

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, February 16, 1989
The Senate convened at 1:00 p.m., with President Omdahl presiding.

The prayer was offered by Rev. Darrel Saathoff, Christ Lutheran Church, Minot.

Lord, God, we come today on behalf of all of us as individuals, on behalf of this body of Senators as legislators of our state, and we come on behalf of our state and its citizens.

We pause in the midst of all the intense business at hand to recognize that there is the daily need to be still and know that You are God and that we are creatures of Your world.

Almighty God, as the content of government is forged there is give and take, conversation and debate, agreement and disagreement, proposals and responses, positions and revisions, we seek the workable. We need You in this formidable arena - Your presence, Your mercy, Your judgment, Your wisdom, Your love. You are needed as perspectives are shared and as unnumbered agendas merge, demanding attention and decision. Give to the leaders, the Senators, and their helpers, grace in the midst of decisions.

For the sake of God and state, we pray. Amen.

The roll was called and all Senators were present.

A quorum was declared by the President.

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 1016, HB 1018, HB 1169, HB 1213, HB 1235, HB 1300, HB 1324, HB 1332, HB 1402, HB 1515, HB 1565, HB 1608, HB 1651.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2001, SB 2013, SB 2015, SB 2074, SB 2153, SB 2182, SB 2281, SB 2298, SB 2303, SB 2308, SB 2333, SB 2335, SB 2336, SB 2338, SB 2380, SB 2384, SB 2389, SB 2393, SB 2397, SB 2398, SB 2436, SB 2457, SB 2464, SB 2467, SB 2482, SCR 4034, SCR 4037, SCR 4039.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled resolution: SCR 4051.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SCR 4051.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2237 as recommended by the Committee on Industry, Business and Labor as printed on pages 639-640 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 2237 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 2237: A BILL for an Act to amend and reenact sections 65-02-06, 65-05-01, 65-05-02, 65-05-09.1, 65-05-15, 65-05-17, 65-05-25, 65-05-28, 65-05-29, 65-05-30, 65-05-32, 65-05-33, and 65-08-01 of the North Dakota Century Code, relating to workers' compensation and utilization review, reinsurance, financial and management consultation, filing on behalf of an injured worker, physician's certificate of physical examinations, offset in cases of social security overpayment, aggravation law application, death benefits, bureau ordered independent medical evaluations, offset in cases of overpayment, medical information available to the bureau, privacy rights of claimants, definition of a false claim, providing a penalty for filing a false claim, bureau authority to compromise and settle disputed claims, and out-of-state job sites; and to provide a penalty.

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; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Mushik

SB 2237 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to SB 2244 as recommended by the Committee on Education as printed on page 640 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

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

SEN. HEINRICH MOVED that the amendments to SB 2259 as recommended by the Committee on Education as printed on pages 640-641 of the Senate Journal be

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

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

SEN. LANGLEY MOVED that the amendments to SB 2263 as recommended by the Committee on Industry, Business and Labor as printed on page 641 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. SCHOENWALD MOVED that SB 2263 be further amended as follows:

Page 6, line 8, remove the overstrike over "~~twenty~~", remove "~~twenty-five~~", and overstrike "original" and insert immediately thereafter "current"

Page 6, line 21, remove the overstrike over "~~twenty-five~~" and remove "~~thirty~~"

Page 6, line 22, overstrike "original" and insert immediately thereafter "current"

Renumber accordingly

MOTION

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

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

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2309 as recommended by the Committee on Appropriations as printed on page 641 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. LANGLEY MOVED that the amendments to SB 2323 as recommended by the Committee on Industry, Business and Labor as printed on pages 641-642 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. TALLACKSON MOVED that the amendments to SB 2334 as recommended by the Committee on Appropriations as printed on pages 642-643 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. LANGLEY MOVED that the amendments to SB 2350 as recommended by the Committee on Industry, Business and Labor as printed on page 643 of the

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

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

MOTION

SEN. HEIGAARD MOVED that as Congressman Byron Dorgan is in the Senate Chamber, a committee of two be appointed to escort him to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Sens. Krauter and Thane.

Congressman Dorgan was escorted to the rostrum and introduced to the Assembly.

REMARKS OF BYRON L. DORGAN, UNITED STATES CONGRESSMAN

Lieutenant Governor Omdahl, thank you very much. Senators and distinguished guests, a couple of observations as I walked into the room. The Lieutenant Governor is speaking faster than I have ever heard him speak, if that is possible. Second, I remember as I walk in this legislative room that you are forced under almost impossible circumstances to do an enormous amount of work in a very short time, and I compared that as I was walking in with what happens in Congress where you start in January and then sort of come to a crunch in November or December with forty percent of the legislation occurring in the last forty-eight hours. I admire once again the restraints that you operate under and the enormous amount of work that you do.

John F. Kennedy used to say that every mother in America wanted her son to be able to grow up to be President as long as he did not have to get active in politics. We have a congressman, when he left the U.S. House of Representatives, who stood on the floor and wished everyone well, and said "I hope for your future legislative success and hope that your mothers don't find out where you work." A lot of people, I think, in this country believe that somehow the process is all right, but politics itself is all wrong, and I think you especially, in the legislative process here in North Dakota, those of us in the U.S. Congress, and the mayors and the city commissioners all around this country understand that the political process itself is what makes this country work. The process by which we make decisions in this country, here in this room, and in the U. S. Congress, is an honorable process. And it is one that I am proud of and it is one that I learned, at least to the extent that I have learned at all, in the early stages of my political career standing in the back of this railing watching the North Dakota House and Senate in action.

This body is taking action this session and has taken actions in the past session that speak of wild successes and spectacular failures. But that is part and process of making decisions. And I guess you would have had to have served in a legislative body to ever understand that there is no button in between red or green, yes or no, and every one of you sitting here I am sure feel as I do from time to time that you wish there was a button that says "I'm not ready" or "maybe" or "give me some more time" or the refrain that Calvin Trillion used as a title for his graduation speech to the college when his daughter graduated two years ago. The title of his speech was "It's Too Soon To Tell." It would kind of be nice to have a button "it's too soon to tell". But it is yes or no, and a very short time on some very difficult issues.

The successes and failures I suppose are what people remember about both the state legislature and the U. S. Congress. And I do not know whether you had a chance to notice what was happening in Washington recently. Did you get any press reports out here about the proposed Congressional pay raise? Incidentally, in case any of your constituents ask, that was voted down but I had one constituent in North Dakota who called me about it and said, "Look, I can understand \$135,000 for the whole bunch of you, but not each."

I saw Senator Vosper last week and he was telling me that you and your phone bank had received some calls asking you to vote against the proposed Congressional pay hike. And I said, well it is only fair. I have been getting calls asking me to vote against Sunday opening. So it is sort of reciprocal treatment between the U. S. Congress and the state legislature.

Let me, if I might, just in a couple of minutes, give you a couple of thoughts about something that I think all of us, Republicans, Democrats, and Independents, need to be addressing and addressing in a much different way and a much more aggressive way than we have ever addressed before. This state and not just us, but South Dakota, Wyoming, Iowa, the midwest, the farm belt, has had a significant problem in recent years. And that problem is while the rest of the country is experiencing economic development and economic growth, while we read the periodicals and they say we are going through an almost unprecedented period of economic prosperity, we understand that year after year we have suffered an economic recession in North Dakota. And we have to try do something about that.

Our state's history is an interesting one. Two years before Custer went out to meet Sitting Bull in Montana, a fellow named Jim Holes from Cass County, many of you probably know the story well, loaded up some wheat and hauled it to Fargo. He had planted forty acres that spring. He harvested forty acres in August and began hauling it to Fargo. He hauled 1,600 bushels of wheat to Fargo and got \$2,000 for it. The newspapers in North Dakota said that this is almost better than a gold mine. "Owning a quarter of land," one North Dakota newspaper said, "is better than owning a gold mine." It produced this unprecedented boom of bonanza farms. One farm had 400 teams of horses. That is what happened. That is the boom. And we have had the ups and downs with spectacular agricultural production ever since.

Then in 1951 Clarence Iverson I brought in oil, and we had the ups and downs of energy. But the fact is there is not one person in this room and not one person in the U. S. Congress that can do anything about the price of wheat or can do anything about the price of oil. Oh, we can try at the margins - oil import fees, a better farm program - but the fact is the international price of wheat and the international price of oil is not going to be affected very much by what you and I do.

If that is the case, then do we just sit around here and say well, now, let us just wring our hands and hope for the next ten years that something good happens with the price of wheat? Or let us just hope that something good happens with the price of oil, because if that happens, then North Dakota can once again participate in this economic expansion.

Well, the fact is that does not make much sense. As I look out I see most of you who are pretty highly motivated men and women in North Dakota and most of you are successes in various parts of this state. You do not become successful by sitting around wringing your hands wondering what is going to happen to you. You become successful by deciding what you must do to make

things happen for you. And that is our obligation for North Dakota in my judgment.

Now I think, in North Dakota, far too long we have been thinking small. I mean, we all talk about it. It is a small state, small in population. I think we aim too low. I think we ought to think bigger and aim higher. I remember when I was studying economics, getting my master's degree, reading about a banker who said to a fellow "You owe me a thousand dollars, you don't sleep at night. You owe me a million dollars, I do not sleep at night." His point was think big.

And I think we have to start thinking big in terms of economic development. Let me describe just a little bit about what I mean.

About four weeks ago the president of Citicorp Bank, one of the biggest banks in America, said to me that the midwest and the Dakotas are the best kept secrets in the industrialized world. He said "I've got 2,000 employees down in Sioux Falls, South Dakota, processing information processing." He said, "Why, absenteeism is lower, the quality of work is higher, the wages are much more competitive than downtown New York or Los Angeles. That's the best kept secret in the world."

There are a lot of things that we in the Dakotas and we in the midwest can do together to try to crank up some effort to attempt to develop our own destiny rather than just wait to have things happen to us. Some things you can do and some things we can do, you in the state legislature and we in the U. S. Congress.

Let me describe to you some legislation I am working on. I am working on a rural America fair share program. Fact is, everytime something happens around this country, we kind of get left in the lurch. UDAG grants, well, that is fine. We got a few bucks from UDAG grants, but they are pretty well zeroed out now and the fact is for every few dollars we got, the coasts got the cake and we got the crumbs.

Defense contracts - even with our two air bases, we rank 49th per capital in the country in direct and indirect spending in defense. Now defense is a \$300 billion a year item, and it is not going to go away, and should not. It is going to be there forever, and it buys everything from shoes to pencils, from howitzers to tanks. It buys everything. And the point is the economic impact and the jobs that relate from that long-term continuing spending ought to be spread about this country in a much fairer proportion. Why should we stack those jobs on top of each other in Los Angeles, Texas, or Massachusetts, and find that Iowa and Wyoming and North Dakota rank 49th, 47th, and 42nd. It does not make any sense.

We need a fairer share of federal contracting and a fairer share of federal grants. Part of it would also be to get the federal government to pay their taxes. Now they come out in our states and they buy land. But then they do not pay property taxes. The payment in lieu of taxes is less than half in some instances of what it ought to be paying. I propose about a five-step program that I am working on with some others, trying to get a coalition in the midwest to develop so that we can try to bring ourselves some opportunities outside of agriculture and outside of energy.

Yes, our hopes rest on both, and they are important to this state and will always be important to this state. But we must do more. I would like to see when Jack Kemp comes to us again, as he will, and say "I want to pursue these

urban enterprise zones", I would like to see us say to Jack and the U. S. Congress, that we want rural America investment zones. That is what we want. If we are going to have tax credits for investments, let us do them in rural America. I would like to see a payment in lieu of taxes bill that requires the federal government to pay full taxes on all its property, not just in North Dakota, but all around the country. I would like to see an oil import fee. I do not know whether that will happen, but chances are better with George Bush in the White House, as a matter of fact.

There are a host of things that I think could happen in the area of defense contracting, grants, payment in lieu of taxes, rural development investment zones, and others that could be very helpful to us.

Finally, a lot of good things are happening in this state. I take a look at what is going on at the University of North Dakota and NDSU. Massive amounts of research are occurring at our institutions, and around that research like a magnet will come jobs. It has happened all around this country. And my message, I guess to you, is to work with us. Local government, state government, and the federal government need to figure out how we work together in a bipartisan way to better effect our destiny and bring economic growth to North Dakota. In the area of information processing, the opportunities are endless, if we are willing to make investments. Now the structure of those investments I do not know what you ought to do, and I have not studied the proposals.

But I would say this, "Raise your aim. Think much, much bigger. Make significant investments." Somehow, so that local governments who are doing a lot of work in this, so that the state government can become a significant partner in that work, a significant economic partner. And so that what we do in the federal level will tie into it so that the culmination and combination of all of those efforts can bring jobs to North Dakota, can say to the rest of the country that we are flat-out tired of sending cheap food and cheap energy so that you can experience an economic expansion while we suffer an economic recession. That is simply not good enough for us. And we can do a lot better if we patiently start to make the right decisions.

The former chief executive officer of Control Data, Mr. Norris, said something to me that I have not forgotten. I am very interested in venture capital for our area of the country. He said, "I am willing to work with you, Byron, on developing venture capital for your region, if you give me this commitment, that if you are interested in this for the long term. If you are interested in working on it for six months or a year, let's not bother. But if you want to invest five or ten years in trying to change things in the midwest, then let's get together and try and do something about it, because it requires patience. But it requires that you think big."

And I would just urge all of us today as George Bush did in his inaugural address. He said, "You know, the voters did not elect any of us to bicker with each other." I would urge all of us, Republicans and Democrats, to decide that this state is far too great a state for us to sit back and wring our hands and say "Let us see what happens to oil and wheat." Yes, let us do what we can to effect that, but let us do much, much more. Let us join hands and do what we can to build a much stronger, a much more diverse, and a much better economic future for not only us but our children in North Dakota. Thank you very much.

MOTION

SEN. HEIGAARD MOVED that the remarks of Congressman Dorgan be printed in the Journal, which motion prevailed.

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

MR. PRESIDENT: The Speaker has signed: SCR 4051.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2353 as recommended by the Committee on Industry, Business and Labor as printed on pages 643-644 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. J. MEYER MOVED that the amendments to SB 2439 as recommended by the Committee on Judiciary as printed on pages 644-645 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2439 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 2439: A BILL for an Act to amend and reenact section 32-19.1-07 of the North Dakota Century Code, relating to mortgage foreclosure actions and other actions where real property secures the debt.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 30 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Heinrich; Holmberg; Kinnoin; Krebsbach; Lips; Lodoen; Meyer, J.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Satrom; Stenehjerm; Streibel; Thane; Todd; Vosper

NAYS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Hilken; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, W.; Mushik; O'Connell; Redlin; Richard; Robinson; Schoenwald; Shea; Stromme; Tallackson; Tennefos; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

SB 2439 lost.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 1:50 p.m., February 16, 1989: SCR 4051.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2451 as recommended by the Committee on Judiciary as printed on pages 645-646 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2451 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 2451: A BILL 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 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; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2451 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to SB 2470 as recommended by the Committee on Education as printed on page 646 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. LANGLEY MOVED that the amendments to SB 2481 as recommended by the Committee on Industry, Business and Labor as printed on page 646 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. SATROM MOVED that the amendments to SB 2499 as recommended by the Committee on Finance and Taxation as printed on page 647 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. J. MEYER MOVED that the amendments to SB 2502 as recommended by the Committee on Judiciary as printed on page 647 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. LANGLEY MOVED that the amendments to SB 2511 as recommended by the Committee on Industry, Business and Labor as printed on pages 647-648 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

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

MOTIONS

SEN. MAIXNER MOVED that Senate Rule 507 be amended to read "thirty-fourth legislative day" instead of "thirty-first legislative day", which motion prevailed.

SEN. RICHARD MOVED that SB 2478 be returned to the Senate floor from the Committee on Agriculture, which motion prevailed.

REQUEST

SEN. RICHARD REQUESTED the unanimous consent of the Senate to withdraw SB 2478. There being no objection, it was so ordered by the President.

MOTION

SEN. DOTZENROD MOVED that SB 2495 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

REQUEST

SEN. DOTZENROD REQUESTED the unanimous consent of the Senate to withdraw SB 2495. There being no objection, it was so ordered by the President.

MOTION

SEN. MAIXNER MOVED that SB 2073 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

REQUEST

SEN. MAIXNER REQUESTED the unanimous consent of the Senate to withdraw SB 2073. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILLS

SB 2004: A BILL for an Act making an appropriation for defraying the expenses of the upper great plains transportation institute.

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

NAYS: None

ABSENT AND NOT VOTING: Maixner; Naaden

SB 2004 passed and the title was agreed to.

SB 2008: A BILL for an Act making an appropriation for defraying the expenses of the aeronautics commission of the state of North Dakota.

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; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Naaden

SB 2008 passed and the title was agreed to.

SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs of the state of North Dakota; and to provide for a transfer from the veterans' postwar trust fund.

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 53 YEAS, 0 NAYS, 0 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; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2009 passed and the title was agreed to.

SB 2024: A BILL for an Act making an appropriation for defraying the expenses of the workers compensation bureau and the divisions thereof of the state of North Dakota.

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; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maixner

SB 2024 passed and the title was agreed to.

SB 2089: A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to the creation of a cash bond fund for the plugging of abandoned oil and gas wells and the reclamation of abandoned oil and gas well sites; 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 PASS, the roll was called and there were 33 YEAS, 19 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Waldera; Wogsland

NAYS: David; Freborg; Holmberg; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Streibel; Tennefos; Thane; Todd; Vosper; Yockim

ABSENT AND NOT VOTING: Maixner

SB 2089 passed and the title was agreed to.

SB 2395: A BILL for an Act to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to the application of wage and hour standards to persons providing companionship services, personal care services, and family home care.

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 31 YEAS, 22 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Ewen; Freborg; Holmberg; Ingstad; Kinnoin; Krebsbach; Langley; Lips; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper

NAYS: Axtman; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Lashkowitz; Maixner; Mathern; Maxson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Tallackson; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

SB 2395 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the Senate stand at recess until 4:00 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2473: A BILL for an Act to require the use of a pupil's legal surname in schools; and to amend and reenact section 32-28-02 of the North Dakota Century Code, relating to petitions for change of name in district court.

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 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Keller; Meyer, D.; Naaden; Satrom

SB 2473 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4046: A concurrent resolution urging school districts to adopt a policy to begin the school year after Labor Day.

The question being on the final adoption of the amended resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SCR 4046 was declared lost on a verification vote.

SECOND READING OF SENATE BILLS

SB 2070: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the designation of financial institutions for the deposit of certain income of state educational institutions under the control of the state board of higher education; and to amend and reenact section 21-04-02 of the North Dakota Century Code, relating to the deposit of public funds.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 20 YEAS, 32 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Ingstad; Krebsbach; Lips; Lodoen; Maxson; Moore; Mutch; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Stenehjelm; Streibel; Tennefos; Thane; Todd

NAYS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelsh; Kinnoin; Krauter; Langley; Lashkowitz; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

SB 2070 lost.

SB 2102: A BILL for an Act to adopt the Uniform Law on Notarial Acts; to amend and reenact sections 47-19-14.7 and 47-19-33 of the North Dakota Century Code, relating to notarial acts; and to repeal sections 47-19-13, 47-19-14, 47-19-14.1, 47-19-14.2, 47-19-14.3, 47-19-14.4, 47-19-14.5, 47-19-14.6, 47-19-14.8, 47-19-18, 47-19-20, 47-19-26, 47-19-27, 47-19-28, 47-19-29, 47-19-32, 47-19-34, and 47-19-35 of the North Dakota Century Code, relating to notarial acts and acknowledgments; and to provide an effective date.

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 0 YEAS, 51 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Axtman; David; 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; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Naaden

SB 2102 lost.

MOTIONS

SEN. LANGLEY MOVED that the vote by which SB 2395 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SEN. SATROM MOVED that SB 2293 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2324: A BILL for an Act to amend and reenact sections 21-10-01, 28-32-08, subsection 1 of section 54-07-01.2, sections 65-01-02, 65-01-12, 65-02-01, 65-02-02, 65-02-05, 65-02-06, 65-02-09, 65-02-12, 65-04-11, 65-04-13, 65-04-31, 65-05-17, 65-05.1-03, 65-05.1-06, 65-08-04, 65-11-01, and 65-12-01 of the North Dakota Century Code, relating to the establishment of the director of the workers compensation bureau; and to repeal sections 65-02-03 and 65-02-04 of the North Dakota Century Code, relating to the commissioners of the workers compensation bureau.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 18 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: David; Ewen; Freborg; Holmberg; Ingstad; Kinnoin; Krebsbach; Langley; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Yockim

NAYS: Axtman; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Lashkowitz; Mathern; Mushik; O'Connell; Richard; Robinson; Schoenwald; Shea; Waldera; Wogsland

ABSENT AND NOT VOTING: Dotzenrod; Naaden

SB 2324 passed and the title was agreed to.

MOTION

SEN. OLSON MOVED that the vote by which SB 2324 passed be reconsidered and the motion to reconsider be laid on the table, which motion lost on a verification vote.

SECOND READING OF SENATE BILLS

SB 2346: A BILL for an Act to amend and reenact sections 32-19-04, 32-19-06, and 32-19.1-07 of the North Dakota Century Code, relating to deficiency judgments.

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 19 YEAS, 32 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Holmberg; Krebsbach; Lips; Lodoen; Moore; Mutch; Nelson; Nething; Olson; Peterson; Schoenwald; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper

NAYS: Axtman; Ewen; Hanson; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; O'Connell; Redlin; Richard; Robinson; Satrom; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Naaden

SB 2346 lost.

SB 2415: A BILL for an Act to amend and reenact section 43-11-05 and paragraph 1 of subdivision a of subsection 1 of section 43-11-28 of the North Dakota Century Code, relating to powers of the state board of cosmetology and license fees.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 23 YEAS, 28 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Heigaard; Holmberg; Ingstad; Keller; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Olson; Richard; Robinson; Satrom; Schoenwald; Shea; Tallackson; Thane; Waldera; Yockim

NAYS: Axtman; David; Ewen; Freborg; Hanson; Heinrich; Hilken; Kelsh; Kinnoin; Krebsbach; Lodoen; Meyer, D.; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Stenehjem; Streibel; Stromme; Tennefos; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: Dotzenrod; Naaden

SB 2415 lost.

SB 2418: A BILL for an Act to create and enact a new section to chapter 48-02 of the North Dakota Century Code, relating to bid requirements and acceptance for building and repair contracts; and to amend and reenact sections 48-02-04 and 48-02-06 of the North Dakota Century Code, relating to the contents of bid advertisements and awarding contracts.

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 27 YEAS, 24 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Freborg; Heigaard; Heinrich; Kelsh; Kinnoin; Krauter; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Ewen; Hanson; Hilken; Holmberg; Ingstad; Keller; Krebsbach; Langley; Lodoen; Meyer, J.; Meyer, W.; Moore; Mutch; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Dotzenrod; Naaden

SB 2418 passed and the title was agreed to.

MOTIONS

SEN. NALEWAJA MOVED that the vote by which SB 2415 lost be reconsidered and the motion to reconsider be laid on the table.

SEN. HEIGAARD MOVED that the Senate stand in recess for ten minutes, which motion prevailed.

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

Sen. Nalewaja's motion failed on a verification vote.

MOTION

SEN. HEIGAARD MOVED that SB 2427 and SB 2472, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2428: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to payment for chiropractic services under contracts issued by health service corporations; and to amend and reenact subsection 9 of section 26.1-17-01 of the North Dakota Century Code, relating to practitioners entitled to contract with health service corporations.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 36 YEAS, 15 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heinrich; Hilken; Ingstad; Keller; Kelsh; Krauter; Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nelson; O'Connell; Olson;

Redlin; Richard; Robinson; Schoenwald; Streibel; Stromme; Tallackson; Tennefos; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Ewen; Heigaard; Holmberg; Kinnoin; Krebsbach; Langley; Lips; Moore; Mutch; Nalewaja; Nething; Peterson; Shea; Stenehjem; Thane

ABSENT AND NOT VOTING: Naaden; Satrom

SB 2428 passed and the title was agreed to.

SB 2468: A BILL for an Act to amend and reenact sections 27-02-05.1, 27-03-01, subsection 1 of section 27-05-30, sections 27-06-01 and 27-20-05 of the North Dakota Century Code, relating to the status of supreme court and district court personnel.

ROLL CALL

The question being on the final passage of the 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; 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; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Naaden; Satrom

SB 2468 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that Senate Rule 326, part 1, be suspended and that SB 2479 not be rereferred to Committee on Appropriations, should it pass, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2479: A BILL for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of a child care center at the university of North Dakota; and to provide an appropriation.

MOTION

SEN. D. MEYER MOVED the previous question, which motion prevailed on a verification vote.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 36 YEAS, 15 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Olson; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Hanson; Keller; Kinnoin; Lodoen; Moore; Mutch; Nalewaja; Nelson; Nething; Peterson; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Naaden; Satrom

SB 2479 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Ninth order of business, and at the conclusion of the Ninth 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 SB 2475, SB 2432, SB 2387, SB 2504, SB 2463, SB 2523, SB 2413, SB 2368, SB 2349, SB 2274, and SCR 4041, the Senate stand adjourned until 12:30 p.m., Friday, February 17, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2028 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, remove the second "and"

Page 1, line 4, after "date" insert "; and to declare an emergency"

Page 3, line 25, replace "The rate" with "A tax is hereby imposed upon every individual or fiduciary, to be levied, collected, and paid annually with respect to the North Dakota taxable income of every individual or fiduciary, as defined in this chapter, computed at the following rates:

SINGLE PERSONS AND MARRIED PERSONS FILING SEPARATELY

If North Dakota taxable income is:	The tax is:
Not over \$18,000	2.85% of taxable income
Over \$18,000 but not over \$40,000	\$513 plus 5.3% of the amount over \$18,000
Over \$40,000	\$1,679 plus 6.3% of the amount over \$40,000

JOINT RETURNS OF HUSBAND AND WIFE AND HEAD OF HOUSEHOLD

If North Dakota taxable income is:	The tax is:
Not over \$30,000	2.85% of taxable income

Over \$30,000 but not over \$70,000	\$855 plus 5.3% of the amount over \$30,000
Over \$70,000	\$2,975 plus 6.3% of the amount over \$70,000

ESTATES AND TRUSTS

If North Dakota taxable income is:	The tax is:
Not over \$5,000	2.85% of taxable income
Over \$5,000 but not over \$13,000	\$143 plus 5.3% of the amount over \$5,000
Over \$13,000	\$567 plus 6.3% of the amount over \$13,000"

Page 3, remove line 26

Page 6, after line 2, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2028 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 2029 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 14, replace "twenty" with "nineteen"

Renumber accordingly

SB 2029 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 rereferred SB 2256 has had the same under consideration and recommends by a vote of 4 YEAS, 2 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, replace "65-01-2" with "65-01-02, 65-05-02"

Page 1, line 2, remove "and" and after "65-05-13" insert ", 65-05-28, and subsection 2 of section 65-13-10"

Page 1, line 20, remove "or artificial"

Page 1, line 21, remove "members", after the third underscored comma insert "or", and remove ", limbs, eyes, or"

Page 2, line 1, remove "teeth"

Page 2, line 8, replace "physician" with "doctor"

Page 2, line 11, replace "physician" with "doctor"

Page 2, line 18, after "equipment" insert "unless the bureau otherwise orders"

Page 2, line 19, remove the second underscored comma

Page 2, line 20, remove "in its sole discretion,"

Page 2, line 23, replace "physician" with "doctor"

Page 2, line 24, replace "physician" with "doctor"

Page 4, line 28, remove ", and artificial"

Page 4, line 29, remove "replacements"

Page 5, line 5, remove ", objectively viewed"

Page 7, after line 10, insert:

"12. "Doctor" means doctor of medicine, chiropractor, osteopathy, dentists, optometrist, podiatrist, or psychologist acting within the scope of the doctor's license."

Page 7, line 11, replace "12." with "13."

Page 8, line 22, replace "13." with "14."

Page 9, line 6, replace "14." with "15."

Page 9, line 9, replace "15." with "16."

Page 10, line 11, replace "16." with "17."

Page 10, line 13, replace "17." with "18."

Page 10, line 14, replace "18." with "19."

Page 10, line 18, replace "19." with "20."

Page 11, line 1, replace "20." with "21." and replace "physician" with "doctor"

Page 11, line 4, replace "physician" with "doctor"

Page 11, line 5, replace "21." with "22."

Page 11, line 6, replace "22." with "23."

Page 11, line 7, replace "23." with "24."

Page 11, remove lines 17 through 19

Page 13, line 23, after the underscored period insert "The average weekly wage as determined under this section must be rounded to the nearest dollar."

Page 14, remove lines 11 and 12

Page 14, after line 14, insert:

"SECTION 2. AMENDMENT. Section 65-05-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-02. Form in which claim shall be filed. Every claim shall be made on forms to be furnished by the bureau and shall contain all the information required by it. Each claim shall be signed by the person entitled to compensation or by the person acting on his behalf and, except in case of death, shall be accompanied by a certificate of the employee's ~~physician~~ doctor stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown, the bureau may waive the provisions of this section."

Page 15, line 8, replace "~~physician~~" with "doctor"

Page 15, line 14, replace "~~physician's~~" with "doctor's"

Page 19, after line 3, insert:

"SECTION 6. AMENDMENT. Section 65-05-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

65-05-28. Examination of injured employee - Paid expenses - No compensation paid if claimant refuses to reasonably participate. After suffering an injury, an employee, as frequently and at such times and places as reasonably may be required, shall submit himself to examination by a duly qualified ~~physician~~ doctor designated or approved by the bureau. The employee may have a duly qualified ~~physician~~ doctor designated and paid by him present to participate in such examination. In case of any disagreement between ~~physicians~~ doctors making an examination on the part of the bureau and the employee's ~~physician~~ doctor, the bureau shall appoint an impartial ~~physician~~ doctor duly qualified who shall make an examination and shall report thereon to the bureau. The employee, in the discretion of the bureau, may be paid his reasonable traveling and other expenses and loss of wages incurred in submitting to any such examination. If the employee refuses to submit himself for, or in any way obstructs, any examination, or refuses reasonably to participate in medical treatments, his right to claim compensation under this title shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

SECTION 7. AMENDMENT. Subsection 2 of section 65-13-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. If the mental, physical, or emotional condition of a victim or claimant is material to a claim, the board may order the victim or claimant to submit to a mental or physical examination by a ~~physician~~ doctor or psychologist, and may order an autopsy of a deceased victim. The order may be made for good cause shown upon notice to the person to be examined and to all persons who have appeared. The order shall

specify the time, place, manner, conditions, and scope of the examination or autopsy and the person by whom it is to be made, and shall require the person to file with the board a detailed written report of the examination or autopsy. The report shall set out his findings, including results of all tests made, diagnoses, prognoses, and other conclusions and reports of earlier examinations of the same conditions."

Renumber accordingly

SB 2256 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 Engrossed SB 2274 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

Engrossed SB 2274 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 2320 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 2, replace "two" with "four" and after the second "to" insert "the establishment of a regulatory reform review commission and"

Page 1, line 3, after the semicolon insert "and"

Page 1, line 5, after "49-21-04," insert "49-21-04.1,"

Page 1, line 6, remove "; and to repeal section 49-21-04.1 of the North"

Page 1, remove line 7

Page 1, line 8, remove "telecommunications companies"

Page 1, line 19, remove "essential"

Page 2, line 2, after the underscored period insert "Switched access" includes:

a. Local exchange central office switching and signaling;

b. Operator and recording intercept of calls;

c. Termination of end user lines in the local exchange central office; and

d. The carrier common line charge for the line between the end user's premises and the local exchange central office.

2. "Essential telecommunications price factor" means the annual change in a company's input cost index reduced by fifty percent of that company's productivity incentive adjustment."

Page 2, line 3, replace "2." with "3."

Page 2, line 4, remove "absolutely" and remove "the switched"

Page 2, line 5, replace "carriers" with "telecommunications companies" and remove "voice"

Page 2, line 6, after the underscored period insert "A charge based on usage may not be required for residential and business local exchange service. Essential telecommunications services include:

- a. Access;
 - b. Any new product or service, not existing on July 1, 1989, but deemed essential by the commission after notice and hearing in accordance with chapter 28-32;
 - c. Billing and collection of the billing company's own essential telecommunications services;
 - d. Directory listing and local exchange directory assistance;
 - e. Emergency 911 services and operator assistance in local exchange areas in which emergency 911 service is not available;
 - f. Except as provided in section 49-02-01.1, mandatory, flat-rate extended area service to designated nearby local exchange areas;
 - g. Service connection to the local exchange network;
 - h. Telecommunications service provided to allow transmission service and termination between an interexchange company's premises and the local exchange central office switch, but only that portion provided for a distance of five miles [8.05 kilometers] or less from the central office, for the origination or termination of the interexchange company's telecommunications services; and
 - i. Transmission service between the end user's premises and the local exchange central office switch including signaling service such as touchtone used by end users for essential telecommunications services.
4. "Input cost index" means a comparison of the cost of all goods and services purchased by a telecommunications company to the cost of the same goods and services in a base year.
 5. "Interexchange telecommunications company" means a person providing telecommunications service to end users located in separate local exchange areas."

Page 2, line 7, replace "3." with "6."

Page 2, line 11, replace "4." with "7."

Page 2, line 16, replace "5." with "8."

Page 2, after line 19, insert:

"9. "Productivity incentive adjustment" means a telecommunications company's expected average annual change in productivity. "Productivity" means a measure of a telecommunications company's total output of services and products to the total amount of input of resources used to produce those services and products."

Page 2, line 20, replace "6." with "10."

Page 2, line 22, replace "7." with "11."

Page 3, line 3, remove "specifically"

Page 3, line 12, replace "The" with "For telecommunications companies with over fifty thousand end users, the"

Page 3, line 18, remove "Prices for essential telecommunications services, and all prices"

Page 3, remove line 19

Page 3, line 20, remove "1989, are fair and reasonable." and replace "such" with "essential telecommunications services"

Page 3, line 28, replace "up to fifty percent" with "according to the essential telecommunications price factor. Increases or decreases may be reflected in prices after notice to the company's customers one billing period in advance. The commission shall set a company's price factor to be effective January 1, 1990, and annually thereafter."

Page 3, remove line 29

Page 4, line 1, remove "published by the federal bureau of labor statistics."

Page 4, line 3, remove "at the discretion and business judgment"

Page 4, line 4, remove "of the company,"

Page 4, line 5, replace "fifty percent of the annual cumulative change in the" with "the essential telecommunications price factor"

Page 4, line 6, remove "latest consumer price index"

Page 4, after line 12, insert:

"SECTION 6. A new section to chapter 49-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

Purchase of essential telecommunications services. Customers of any telecommunications company must be permitted to purchase essential telecommunications services separate from all other telecommunications services.

SECTION 7. A new section to chapter 49-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

Regulatory reform review commission - Appointments - Report to legislative council. The regulatory reform review commission shall review the operation and effect of this Act and shall submit a report regarding its operation and effect to the legislative council in 1994. The regulatory reform review commission consists of the members of the public service commission, two members of the senate, appointed by the president of the senate, and two members of the house of representatives, appointed by the speaker. The public service commission shall provide technical assistance to the regulatory reform commission and the legislative council shall provide staff services. The expenses of the regulatory reform review commission while carrying out its duties under this Act including expenses incurred for holding meetings and preparing reports shall, upon the order of the public service commission, be paid by the telecommunications companies affected by this Act in the manner provided in section 49-02-02."

Page 4, line 28, replace "contestable" with "competitive"

Page 5, line 3, replace "contestable" with "competitive"

Page 7, after line 9, insert:

"SECTION 11. AMENDMENT. Section 49-21-04.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-21-04.1. Maximum and minimum rates - Changes. Notwithstanding the provisions of section 49-05-05 to the contrary, for a telecommunications company that elects to remain subject to the commission's rate and rate of return regulation, the commission may approve schedules of rates for a service that establishes only maximum rates, only minimum rates, or both minimum and maximum rates. A telecommunications company having such an approved schedule may, with respect to the services covered by the schedule, change its rates after such notice to the public and commission as the commission prescribes."

Page 7, line 21, after the second period insert "There is a rebuttable presumption that prices for essential telecommunications services in effect on July 1, 1989, are fair and reasonable." and after "Any" insert "person"

Page 7, overstrike line 22

Page 7, line 23, overstrike "patrons of a telecommunications company"

Page 7, line 24, remove "affected by a price change" and overstrike the comma

Page 7, line 25, after "commission" insert ", or the commission on its own motion may begin investigation,"

Page 7, line 29, after "inadequate" insert ". This section must be construed to authorize the commission to set aside any unreasonable or inadequate price set by a telecommunications company for the connection between facilities of two or more telecommunications companies and for the transfer of telecommunications, provided this section may not be

construed to set aside any price set by contract between telecommunications companies and in effect on July 1, 1989, upon complaint by one of the parties to the contract that the price is unreasonably high. Other complaints are subject to the commission's authority pursuant to section 49-05-01"

Page 8, line 18, replace "aggregate essential costs" with "price"

Page 9, remove lines 7 and 8

Renumber accordingly

SB 2320 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 2332 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 14, after the first underscored "or" insert "willfully"

Page 1, line 15, after "a" insert "firearm or"

Page 2, line 12, remove "and fines"

Page 2, line 26, replace "first" with "third" and replace "at least a year" with "ten years"

Page 2, line 27, remove "and a day"

Page 3, line 1, replace "second" with "fourth or subsequent" and replace "at least five" with "twenty years."

Page 3, remove lines 2 through 5

Page 3, line 11, replace "first" with "third" and replace "at least eight" with "five years"

Page 3, line 12, remove "months"

Page 3, line 13, replace "second" with "fourth or subsequent" and replace "at least three" with "ten years."

Page 3, remove lines 14 through 17

Page 3, line 20, replace "first" with "third" and replace "at least six" with "three years"

Page 3, line 21, remove "months"

Page 3, line 22, replace "second" with "fourth or subsequent" and replace "at least one" with "five years."

Page 3, remove lines 23 through 25

Page 4, line 21, remove ", public vocational"

Page 4, line 22, remove "school, or a public or private college or university"

Page 4, line 23, remove ", to be served without"

Page 4, line 24, remove "benefit of parole"

Page 5, line 1, remove "and must be"

Page 5, line 2, remove "fined at least two thousand dollars"

Page 5, line 4, remove "and must be fined at"

Page 5, remove lines 5 and 6

Page 5, line 7, remove "subdivision"

Page 5, line 15, remove ", and must be fined at least two thousand"

Page 5, line 16, remove "dollars"

Page 5, remove lines 17 through 19

Page 6, line 7, remove "public vocational"

Page 6, line 8, remove "school, or a public or private college or university,"

Renumber accordingly

SB 2332 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SB 2349 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.

SB 2349 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 2358 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 NOT PASS:

Page 1, line 6, replace "in" with "of"

Page 3, line 3, replace "capacity" with "faculty position"

Page 3, line 4, replace "An individual" with "A faculty member"

Page 15, line 22, remove "meetings"

Page 15, line 23, replace "and negotiations" with "negotiation sessions" and replace "unless the" with a period

Page 15, remove lines 24 through 26

Renumber accordingly

SB 2358 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SB 2368 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2368 was placed on the Eleventh 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 2387 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 2387 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred Engrossed SB 2413 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

Engrossed SB 2413 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 SB 2432 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2432 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 2438 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 1, after "Act" insert "to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to transportation aid payments to school districts for teacher travel; and", replace "section" with "sections 15-34.2-03,", and after "15-40.1-16" insert ", and 15-40.1-16.1"

Page 1, line 2, after the first "to" insert "school board payments to families for student transportation and"

Page 1, after line 3, insert:

"SECTION. 1. AMENDMENT. Section 15-34.2-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.2-03. Transportation - Payment optional with school board - Schedule. The school board of any school district in the state may

pay, in its discretion, to each family living more than two miles [3.22 kilometers] from a school in the district which is taught the required length of time, a sum per day for each day's attendance of a student or students of such family, when transported by a member of the family or by a conveyance furnished or paid for by the family, or when the family has paid for lodging for the child, according to the distance between the home of the family and the school, at the rate of ~~ten~~ twenty cents per day for each one-half mile [.80 kilometer] over two miles [3.22 kilometers]. Such distance shall be measured by the route from the front door of the nearest operating school to the front door of the family's residence according to the most convenient public course of travel. Payments for transportation shall not be limited to the amount set forth in this section where the student or students are required to be transported to another school because the school which they had been attending is closed."

Page 2, remove lines 5 through 9

Page 2, line 24, underscore the period

Page 2, after line 24, insert:

"e. The amount of money resulting from multiplying the factor 3.5 times nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses if the school district transports an average of more than 2.999 pupils per bus route mile."

Page 3, after line 2, insert:

"3. A school district receiving transportation aid under the provisions of this section may not receive payment for more than one hundred twenty percent of actual transportation costs or less than fifty percent of actual costs during the first year of the 1989-91 biennium. During the second year of the 1989-91 biennium a school district may not receive more than one hundred ten percent of actual costs nor less than fifty percent of actual costs for transportation."

Page 3, after line 14, insert:

"SECTION 3. AMENDMENT. Section 15-40.1-16.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16.1. Transportation aid for certain academic, vocational education, and special education programs. There shall must be paid from state funds to each school district an amount for transporting pupils to and from schools in other districts and to and from schools within school districts for vocational education courses offered through cooperative arrangements approved by the state board of vocational education and for academic courses offered through cooperative arrangements approved by the superintendent of public instruction. Similar payments shall must be paid to the school districts transporting pupils for special education programs approved by the superintendent of public instruction. Such The amount shall must be the same amount for mileage and per day as is provided for in subsection 1 of section 15-40.1-16, except that school districts entitled to transportation aid pursuant to this section shall must

receive such aid for all miles [kilometers] traveled and for all pupils transported, regardless of whether ~~or not such the~~ pupils transported live within the incorporated limits of cities in which the schools in which they are enrolled are located. Provided, however, that no school district shall receive more than one per-pupil payment for transportation regardless of the number of times any pupil is transported in any one day.

SECTION 4. A new section to chapter 15-40.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Transportation payments to school districts for teachers. Any school district, or districts, that employs a teacher who teaches at more than one school is entitled to receive state funds at the rate provided for state employees for travel by motor vehicle for all miles traveled by the teacher between schools to teach."

Re-number accordingly

SB 2438 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 2463 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2463 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 2474 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 4, line 17, replace "or" with "in this state unless that person is licensed by the board or under the direct supervision of a person"

Page 4, line 18, remove "operate a funeral establishment in this state without being"

Page 8, line 2, overstrike "twelve" and insert immediately thereafter "forty-five"

Page 8, line 23, after "revoke" insert ", suspend,"

Page 11, line 7, replace "home" with "establishment"

Re-number accordingly

SB 2474 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 2475 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2475 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 2484 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

Page 1, line 10, replace "thirty" with "twenty-five"

Page 3, line 26, replace "thirty-mill" with "twenty-five-mill"

Page 7, line 1, replace "thirty-mill" with "twenty-five-mill"

Page 7, line 8, overstrike "him" and insert immediately thereafter "the pupil"

Page 7, line 11, replace "thirty-mill" with "twenty-five-mill"

Renumber accordingly

SB 2484 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 2504 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2504 was placed on the Eleventh 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 2523 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2523 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SCR 4041 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 4041 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred HB 1053 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1053 was placed on the Fourteenth 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 HB 1114 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.

HB 1114 was placed on the Fourteenth 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 HB 1121 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.

HB 1121 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources (Sen. Krauter, Chairman) to which was referred HB 1129 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 1129 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred HB 1176 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.

HB 1176 was placed on the Fourteenth 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 HB 1182 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.

HB 1182 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1239 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.

HB 1239 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred HB 1253 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.

HB 1253 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources (Sen. Krauter, Chairman) to which was referred HB 1260 has had the same under consideration and

recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1260 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1263 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.

HB 1263 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1265 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 NOT PASS.

HB 1265 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1274 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.

HB 1274 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources (Sen. Krauter, Chairman) to which was referred HCR 3024 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3024 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Keller, Freborg introduced:

SCR 4052: A concurrent resolution directing the Legislative Council to study methods of ensuring that all operators of motor vehicles maintain automobile liability insurance.

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

Sens. Heigaard, Tennefos, Stromme introduced:

SCR 4053: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing incentives to North Dakota graduates to remain in this state after graduation and of increasing tuition at the institutions of higher education and providing low interest loans to students to cover the cost of increased tuition.

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

FIRST READING OF HOUSE BILLS

HB 1016: A BILL for an Act making an appropriation for insurance premium tax payments distribution to fire departments; and to amend and reenact section 18-04-05 of the North Dakota Century Code, relating to payments

by the commissioner of insurance to cities, rural fire protection districts, and rural fire departments.

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

HB 1018: A BILL for an Act making an appropriation for the distribution of state aid distribution fund revenue to local political subdivisions of the state of North Dakota; to amend and reenact section 57-58-01 of the North Dakota Century Code as amended by section 2 of chapter 35 of the 1987 Session Laws of North Dakota, relating to the distribution of personal property tax replacement funds to political subdivisions; and to provide a statement of legislative intent.

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

HB 1169: A BILL for an Act to amend and reenact section 43-12.1-02, 43-12.1-05, 43-12.1-07, 43-12.1-08, 43-12.1-10, 43-12.1-11, 43-12.1-13, and 43-12.1-14 of the North Dakota Century Code, relating to the definitions of licensee, the practice of nursing as a licensed practical nurse, the practice of nursing as a registered nurse, the terms of office of board of nursing members, the compensation of board members, the powers and duties of the board, requirements for licensure by examination, a license and when issued, and grounds for discipline; to provide an effective date; and to declare an emergency.

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

HB 1213: A BILL for an Act to create and enact chapter 51-23 of the North Dakota Century Code, relating to the regulation of certain commodities transactions; and to provide a penalty.

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

HB 1235: A BILL for an Act to create and enact a new section to chapter 19-02, a new section to chapter 19-02.1, a new section to chapter 19-08, and a new section to chapter 19-17 of the North Dakota Century Code, relating to the sale and use of certain home-prepared foods.

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

HB 1300: A BILL for an Act to amend and reenact section 61-16.1-38 of the North Dakota Century Code, relating to permits for construction of dams, dikes, and other devices.

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

HB 1324: A BILL for an Act to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to fees charged for services by the director of the North Dakota parks and recreation department.

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

HB 1332: A BILL for an Act to amend and reenact subsection 3 of section 18-12-25 and subsection 1 of section 54-21.3-03 of the North Dakota Century Code, relating to the state building code.

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

HB 1402: A BILL for an Act to create and enact a new section to chapter 19-02, a new section to chapter 19-02.1, a new section to chapter 19-08, and a new section to chapter 19-17 of the North Dakota Century Code, relating to the sale and use of home-prepared foods.

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

HB 1515: A BILL for an Act to amend and reenact subsection 6 of section 52-06-02 of the North Dakota Century Code, relating to student disqualification from unemployment compensation benefits.
Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1565: A BILL for an Act to amend and reenact section 58-05-12 of the North Dakota Century Code, relating to instances in which a township officer may be a party to a contract with the township; and to declare an emergency.
Was read the first time and referred to the Committee on Political Subdivisions.

HB 1608: A BILL for an Act to amend and reenact subsection 1 of section 34-14-09.1 of the North Dakota Century Code, relating to interest on unpaid wages.
Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1651: A BILL for an Act to amend and reenact sections 11-28.3-04, 11-28.3-13, and 57-15-50 of the North Dakota Century Code, relating to the vote requirements for establishment or dissolution of a rural ambulance service district and the levy for county ambulance service within districts which otherwise levy for ambulance service; and to provide an effective date.
Was read the first time and referred to the Committee on Finance and Taxation.

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

PATRICIA CONRAD, Secretary