation of property owned by the United States when Congress has waived exemption of the property.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

## REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a concurrent resolution for the amendment of sections 4 and 5 of article III of the Constitution of the State of North Dakota, relating to the required number of signatures and the filing deadline for a referendum petition referring appropriation measures for support and maintenance of state departments and institutions and tax measures that change tax rates.

Your Committee on Delayed Bills cast a ballot of 3 YEAS and 2 NAYS in favor of allowing this concurrent resolution.

SEN. MAIXNER, Chairman

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

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Richard introduced:

(Approved by the Committee on Delayed Bills)

SCR 4055: A concurrent resolution for the amendment of sections 4 and 5 of article III of the Constitution of the State of North Dakota, relating to the required number of signatures and the filing deadline for a referendum petition referring appropriation measures for support and maintenance of state departments and institutions and tax measures that change tax rates.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

## REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a concurrent resolution congratulating Joan Bonsness on being named the National Special Educator of the Year.

Your Committee on Delayed Bills cast a unanimous ballot in favor of accepting this concurrent resolution.

SEN. MAIXNER, Chairman

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

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Redlin, Reiten introduced:

(Approved by the Committee on Delayed Bills)

**SCR 4062:** A concurrent resolution congratulating Joan Bonsness on being named the National Special Educator of the Year. Was read the first time and referred to the Committee on Education.

**REPORT OF PROCEDURAL COMMITTEE**

**MADAM PRESIDENT:** Your procedural Committee on Delayed Bills has examined a concurrent resolution urging the Secretary of the United States Department of Agriculture to adopt regulations under the Food Security Act of 1985 which are consistent with the rapidly changing world market conditions.

Your Committee on Delayed Bills cast a ballot of 4 YEAS and 1 NAY in favor of accepting this concurrent resolution.

**SEN. MAIXNER, Chairman**

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

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sen. W. Meyer and Rep. Nicholas introduced:

(Approved by the Committee on Delayed Bills)

**SCR 4063:** A concurrent resolution urging the Secretary of the United States Department of Agriculture to adopt regulations under the Food Security Act of 1985 which are consistent with the rapidly changing world market conditions.

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

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

**PERRY GROTEBERG, Secretary**