

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, February 15, 1989

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

The prayer was offered by Rev. Lloyd Hohn, Bethel Assembly of God, Mandan.

We come before You this day, in the name of Jesus Christ, our Savior, praying, "Our Father, who art in heaven, hallowed by Thy name."

We the people, thank You for these who have given of themselves to serve us in this great legislative body. We pray for them as those who have rule over us, for we recognize the tremendous responsibility they have in representing us and in conducting our business.

We come to You to ask for wisdom that proper decisions might be made on matters before this Senate. It is an awesome thing to consider that accountability is not only to constituents, but also to you, O mighty God. May our legislators hear the voice of Thee, O God, and do what is right in Thy sight. As we attempt to do the right and resist the wrong, we have the confidence that You will cover our insufficiencies and make up what we lack.

We conclude this prayer with the petition of our Lord, "Thy kingdom come, Thy will be done, on earth as it is in heaven."

We ask these things in Jesus' name. Amen.

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

A quorum was declared by the President.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2010, SB 2019, SB 2023, SB 2026, SB 2036, SB 2114, SB 2321, SB 2392, SB 2434, SB 2471, SB 2483.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1058, HB 1292, HB 1539, HB 1558, HB 1583.

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Twenty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 388, after line 38, insert:

## "PRESENTATION OF PETITIONS AND COMMUNICATIONS"

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

February 1, 1989

The Honorable Lloyd B. Omdahl  
President of the Senate  
Senate Chamber  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on February 1, 1989, I signed SB 2082.

Sincerely,

GEORGE A. SINNER  
Governor"

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

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)  
MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirtieth Day and finds it to be correct.

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

## MOTIONS

SEN. SATROM MOVED that SB 2029, which is on the Eleventh order, be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2029 was rereferred.

SEN. LANGLEY MOVED that HB 1186 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

SEN. LANGLEY MOVED that HB 1186, be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed. Pursuant to Sen. Langley's motion, HB 1186 was rereferred.

## CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2004 as recommended by the Committee on Appropriations as printed on pages 610-611 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2004 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2008 as recommended by the Committee on Appropriations as printed on page 611 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2008 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2009 as recommended by the Committee on Appropriations as printed on pages 611-612 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2009 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2024 as recommended by the Committee on Appropriations as printed on pages 612-613 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2024 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2089 as recommended by the Committee on Appropriations as printed on page 613 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2089 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to SB 2098 as recommended by the Committee on Industry, Business and Labor as printed on pages 614-615 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

#### MOTION

SEN. SCHOENWALD MOVED that the rules be suspended, that SB 2098 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 2098: A BILL for an Act to require motor vehicle liability insurance policies for private passenger automobiles to include property damage coverage for rented automobiles.

#### ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Shea

SB 2098 passed and the title was agreed to.

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FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nalewaja, Olson, Wogsland and Reps. Bernstein, Hoffner, Goetz introduced:

(Approved by Committee on Delayed Bills)

SCR 4051: A concurrent resolution declaring Wednesday, February 15, 1989, as Higher Education Awareness Day.

Was read the first time.

MOTION

SEN. NALEWAJA MOVED that the rules be suspended, that SCR 4051 not be printed, not be referred to committee, but be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Nalewaja, Olson, Wogsland and Reps. Bernstein, Hoffner, Goetz introduced:

(Approved by Committee on Delayed Bills)

SENATE CONCURRENT RESOLUTION NO. 4051

A concurrent resolution declaring Wednesday, February 15, 1989, as Higher Education Awareness Day.

WHEREAS, the state of North Dakota has a tradition of supporting its institutions of higher education and of recognizing the students who attend those institutions; and

WHEREAS, students attending at least one of the institutions of higher education are visiting the Legislative Assembly to express their concerns about the future of higher education in this state; and

WHEREAS, the Legislative Assembly acknowledges the need to preserve the quality of higher education the state has enjoyed in the past; and

WHEREAS, the Legislative Assembly acknowledges the students at the institutions of higher education who would like to express their appreciation to the members of the Legislative Assembly for their hard work and the attention they have given to the status of higher education in this state;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fifty-first Legislative Assembly declares Wednesday, February 15, 1989, as North Dakota Higher Education Awareness Day.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4051: A concurrent resolution declaring Wednesday, February 15, 1989, as Higher Education Awareness Day.

The question being on the final adoption of the resolution, which has been read.

SCR 4051 was declared adopted on a voice vote.

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MOTION

SEN. NALEWAJA MOVED that the rules be suspended and that SCR 4051 be messaged to the House immediately, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4051.

MOTIONS

SEN. STENEHJEM MOVED that the Senate reconsider the action by which SB 2490 failed to pass, which motion prevailed on a verification vote.

SEN. D. MEYER MOVED that SB 2490 be placed at the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to SB 2248 as recommended by the Committee on Finance and Taxation as printed on pages 615-617 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, that SB 2248 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 2248: A BILL for an Act to amend and reenact sections 57-43.3-01, 57-43.3-02, 57-43.3-03, 57-43.3-05, 57-43.3-06, and 57-43.3-07 of the North Dakota Century Code, relating to aviation fuel; and to repeal section 57-43.3-04 of the North Dakota Century Code, relating to the imposition of a separate and additional tax.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Hanson; Mutch

ABSENT AND NOT VOTING: Satrom; Shea

SB 2248 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to SB 2361 as recommended by the Committee on Education as printed on page 618 of the Senate Journal be

adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. KELSH MOVED that the rules be suspended, that SB 2361 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 2361: A BILL for an Act to establish a grant program for students enrolled in adult education and training programs.

ROLL CALL

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

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; Nething; O'Connell; Olson; Redlin; Richard; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Lodoen; Mutch; Naaden; Nelson; Peterson

ABSENT AND NOT VOTING: Heigaard; Satrom; Shea

SB 2361 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2395 as recommended by the Committee on Industry, Business and Labor as printed on pages 618-619 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2395 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. SATROM MOVED that the amendments to SB 2417 as recommended by the Committee on Finance and Taxation as printed on pages 620 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. INGSTAD MOVED that the rules be suspended, that SB 2417 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 2417: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for early childhood service facilities licensed by the state; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Moore; Nothing

ABSENT AND NOT VOTING: Satrom; Shea

SB 2417 passed and the title was agreed to.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed unchanged: SCR 4051.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2473 as recommended by the Committee on Judiciary as printed on pages 620-621 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2473 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to SB 2500 as recommended by the Committee on Education as printed on page 621 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS.

REQUEST

SEN. DOTZENROD REQUESTED that the Senate divide the amendments to SB 2500, which request was granted.

Division I - Page 2, line 13  
Division II - Rest of the amendments

The question being on the adoption of Division I of the proposed amendments to SB 2500.

Division I of the proposed amendments to SB 2500 lost.

The question being on the adoption of Division II of the proposed amendments to SB 2500.

Division II of the proposed amendments to SB 2500 was adopted.

## MOTION

SEN. MAIXNER MOVED that the rules be suspended and SB 2500 be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2500 was rereferred.

## CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to SCR 4046 as recommended by the Committee on Education as printed on page 622 of the Senate Journal be adopted, and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

SCR 4046 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

SEN. HEIGAARD MOVED that SB 2270 be further amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to applications for funding for roads benefiting recreational, tourist, and historical areas and formation, composition, and duties of the special road advisory committee; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Funding for access roads for recreational, tourist, and historical areas - Special road advisory committee. Requests by political subdivisions or state agencies for funding for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas may be made to the highway commissioner on forms designated by the commissioner. The special road advisory committee shall meet at the call of the highway commissioner, who will serve as chairman, to review requests for funding for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas, and to advise the highway commissioner regarding funding requested projects. The special road advisory committee consists of one member of the senate transportation committee appointed by the president of the senate and one member of the house of representatives transportation committee appointed by the speaker of the house and also the game and fish commissioner, the director of state parks and recreation, the director of the economic development commission, and the highway commissioner. All final decisions regarding funding requested projects are in the sole discretion of the highway commissioner. Funding may be provided from available appropriations and the highway commissioner may require the furnishing of matching funds as a condition of any expenditure authorized under this section. The members of the special road advisory committee who are members of the legislative assembly shall be compensated by the department for attendance at committee meetings at the rate provided in section 54-35-10 and paid for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the highway trust fund in the state treasury, not otherwise appropriated, the sum of two million dollars, or so much thereof as may be necessary, to the highway commissioner for the purpose of funding construction and maintenance of access roads to and roads within recreational, tourist, and historical areas under section 1 of this Act for the biennium beginning July 1, 1989, and ending June 30, 1991."

Renumber accordingly

#### MOTION

SEN. TENNEFOS MOVED that the proposed amendments to SB 2270 be further amended as follows:

In Section 1, the sentence which reads "Funding may be provided from available appropriations and the highway commissioner may require the furnishing of matching funds as a condition of any expenditure authorized under this section." should be changed to read "Funding may be provided from available appropriations and the highway commissioner shall require the furnishing of matching funds as a condition of any expenditure authorized under this section."

Renumber accordingly

#### MOTIONS

SEN. TENNEFOS MOVED that the amendment to the proposed amendments be adopted, which motion prevailed.

SEN. HEIGAARD MOVED that the proposed amendments, as amended, be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2270: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to applications for funding for roads benefiting recreational, tourist, and historical areas and formation, composition, and duties of the special road advisory committee; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Meyer, D.

ABSENT AND NOT VOTING: Shea

SB 2270 passed and the title was agreed to.

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## MOTIONS

SEN. HEIGAARD MOVED that the Senate reconsider the action by which SB 2270 passed, which motion prevailed on a verification vote.

SEN. HEIGAARD MOVED that the rules be suspended and SB 2270 be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2270 was rereferred.

## SECOND READING OF SENATE BILLS

SB 2085: A BILL for an Act relating to satellite video livestock auction markets.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Lodoen

ABSENT AND NOT VOTING: Heigaard; Shea

SB 2085 passed and the title was agreed to.

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SB 2360: A BILL for an Act to amend and reenact subsection 2 of section 4-35-21 and section 4-35-21.1 of the North Dakota Century Code, relating to reports of loss through pesticide application.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Shea

SB 2360 passed and the title was agreed to.

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SB 2403: A BILL for an Act to provide for a master environmental applicator licensing board for the licensing and regulation of aerial applicators of pesticides; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 31 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Ingstad; Keller; Kelsh; Krauter; Langley; Maixner; Mathern; Meyer, J.; Meyer, W.; Mushik; O'Connell; Redlin; Satrom; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Ewen; Freborg; Hanson; Hilken; Holmberg; Kinnoin; Krebsbach; Lashkowitz; Lips; Lodoen; Maxson; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Richard; Robinson; Schoenwald; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Shea

SB 2403 lost.

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MOTION

SEN. HOLMBERG MOVED that SB 2407 be placed immediately following SB 2408 on the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2408: A BILL for an Act to amend and reenact subsection 30 of section 12.1-30-03 of the North Dakota Century Code, relating to businesses allowed to operate on Sundays.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 15 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Ewen; Heigaard; Heinrich; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; Nelson; Olson; Peterson; Richard; Robinson; Satrom; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Yockim

NAYS: Axtman; Freborg; Hanson; Hilken; Keller; Maixner; Mutch; Naaden; Nething; O'Connell; Redlin; Schoenwald; Streibel; Tennefos; Wogsland

ABSENT AND NOT VOTING: Shea

SB 2408 passed and the title was agreed to.

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SB 2407: A BILL for an Act to amend and reenact subsection 30 of section 12.1-30-03 of the North Dakota Century Code, relating to businesses allowed to operate on Sundays.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 45 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Ingstad; Krebsbach; Lashkowitz; O'Connell; Olson; Stenehjem

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelsh; Kinnoin; Krauter; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Moore; Shea

SB 2407 lost.

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SB 2506: 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 farm home exemption as applied to certain farmers who rent the farmland to another operator; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 27 YEAS, 25 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Hanson; Heigaard; Hilken; Keller; Kelsh; Krauter; Langley; Lips; Meyer, D.; Meyer, J.; Meyer, W.; Naaden; Nelson; O'Connell; Redlin; Richard; Robinson; Schoenwald; Streibel; Stromme; Tallackson; Thane; Vosper; Waldera; Wogsland

NAYS: David; Ewen; Freborg; Heinrich; Holmberg; Ingstad; Kinnoin; Krebsbach; Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nething; Olson; Peterson; Satrom; Stenehjem; Tennefos; Todd; Yockim

ABSENT AND NOT VOTING: Shea

SB 2506 passed and the title was agreed to.

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SB 2507: A BILL for an Act to amend and reenact sections 11-10-11 and 11-16-02 of the North Dakota Century Code, relating to assistant state's attorneys.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Shea

SB 2507 passed and the title was agreed to.

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SB 2385: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to prohibiting alcoholic beverages in dormitories; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 47 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Langley; Mushik; Tallackson; Thane; Todd

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tennefos; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Shea

SB 2385 lost.

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PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

February 15, 1989

The Honorable Lloyd B. Omdahl  
President of the Senate  
Senate Chamber  
State Capitol

Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on February 15, 1989, I signed SB 2279.

Sincerely,

GEORGE A. SINNER  
Governor

#### MOTIONS

SEN. HEIGAARD MOVED that the absent member be excused, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, and after the reading of SCR 4048, SB 2519, SB 2430, SB 2460, SB 2516, SB 2453, SB 2472, SCR 4045, and SB 2383, the Senate stand adjourned until 1:00 p.m., Thursday, February 16, 1989, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2237 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:

Page 1, line 1, remove "65-04-05,"

Page 1, line 11, after the comma insert "and"

Page 1, line 12, remove ", and gross payroll information"

Page 2, remove lines 8 through 27

Page 4, line 11, after the underscored period insert "The amount to be offset must equal the primary insurance amount less attorneys' fees and costs withheld from past due social security benefits or paid directly by the claimant for representation before the social security administration."

Page 6, line 9, remove "either:"

Page 6, line 10, replace "a. Active" with "active"

Page 6, line 12, replace ", or;" with an underscored period

Page 6, remove lines 13 through 16

Page 10, line 28, remove "If an injured employee knowingly engages"

Page 10, remove line 29

Page 11, remove lines 1 and 2

Page 11, line 3, remove "suspend the compensation of the employee."

Page 13, line 11, after "way" insert "intentionally"

Page 14, remove line 17

Page 14, line 18, remove "payments" and remove "total"

Page 14, line 20, remove ". The amount of the penalty must be placed in the"

Page 14, line 21, remove "general fund"

Page 16, line 23, replace "C felony" with "B misdemeanor"

Page 17, line 10, after the second period insert "1."

Page 17, line 14, overstrike "1." and insert immediately thereafter "a."

Page 17, line 17, overstrike "2." and insert immediately thereafter "b."

Page 17, line 21, overstrike "3." and insert immediately thereafter "c."

Page 17, line 27, overstrike "4." and insert immediately thereafter "d."

Page 18, line 5, replace "5." with "2."

Page 18, line 10, replace "6." with "3."

Page 18, line 12, replace "is headquartered" with "has an office"

Page 18, line 14, after "not" insert "exclusively"

Re-number accordingly

SB 2237 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2244 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 NOT PASS:

Page 1, line 3, replace "merit scholarship" with "North Dakota scholars"

Page 1, line 8, overstrike ""Merit scholarship"" and insert immediately thereafter ""Scholarship""

Page 1, line 16, overstrike the first "merit" and overstrike the second "merit"

Page 1, line 19, overstrike the first "merit" and overstrike the second "merit"

Page 1, line 20, overstrike "merit"

Page 1, line 22, overstrike "merit"

Page 2, line 9, overstrike "merit"

Page 2, line 11, overstrike "merit"

Renumber accordingly

SB 2244 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2259 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 AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 6, after the fifth comma insert "4-05-04,"

Page 2, line 3, remove "by law"

Page 3, line 16, replace "4-04-03" with "4-05-03" and after the sixth comma insert "4-05-04,"

Page 3, line 20, replace "This Act becomes effective on the" with "If House Concurrent Resolution No. 3011 amending section 6 of article VIII of the Constitution of North Dakota by removing the names and locations of institutions of higher education is approved by the fifty-first legislative assembly and subsequently is approved by the electors, this Act becomes effective when the state canvassing board certifies the results of the 1990 primary election."

Page 3, remove lines 21 through 25

Renumber accordingly

SB 2259 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2263 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 6, after the underscored period insert "A nonprofit corporation incorporated for the purpose of conducting the affairs of or carrying on the operations of a church is exempt from the provisions of this Act."

Renumber accordingly

SB 2263 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred SB 2309 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, after the semicolon insert "to provide legislative intent regarding special assessment deficiencies;"

Page 4, after line 18, insert:

"SECTION 3. LEGISLATIVE INTENT - LOANS FOR SPECIAL ASSESSMENT DEFICIENCIES. It is the intent of the legislative assembly that the state board of university and school lands offer loans to counties, cities, and school districts to mitigate the effects of unpaid special assessments at rates below the statutory maximum, provided that the counties, cities, and school districts receiving these loans are able to demonstrate that their consolidated mill levies are in the upper ten percent of the mill levies of other counties, cities, and school districts in the state."

Renumber accordingly

SB 2309 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2323 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 7, replace "Workers compensation" with "State"

Page 1, line 8, replace "workers compensation advisory council" with "state advisory council composed of an equal number of employer representatives and employee representatives who may be regarded fairly as representative because of their vocation, employment, or affiliations, and members representing the general public as the bureau may designate. The council shall aid the bureau in formulating policies, discussing problems related to the administration of the bureau, and in assuring impartiality and freedom from political influence in the solution of these problems."

Page 1, remove lines 9 and 10

Page 1, line 11, remove "insurance industry."

Renumber accordingly

SB 2323 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2334 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after "at" insert "Bowman,"

Page 1, line 9, after "at" insert "Bowman,"

Page 1, line 11, replace "70,725" with "94,300"

Page 1, line 12, replace "74,370" with "115,160"

Page 1, line 13, replace "15,000" with "20,000"

Page 1, line 14, replace "315,000" with "133,000"

Page 1, line 15, replace "475,095" with "362,460"

Page 1, line 17, replace "\$15,000" with "\$36,000"

Page 1, line 18, replace "land" with "property"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

	INCREASE (DECREASE)
Salary and wages	\$ 23,575
Operating expenses	40,790
Equipment	5,000
Capital improvements	<u>(182,000)</u>
Total	\$ (112,635)

This amendment adds Bowman as a site for a tourist information center. The capital improvements line item is reduced to \$133,000 (\$33,000 at Bowman, \$50,000 at Grand Forks, and \$50,000 at Williston) to construct log cabin buildings at Bowman, Grand Forks, and Williston. The operating expenses line item is increased by \$21,000 to provide \$36,000 (\$1,500 per month) instead of \$15,000 to lease property at the Fargo site during the next biennium.

SB 2334 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2350 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 20, after "insurer" insert "but does not include for purposes of licensing activities, persons who adjust loss or damage to crops or other persons who, in the commissioner's judgment, due to the temporary nature of their work should not be licensed under this chapter"

Page 5, line 3, replace "insurerer" with "insurer"

Renumber accordingly

SB 2350 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2353 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "52-01-01" insert "and section 52-06-06"

Page 1, line 2, after "unemployed" insert "and the weekly benefit amount earnings reduction for unemployed individuals"

Page 1, line 11, overstrike "if" and insert immediately thereafter "during which the individual is substantially unemployed and"

Page 1, after line 20, insert:

"SECTION 2. AMENDMENT. Section 52-06-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-06. Weekly benefit for unemployment. Each eligible individual who is unemployed with respect to any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the wages, if any, payable to him with respect to such week which is in excess of ~~one-half~~ sixty percent of his weekly benefit amount. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar. For the purposes of this section, wages are payable with respect to the weeks for which they were reasonably intended to be payable, irrespective of whether services were performed in those weeks."

Re-number accordingly

SB 2353 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2383 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 NOT PASS.

SB 2383 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2430 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 NOT PASS.

SB 2430 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was rereferred SB 2439 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "sections 32-19-06, 32-19-07, and" with "section"

Page 1, remove lines 5 through 22

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 11

Page 5, line 21, remove "as provided by section 32-19-07"

Page 5, line 23, after the period insert "If the mortgage is a first mortgage given to secure all or any part of the purchase price of the real estate, the mortgagee may only foreclose the purchase money mortgage or cancel or foreclose the contract as provided by sections 32-19-04 and 32-19-06. If a junior mortgagee brings an action to foreclose the mortgage secured by the real estate or redeems real estate that is the subject of a foreclosure action by a senior mortgagee, the junior mortgagee may only foreclose the mortgage, cancel or foreclose the contract as provided by sections 32-19-04 and 32-19-06, or redeem the real estate, and may not bring a separate action on the promissory note or other obligation of the mortgagor. The provisions of this section allowing a mortgagee to bring an action on the promissory note or other obligation of the mortgagor if the mortgagee waives the right to foreclosure of the mortgage given to secure the note or other obligation apply only to residential real property consisting of fewer than four residential units."

Renumber accordingly

SB 2439 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2451 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to party presidential candidates; to amend and reenact section 16.1-03-14 of the North Dakota Century Code, relating to election of delegates to the national party convention; and to repeal sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and 16.1-11-34 of the North Dakota Century Code, relating to the presidential preference primary.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 16.1-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

Precinct caucus to elect delegates to national party convention - Notice. On the fourth Tuesday in February in every presidential election year, a party caucus must be held for the purpose of nominating party presidential candidates. Notice of the caucus must be given as provided in section 16.1-03-01. The method of election of the required number of delegates and alternates to the national party convention may be determined by party rules.

SECTION 2. AMENDMENT. Section 16.1-03-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-03-14. Duties of state party convention. The state party convention provided for in this chapter shall:

1. Nominate the legal number of candidates for its party for the offices of presidential electors.

2. Elect a national committeeman and a national committeewoman.
3. ~~Elect the required number of delegates to the national party convention and a like number of alternates.~~
4. Conduct other business as shall come before the convention.

The candidate or candidates for nomination or election ~~shall~~ must be declared nominated or elected pursuant to the rules of the party involved, and the chairman and secretary of the convention shall issue certificates of nomination or election. ~~if any delegate to the national convention is unable to attend that convention, he shall designate, in writing, one of the alternates to attend and represent and act for him.~~ The names of the candidates nominated for presidential electors ~~shall~~ must be certified by the chairman and secretary of the convention to the secretary of state to be placed upon the general election ballot as provided by law.

SECTION 3. REPEAL. Sections 16.1-11-02, 16.1-11-03, 16.1-11-07, 16.1-11-23, and 16.1-11-34 of the North Dakota Century Code, and section 16.1-11-04 of the 1987 Supplement to the North Dakota Century Code are hereby repealed."

Renumber accordingly

SB 2451 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred SB 2453 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2453 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2460 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 NOT PASS.

SB 2460 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2470 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:

Page 1, line 9, after "based" insert "solely"

Renumber accordingly

SB 2470 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2472 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 NOT PASS.

SB 2472 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2481 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 13, after "form" insert "that is to be primarily marketed to persons over sixty years of age and"

Re-number accordingly

SB 2481 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2499 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:

Page 1, line 17, replace "seventy-five" with "sixty-five"

Page 1, line 18, replace "forty" with "thirty"

Page 2, line 3, after "rig" insert ", including recompletions and reentries"

Re-number accordingly

SB 2499 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2502 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after "the" insert "installation of ignition interlock devices, and the"

Page 1, line 7, replace "Seizure" with "Ignition interlock devices and the seizure"

Page 1, line 8, replace the first "vehicle" with "vehicles" and after the second "vehicle" insert "owned and"

Page 1, line 10, replace "must" with "may" and replace "in" with "pursuant to an order of the court at the time of sentencing"

Page 1, line 11, remove "the manner provided under chapter 29-31"

Page 1, line 14, after the period insert "The court may also require that an ignition interlock device be installed in the person's vehicle for a period of time that the court deems appropriate."

Renumber accordingly

SB 2502 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2511 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 9, replace "loaw" with "low"

Page 2, line 21, after "portfolio" insert ", not to exceed sixteen million dollars,"

Page 3, line 7, after "misdemeanor" insert "and is not eligible to receive funds under this program"

Page 3, line 13, after "factors" insert ", including similar competing businesses in the area,"

Page 5, line 12, after the period insert "If that information is deemed confidential by statute, the state treasurer, notwithstanding the provisions of sections 6-08.1-03, 6-08.1-04, and 6-08.1-05, may have access to the necessary information and the information must remain confidential."

Renumber accordingly

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

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2516 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 NOT PASS.

SB 2516 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2519 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.

SB 2519 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SCR 4045 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.

SCR 4045 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SCR 4048 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.

SCR 4048 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1028 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:

Page 1, line 3, remove "; and to provide an expiration date"

Page 2, remove lines 1 and 2

Renumber accordingly

HB 1028 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1062 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 5, after "records" insert ", regardless of form or characteristic,"

Page 1, line 8, replace "note, preliminary draft," with "record of a purely personal or private nature, a record that is attorney work product or is attorney-client communication, a record that reveals the content of private communications between a member of the legislative assembly and any person, and, except with respect to a governmental entity determining the proper use of telephone service, a record of telephone usage which identifies the parties or lists the telephone numbers of the parties involved."

Page 1, remove lines 9 through 17

Page 1, line 18, remove "form or characteristic."

Renumber accordingly

HB 1062 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1086 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.

HB 1086 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1091 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.

HB 1091 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1092 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.

HB 1092 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1093 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.

HB 1093 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1099 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.

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

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1106 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 13, after the overstruck period insert "A board eligible psychiatrist appointed as superintendent after July 1, 1989, must accomplish board certification within three years after the date of appointment."

Renumber accordingly

HB 1106 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1143 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.

HB 1143 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1156 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.

HB 1156 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred HB 1201 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 23, after line 11, insert:

"Exemption for home bakers and food product decorators. This chapter does not apply to independent home bakers and home food product decorators."

Renumber accordingly

HB 1201 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1227 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.

HB 1227 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

HB 1058: A BILL for an Act to establish a program of protective services for vulnerable adults; to repeal section 14-07.1-09 of the North Dakota Century Code, relating to immunity for making reports and penalties for making false reports; to provide a penalty; and to provide an effective date.

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

HB 1292: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to calcuttas as allowable games of chance; and to amend and reenact sections 53-06.1-07 and 53-06.1-07.1 of the North Dakota Century Code, relating to calcuttas as allowable games of chance.

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

HB 1539: A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to wholesale sales of unstamped cigarettes to enrolled tribal members; and to amend and reenact sections 57-36-02, 57-36-07, 57-36-08, 57-36-10, and 57-36-11 of the North Dakota Century Code, relating to the requirement that all cigarettes sold in North Dakota be stamped within the state and to allow licensed distributors to sell unstamped cigarettes to enrolled tribal members.

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

HB 1558: A BILL for an Act relating to certification of community investment and development corporations and providing income tax credits for investments by individuals and corporations in certified community investment and development corporations; to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to income tax credits; and to provide an effective date.

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

HB 1583: A BILL for an Act to amend and reenact section 27-11-22 of the North Dakota Century Code, relating to annual license fees to practice law.

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

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

PATRICIA CONRAD, Secretary