

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 3, 1989

The Senate convened at 12:30 p.m., with President Omdahl presiding.

The prayer was offered by Rev. Ed Bartel, Bismarck Baptist Church, Bismarck.

Heavenly Father, we come before You today asking Your blessing on the discussion, deliberation, and decisions in this session. Grant us Your wisdom that we may be faithful in guiding our state.

We pray that we would be able to see Your divine perspective and be kept from viewing life from a narrow, secular platform. You have made all things and all things move to You. So we humbly acknowledge Your presence and our place within Your ultimate plan. Amen.

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

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1028, HB 1062, HB 1095, HB 1106, HB 1117, HB 1122, HB 1144, HB 1146, HB 1152, HB 1251.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1048, HB 1053, HB 1054, HB 1055, HB 1059, HB 1100, HB 1118, HB 1121.

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 Fortieth Day and finds it to be correct.

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

CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to HB 1351 as recommended by the Committee on Transportation as printed on page 961 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1351 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2520: A BILL for an Act to amend and reenact section 54-06-14 of the North Dakota Century Code, relating to partial payment of accrued sick leave to state employees at retirement.

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 49 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

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

NAYS: Moore

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

SB 2520 passed and the title was agreed to.

SECOND READING OF HOUSE BILLS

HB 1195: A BILL for an Act to amend and reenact sections 54-01.1-01, 54-01.1-02, 54-01.1-03, 54-01.1-04, 54-01.1-05, 54-01.1-06, 54-01.1-07, 54-01.1-08, 54-01.1-09, 54-01.1-10, 54-01.1-12, and 54-01.1-16 of the North Dakota Century Code, relating to relocation assistance programs, expanded policy declaration, definitions, displacement expenses and expense limits, mode of payment, advisory information and planning, available housing assurance, adoption of rules, uniform administration, nonduplication of payment, gender neutralization, and reference source; to provide an effective date; and to declare an emergency.

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, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1195 passed, the title was agreed to, and the emergency clause carried.

HB 1512: A BILL for an Act to amend and reenact section 54-44.2-02.2 of the North Dakota Century Code, relating to the membership of the communications advisory committee.

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, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1512 passed and the title was agreed to.

MOTION

SEN. KELSH MOVED that HB 1088, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1066: A BILL for an Act to amend and reenact section 15 of chapter 374 of the 1987 Session Laws of North Dakota, relating to the expiration date for legislation creating a temporary court of appeals.

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 38 YEAS, 12 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Krebsbach; Langley; Lips; Lodoen; Mathern; Meyer, J.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Thane; Todd; Vosper; Waldera

NAYS: Heigaard; Kinnoin; Maixner; Maxson; Meyer, D.; Meyer, W.; Moore; O'Connell; Satrom; Tennefos; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1066 passed and the title was agreed to.

HB 1070: A BILL for an Act to amend and reenact subsection 2 of section 35-27-01 of the North Dakota Century Code, relating to improvements for the purposes of obtaining a mechanic's lien.

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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1070 passed and the title was agreed to.

HB 1105: A BILL for an Act to amend and reenact section 54-06-08.1 of the North Dakota Century Code, relating to petty cash funds and bank accounts.

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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1105 passed and the title was agreed to.

HB 1108: A BILL for an Act to amend and reenact section 23-24-05 of the North Dakota Century Code, relating to appointments to the board of commissioners of a vector control district.

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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Stenehjerm; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1108 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3080.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1177 and subsequently passed the same.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to SB 2195 as printed on pages 922-923 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code, relating to the superintendent of public instruction; and to declare an emergency.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Stenehjerm; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

SB 2195 passed, the title was agreed to, and the emergency clause carried.

SECOND READING OF HOUSE BILL

HB 1204: A BILL for an Act to amend and reenact section 53-06.2-02, subsections 2 and 4 of section 53-06.2-03, subsection 2 of section 53-06.2-08, and sections 53-06.2-11 and 53-06.2-13 of the North Dakota Century Code, relating to the transfer of the North Dakota racing commission from the secretary of state's office to the attorney

general's office, and the deletion of payment by the commission to the economic development commission.

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 49 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Tennefos

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1204 passed and the title was agreed to.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Sorensen, Kloubec, Schneider and Sens. Olson, Maixner, Yockim introduced:

(Approved by the Committee on Delayed Bills)

HCR 3080: A concurrent resolution designating March 4, 1989, as Virgil Hill Day and urging the Governor to issue a proclamation to the same effect. Was read the first time.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, that HCR 3080 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.

Reps. Sorensen, Kloubec, Schneider and Sens. Olson, Maixner, Yockim introduced:

(Approved by the Committee on Delayed Bills)

HOUSE CONCURRENT RESOLUTION NO. 3080

A concurrent resolution designating March 4, 1989, as Virgil Hill Day and urging the Governor to issue a proclamation to the same effect.

WHEREAS, Virgil Hill represented North Dakota and the United States with honor as a participant in the 1984 Olympic Games; and

WHEREAS, Virgil Hill honored North Dakota and the United States by winning the Silver Medal at the 1984 Summer Olympic Games; and

WHEREAS, Virgil Hill is presently the undefeated World Boxing Association Light Heavyweight Champion; and

WHEREAS, North Dakota takes great pride in the amateur and professional accomplishments and exemplary behavior of Virgil Hill; and

WHEREAS, in his travel throughout the world, Virgil Hill has brought honor to the State of North Dakota and has credited his North Dakota heritage as the basis of his hard work ethic which has brought him to international prominence;

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

That March 4, 1989, is designated as Virgil Hill Day and that the Fifty-first Legislative Assembly urges the Governor to issue a proclamation to the same effect; and

BE IT FURTHER RESOLVED, that the Fifty-first Legislative Assembly joins the citizens of North Dakota in wishing Virgil Hill the best of luck with his title defense on March 4, 1989.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3080: A concurrent resolution designating March 4, 1989, as Virgil Hill Day and urging the Governor to issue a proclamation to the same effect.

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

HCR 3080 was declared adopted on a voice vote.

REQUEST

SEN. YOCKIM REQUESTED that his remarks be printed in the Journal, which request was granted.

Mr. President: As you know, Virgil Hill proudly claims Williston and Grand Forks as his hometown. Those two cities along Highway 2 refer to Virgil as the "Hiline Express".

In the ring, Virgil is courageous and skillful. Outside the ring, he proudly praises the state where he got his start. We do not take credit for his success, however. It is, indeed, a personal accomplishment. We do, though, feel a great deal of pride in his achievement.

So, Mr. President, win, lose, or draw, in his upcoming match and throughout his career, we thank Virgil Hill.

Now, Mr. President, I would like to express a word of warning to Bobby Czyz from the song "Sixteen Tons":

If you see him coming
You better step aside
A lotta men didn't
And a lotta hopes died.
One fist of iron
And the other of steel.
If his right one don't get you
The left one will.

MOTION

SEN. MAIXNER MOVED that a committee of two be appointed to escort Governor George A. Sinner and Virgil Hill to the rostrum, which motion prevailed. The President appointed as such committee Sens. Yockim and Stenehjsem.

REMARKS OF GOVERNOR GEORGE A. SINNER AND VIRGIL HILL

GOV. SINNER: I am really glad to be here. Virgil is due to be doing some practicing and I was afraid he was going to start sparring back there in the back room.

The world has many champions, and North Dakota has its share of them, whether it is in the arts, in industry, in research, in education, in food production, or in professional specialties, or in sports. North Dakota is proud of its leaders. Today we have a special champion with us, someone we want to honor but more than that we want to encourage and spur on. We have with us our Olympic champion, the world champion boxer, Virgil Hill.

Virgil, you have always been a champion. You box like a champion. You always speak like a champion. We wish you well in your championship defense tomorrow. We will all be cheering you on. North Dakota is proud of you and we wish you the best of success, my friend. Please welcome the world light heavyweight champion, Virgil Hill.

VIRGIL HILL: Thank you very much. I am glad that things run a little smoother over here than over there.

But it is truly an honor to be here. I really do not know what to say. I am just happy that I am going to have an opportunity again to fight here in North Dakota. It is very, very important to me to let people know where I come from, and to let people know what the North Dakota people are truly like. I always want to be known as, well, when they look at me, they can see what North Dakota people truly are. And I think all that came about because I have such good people backing me, following me as an amateur and professional.

I would just like to say "Thank you" for this honor and this opportunity. Thank you very much.

MOTIONS

SEN. MAIXNER MOVED that the address of Governor George A. Sinner and Virgil Hill be printed in the Senate Journal, which motion prevailed.

The President requested that Sens. Yockim and Stenehjsem escort Governor George A. Sinner and Virgil Hill from the chambers.

SEN. LANGLEY MOVED that HB 1275, which is on the Fourteenth order, be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1236: A BILL for an Act to create and enact two new subsections to section 57-02-08 of the North Dakota Century Code, to allow cities and counties to provide exemptions from property taxes for new single family residential property and condominiums and townhouses which meet certain qualifications; 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 PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson; Vosper

HB 1236 passed and the title was agreed to.

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 1002, HB 1014, HB 1034, HB 1037, HB 1626, HB 1637, HCR 3073.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to amend and reenact section 15-40.1-07 of the North Dakota Century Code, relating to foundation aid payments for pupils educated by federal agencies.

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 48 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

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

NAYS: Moore

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Shea; Tallackson

HB 1232 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that the rules be suspended and that HCR 3080 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 unchanged: HCR 3080.

SECOND READING OF HOUSE BILLS

HB 1239: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to the limitation on the aggregate of prizes that may be awarded in games of raffle or bingo conducted by eligible organizations upon local authorization.

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 48 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Freborg; Tennefos

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1239 passed and the title was agreed to.

HB 1243: A BILL for an Act to amend and reenact section 25-13-02 of the North Dakota Century Code, relating to the use of service dogs in public places, including facilities of health care providers; and to declare an emergency.

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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

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

HB 1253: A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to an exemption for tinted windshield restrictions.

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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1253 passed and the title was agreed to.

HB 1255: A BILL for an Act to create and enact a new subsection to section 43-04-42 of the North Dakota Century Code, relating to the fee for restoration of barbershop licenses; and to amend and reenact subsections 5, 7, and 10 of section 43-04-42 of the North Dakota Century Code, relating to renewal fees for barbers' certificates and annual license fees for barbershops; and to declare an emergency.

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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1255 passed, the title was agreed to, and the emergency clause carried.

HB 1260: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to notice of removal or replacement of fill adjacent to a watercourse.

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 48 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Langley; O'Connell

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1260 passed and the title was agreed to.

HB 1263: A BILL for an Act to amend and reenact sections 40-29-03, 40-29-05, and 40-29-10 of the North Dakota Century Code, relating to assessment of special assessments for sidewalk construction, rebuilding, or repair against the owners of property benefited by the sidewalk.

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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Stenehjøm; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1263 passed and the title was agreed to.

HB 1265: A BILL for an Act to amend and reenact section 40-05-01.1 of the North Dakota Century Code, relating to assessment of the costs of water utility and wastewater utility systems against the property served if the assessment is unpaid.

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 9 YEAS, 41 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Heigaard; Holmberg; Kelsh; Kinnoin; Maixner; O'Connell; Satrom; Waldera; Yockim

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Ingstad; Keller; Krauter; Krebsbach; Langley; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden;

Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: Lashkowitz; Shea; Tallackson

HB 1265 lost.

HB 1269: A BILL for an Act to amend and reenact section 54-01-17.2 of the North Dakota Century Code, establishing the North Dakota-Saskatchewan-Manitoba boundary advisory committee; and to provide an appropriation.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Stenehjem; Tallackson

HB 1269 passed and the title was agreed to.

HB 1270: A BILL for an Act to provide for the reciprocal recognition of certain state and tribal court judgments, decrees, and orders.

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 49 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Lashkowitz; Maixner; Shea; Stenehjem; Tallackson

HB 1270 passed and the title was agreed to.

HB 1274: A BILL for an Act to amend and reenact section 61-29-04 of the North Dakota Century Code, relating to the Little Missouri River commission.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Stenehjerm; Tallackson

HB 1274 passed and the title was agreed to.

HB 1291: A BILL for an Act to amend and reenact subsection 8 of section 15-03-04 of the North Dakota Century Code, relating to types of legal investments by the board of university and school lands.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Stenehjerm; Tallackson

HB 1291 passed and the title was agreed to.

HB 1305: A BILL for an Act to amend and reenact subsection 2 of section 54-44-04.6 of the North Dakota Century Code, relating to the sale of state surplus property.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Shea; Stenehjerm; Tallackson

HB 1305 passed and the title was agreed to.

HB 1317: A BILL for an Act to amend and reenact subsection 23 of section 57-15-10 and section 57-15-48 of the North Dakota Century Code, relating to limitations on city tax levies for emergency purposes; 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 PASS, the roll was called and there were 47 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: O'Connell; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Shea; Stenehjerm; Tallackson

HB 1317 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

SEN. HOLMBERG: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

I am a member of the Judicial Nominating Committee which is meeting in Grand Forks this evening to recommend to the Governor candidates for a district judgeship chambered in Grand Forks. Therefore, I shall not be in attendance the rest of the afternoon.

SECOND READING OF HOUSE BILLS

HB 1328: A BILL for an Act to amend and reenact section 4-08-10.1 of the North Dakota Century Code, relating to achievement days held by extension agents on Indian reservations.

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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Ingstad; Lashkowitz; Shea; Stenehjerm; Tallackson

HB 1328 passed and the title was agreed to.

HB 1346: A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the use of lead shot for hunting or taking waterfowl.

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 15 YEAS, 31 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Ewen; Freborg; Hanson; Keller; Kelsh; Kinnoin; Krebsbach; Maxson; Nalewaja; O'Connell; Richard; Schoenwald; Stromme; Tennefos; Todd

NAYS: Axtman; David; Dotzenrod; Heinrich; Hilken; Krauter; Langley; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Robinson; Satrom; Streibel; Thane; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Holmberg; Ingstad; Lashkowitz; Shea; Stenehjerm; Tallackson

HB 1346 lost.

HB 1377: A BILL for an Act to amend and reenact sections 47-20.2-01, 47-20.2-02, 47-20.2-03, 47-20.2-04, 47-20.2-05, and 47-20.2-06 of the North Dakota Century Code, relating to the North Dakota plane coordinate system; and to repeal sections 47-20.2-07, 47-20.2-08, and 47-20.2-09 of the North Dakota Century Code, relating to the North Dakota plane coordinate system.

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Ingstad; Lashkowitz; Stenehjerm; Tallackson

HB 1377 passed and the title was agreed to.

HB 1378: A BILL for an Act to amend and reenact section 11-15-09 of the North Dakota Century Code, relating to a sheriff's commission on sales of property bid in by the plaintiff.

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, 42 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Keller; Kinnoin; O'Connell; Schoenwald; Wogsland

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

ABSENT AND NOT VOTING: Holmberg; Ingstad; Lashkowitz; Maixner; Stenehjerm; Tallackson

HB 1378 lost.

HB 1394: A BILL for an Act to create and enact a new section to chapter 40-01 and a new subsection to section 40-05-01 of the North Dakota Century Code, relating to an organization of city governments.

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Ingstad; Lashkowitz; Stenehjem; Tallackson

HB 1394 passed and the title was agreed to.

HB 1397: A BILL for an Act to amend and reenact section 61-06-01 of the North Dakota Century Code, relating to the residency requirements of the board of directors of an irrigation district.

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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Shea; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Ingstad; Lashkowitz; Lodoen; Stenehjem; Tallackson

HB 1397 passed and the title was agreed to.

HB 1464: A BILL for an Act to authorize the state board of higher education to convey certain state-owned land to the city of Valley City, North Dakota.

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Ingstad; Lashkowitz; Stenehjem; Tallackson
 HB 1464 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the Senate stand in recess until 2:45 p.m., which motion prevailed.

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

SEN. MAIXNER MOVED that the Senate send get well wishes to Sen. Lashkowitz and that we have a recorded roll call vote, which motion prevailed.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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: Lashkowitz

DOCTOR OF THE DAY SCHEDULE

March 6:	Glenn A. Wiens, MD	- FP Resident	Grand Forks
March 7:	Glenn A. Wiens, MD	- FP Resident	Grand Forks
March 8:	Glenn A. Wiens, MD	- FP Resident	Grand Forks
March 9:	Clayton E. Jensen, MD	- Family Practice	Fargo
March 10:	Clayton E. Jensen, MD	- Family Practice	Fargo

MOTIONS

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, 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, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of SCR 4058, SCR 4056, HB 1015, HB 1172, HB 1531, HB 1366, HB 1532, HB 1429, HB 1280, HB 1595, HB 1412, HB 1373, HB 1575, HB 1130, and HB 1598, the Senate stand adjourned until 1:00 p.m., March 6, 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 2521 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, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 35-20-11 of the North Dakota Century Code, relating to liens on certain personal property.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 35-20-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-20-11. Lien for repair, protection, improvement, safekeeping, or carriage of ~~personality~~ personal property. ~~Every~~ Any person, ~~excepting those~~ unless entitled to a specific lien under other chapters of this title, who, while lawfully in possession of an article of personal property, renders any service to the owner ~~thereof~~ of the article by labor or skill employed for the repair, protection, improvement, safekeeping, or carriage ~~thereof~~ has of the article is entitled to a special lien thereon, dependent on possession, for the compensation, if any, which is due to him the person from the owner for such the service. In addition to other remedies available for the enforcement of liens, the holder of ~~such~~ the special lien may ~~foreclose the same and acquire ownership in himself of such the article of personal property, provided the holder of such a special lien has obtained the address of the owner at the time such article was left, by causing sending a notice of intention to foreclose such special lien to be sent acquire ownership of the article to the owner thereof, by registered or certified mail, to the address obtained from such the owner at the time such the article is was left, which.~~ The notice shall must be in substantially the following form:

To -----, owner of (describe the article upon which lien is claimed-)

You are hereby notified that the undersigned claims a special lien upon the above-described article by virtue of under section 35-20-11, and the undersigned hereby further advises you of his the undersigned's intention to foreclose such special lien and acquire ownership of such the article, unless the sum of (insert amount claimed) is paid within sixty days from the date hereof, or unless you shall notify the undersigned within such period of your election to challenge the amount claimed due for services rendered thereon this notice was mailed to you. You may contest the amount claimed due only by serving and filing with the appropriate court an action to determine the amount due for services rendered. If you neither pay the sum claimed due nor serve and file an action to determine the amount due within sixty days, ownership of the article will vest in the undersigned.

Dated

(Party claiming lien)

If, at the expiration of sixty days from the date of mailing such the notice, payment the claimant has not been received of the amount claimed to be due, or an election the owner of the property has not filed and served an action to challenge the amount claimed due has been received, the lien claimant is deemed to have succeeded entitled to ownership of the article of personal property upon which the special possessory lien is claimed.

If the owner of such the property causes an election has served and filed an action to challenge the amount claimed to be delivered to the lienholder, then the summary foreclosure procedure set out herein

is not available to the lien claimant, and the lien must be foreclosed by action due, the court shall determine the amount due and may order a special execution."

Renumber accordingly

SB 2521 was placed on the Sixth 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 SCR 4056 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.

SCR 4056 was placed on the Eleventh 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 SCR 4058 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.

SCR 4058 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 Engrossed HB 1015 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1015 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. Maxson, Vice Chairman) to which was referred Engrossed HB 1050 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 4, line 11, remove "certified"

Page 4, line 14, after the underscored period insert "Service by mail is complete upon mailing."

Renumber accordingly

HB 1050 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. Maxson, Vice Chairman) to which was referred HB 1051 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 3, after "omitted" insert "at least ten days prior to the date of the sale" and replace "The mailing must be by" with "Service by mail is complete upon mailing"

Page 2, line 4, remove "certified mail at least ten business days prior to the date of the sale"

Renumber accordingly

HB 1051 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 Engrossed HB 1123 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, after line 23, insert:

"3. All companies with policies in force in this state shall, at renewal time, offer policyholders an alternative policy embodying all of the benefits of the original policy and the requirements of this section with an equitable adjustment in the premium as determined by the commissioner."

Renumber accordingly

HB 1123 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 HB 1130 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 1130 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 Engrossed HB 1142 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 4, remove "county mutual insurance companies,"

Page 1, line 5, after "organizations" insert "; and to repeal section 26.1-05-05 of the North Dakota Century Code, relating to residence requirements of directors and executive officers of domestic insurance companies"

Page 5, line 10, replace "and capital, if a stock company," with "requirements set forth in subsections 1 through 4 by July 1, 1990, unless the commissioner grants an extension to a date no later than July 1, 1992. Additionally, each existing stock health maintenance organization shall meet the capital account requirements of subsection 5 by July 1, 1990, unless the commissioner grants an extension to a date no later than July 1, 1992."

Page 5, replace lines 11 through 13 with:

"SECTION 4. REPEAL. Section 26.1-05-05 of the 1987 Supplement to the North Dakota Century Code is hereby repealed."

Renumber accordingly

HB 1142 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred Engrossed HB 1172 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 1172 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 Engrossed HB 1183 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 3, replace "1" with "2"

Renumber accordingly

HB 1183 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 Engrossed HB 1240 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 2, remove "temporary"

Page 1, line 7, replace "Temporary teachers" with "Teachers"

Page 1, line 16, remove "Within ten days of receipt of the transcript, the"

Page 1, remove lines 17 through 21

Renumber accordingly

HB 1240 was placed on the Sixth 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 Engrossed HB 1280 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 1280 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred Engrossed HB 1347 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 19, remove "three" and replace "years" with "year"

Page 2, line 21, remove "of the year of the evaluation"

Renumber accordingly

HB 1347 was placed on the Sixth 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 Engrossed HB 1366 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 1366 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 1373 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.

HB 1373 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 1412 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 1412 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 Engrossed HB 1429 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 1429 was placed on the Fourteenth 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 Reengrossed HB 1504 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 2, line 4, replace "establish guidelines" with "adopt rules under chapter 28-32"

Page 2, line 6, replace "establishing" with "adopting" and replace "guidelines" with "rules"

Page 2, line 10, replace "guidelines established" with "rules adopted"

Page 2, line 11, replace "encourage" with "require the"

Page 2, line 27, replace "program coordinator shall" with "superintendent may"

Page 3, line 1, remove "at the direction of the"

Page 3, line 2, remove "superintendent" and replace "guidelines established" with "rules adopted"

Page 3, line 9, remove "the superintendent with"

Renumber accordingly

HB 1504 was placed on the Sixth 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 1531 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 1531 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 Engrossed HB 1532 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1532 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 Engrossed HB 1575 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1575 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 Engrossed HB 1595 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1595 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 1598 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 1598 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. Maxson, Vice Chairman) to which was referred Engrossed HCR 3040 has had the same under consideration

and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 6, replace ", unless" with ". However, if"

Page 1, line 7, remove "in which case"

Renumber accordingly

HCR 3040 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2032: Reprs. Dorso, Tollefson, Oban

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 1025, HB 1035, HB 1507.

FIRST READING OF HOUSE BILLS

HB 1025: A BILL for an Act making an appropriation for defraying the expenses of the economic development commission of the state of North Dakota; and providing for a contingency transfer from the state highway fund.

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

HB 1035: A BILL for an Act to establish a pay equity implementation committee by the central personnel division and to create a pay equity implementation fund; to create and enact a new section to chapter 54-44.3 of the North Dakota Century Code, relating to compensation relationships within the state's classification plan; to provide an effective date; and to provide an expiration date.

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

HB 1507: A BILL for an Act to create unified school district demonstration projects; to provide an appropriation; to provide legislative intent regarding the funding of a portion of the cost of education in the unified school district demonstration project areas; to provide for a distribution; to provide an expiration date; and to declare an emergency.

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

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the superintendent of public instruction and the state board of vocational education of the state of North Dakota; to provide for a transfer of funds from the displaced homemaker fund and state school construction fund; to create and enact two new sections to chapter 15-21 of the North Dakota Century Code, relating to a revolving school district equipment and software fund and adult basic and secondary education; to amend and reenact section 15-40.1-08 of the North Dakota Century Code, relating to proportionate state aid payments for elementary summer school programs; to provide two sections of legislative intent regarding special education and vocational education postsecondary grants; and to provide an effective date.

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

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the atmospheric resource board of the state of North Dakota.

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

HB 1034: A BILL for an Act to create and enact four new subsections to section 54-44.3-12 of the North Dakota Century Code, relating to duties of the director of the state's central personnel division; to provide for a uniform classification plan and legislative intent regarding certain adjustments; and to provide an effective date.

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

HB 1037: A BILL for an Act to provide for allocation of a portion of sales, use, and motor vehicle excise tax collections to the capital construction fund to be used for lease payments associated with capital improvement projects financed under chapter 54-17.2 and other capital improvement projects, subject to legislative appropriation; to establish a capital construction account; to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and acquisition projects at institutions of higher education; to provide for a transfer from the general fund to the capital construction fund; to provide an appropriation; to provide legislative intent regarding the retirement of loan notes; and to provide an effective date.

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

HB 1626: A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to county weed board mill levies for noxious weed control; and to provide an appropriation.

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

HB 1637: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to bonus payments to high schools for cooperative education programs; to amend and reenact subsections 2 and 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, 15-40.1-16, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to the foundation aid weighting factors and the per-pupil payment, the school district equalization factor, and transportation aid to schools; and to provide for transition.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3073: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a prescription drug reporting center.

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

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

PATRICIA CONRAD, Secretary