

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 10, 1989

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

The prayer was offered by Jean Seiler, Bismarck Jaycees, Bismarck.

Heavenly Father, we ask for Your presence as we assemble here today. May You guide these, our state leaders, in making the right decisions for the betterment of their constituents.

We pray, Lord, that You help each of them to be strong in mind, body, and soul.

We ask this in Your presence. Amen.

The roll was called and all Senators were present, except Senators Lashkowitz, W. Meyer, Nething, Satrom, and Tennefos.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1015, HB 1088, HB 1172, HB 1280, HB 1282, HB 1335, HB 1366.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4005, SCR 4057.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2211 and subsequently passed the same.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1066, HB 1070, HB 1105, HB 1108, HB 1204, HB 1232, HB 1236, HB 1239, HB 1243, HB 1253, HB 1255, HB 1260, HB 1263, HB 1269, HB 1270, HB 1274, HB 1291, HB 1305, HB 1317, HB 1328, HB 1377, HB 1394, HB 1397, HB 1464.

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

MR. SPEAKER: The President has signed: HB 1066, HB 1070, HB 1105, HB 1108, HB 1204, HB 1232, HB 1236, HB 1239, HB 1243, HB 1253, HB 1255, HB 1260, HB 1263, HB 1269, HB 1270, HB 1274, HB 1291, HB 1305, HB 1317, HB 1328, HB 1377, HB 1394, HB 1397, HB 1464.

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

MR. PRESIDENT: The House has passed unchanged: SB 2050, SB 2051, SB 2052, SB 2053, SB 2057, SB 2106, SB 2134, SB 2159, SB 2198, SB 2232, SB 2284, SB 2289, SB 2297, SB 2302, SB 2317, SB 2329, SB 2339, SB 2340, SB 2341, SB 2351, SB 2366, SB 2374, SB 2380, SB 2402.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2049, SB 2059, SB 2072, SB 2219.

HOUSE AMENDMENTS TO ENGROSSED SB 2049

Page 4, line 2, after the first comma insert "district,"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2059

Page 1, line 8, after "Department" insert "of human services" and after "department" insert "of human services"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2072

Page 1, line 3, replace "mental health center" with "psychiatric institute"

Page 1, line 10, replace "mental health center" with "psychiatric institute"

Page 1, line 13, replace "mental health center" with "psychiatric institute"

Page 1, line 14, replace "mental health center" with "psychiatric institute"

Page 1, line 17, replace "mental" with "psychiatric"

Page 1, line 18, replace "health center" with "institute"

Page 2, line 1, replace "mental health center" with "psychiatric institute"

Page 2, line 2, replace "mental health center" with "psychiatric institute"

Page 2, line 4, replace "mental health center" with "psychiatric institute"

Page 2, line 7, replace "mental health center" with "psychiatric institute"

Page 2, line 8, overstrike "mentally ill"

Page 2, line 10, remove "those" and overstrike "mentally"

Page 2, line 11, overstrike "ill" and insert immediately thereafter "those"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2219

Page 1, line 14, remove "shall surrender"

Page 1, line 15, remove "their licenses to the board. In such cases, the licensee"

Re-number accordingly

MOTIONS

SEN. J. MEYER MOVED that HB 1419, HB 1032, and HB 1450, which are on the Fourteenth order, be laid over two legislative days, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2521, HB 1142, HB 1178, HB 1183, and HB 1540, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

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

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Forty-fifth Day and finds it to be correct.

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

CONSIDERATION OF AMENDMENTS

SEN. MAXSON MOVED that the amendments to HB 1050 as recommended by the Committee on Judiciary as printed on page 985 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. MAXSON MOVED that the amendments to HB 1051 as recommended by the Committee on Judiciary as printed on pages 985-986 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1051 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to HB 1094 as recommended by the Committee on Education as printed on page 1023 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1094 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1123 as recommended by the Committee on Industry, Business and Labor as printed on page 986 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1123 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1124 as recommended by the Committee on Industry, Business and Labor as printed on pages 1023-1024 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1124 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to HB 1131 as recommended by the Committee on Transportation as printed on page 1003 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1131 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1134 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1011 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1134 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1192 as recommended by the Committee on Industry, Business and Labor as printed on page 1024 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1192 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1197 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1011-1012 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1197 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. D. MEYER MOVED that the amendments to HB 1199 as recommended by the Committee on State and Federal Government as printed on pages 1012-1013 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

HB 1199 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to HB 1240 as recommended by the Committee on Education as printed on page 987 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. HEINRICH MOVED that the amendments to HB 1347 as recommended by the Committee on Education as printed on pages 987-988 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1347 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to HB 1352 as recommended by the Committee on Judiciary as printed on pages 1024-1025 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1352 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1370 as recommended by the Committee on Industry, Business and Labor as printed on page 1025 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1370 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to HB 1371 as recommended by the Committee on Education as printed on page 1025 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1371 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1372 as recommended by the Committee on Industry, Business and Labor as printed on pages 1025-1026 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1372 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1375 as recommended by the Committee on Industry, Business and Labor as printed on page 1026 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1375 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1504 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 988-989 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1504 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to HCR 3031 as recommended by the Committee on Transportation as printed on page 1005 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HCR 3031 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. MAXSON MOVED that the amendments to HCR 3040 as recommended by the Committee on Judiciary as printed on pages 989-990 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

MOTION

SEN. RICHARD MOVED that SB 2518, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Esky Solberg

SECOND READING OF HOUSE BILLS

HB 1349: A BILL for an Act to amend and reenact section 23-21.1-03 of the North Dakota Century Code, relating to cemetery perpetual care 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 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; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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; Nothing

HB 1349 passed and the title was agreed to.

HB 1391: A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to health insurance coverage for mammogram examinations.

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; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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; Nothing

HB 1391 passed and the title was agreed to.

HB 1448: A BILL for an Act to amend and reenact subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to the payment of insurance company premium taxes.

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; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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; Nething

HB 1448 passed and the title was agreed to.

HB 1471: A BILL for an Act to amend and reenact subsection 1 of section 47-30.1-06 of the North Dakota Century Code, relating to abandonment of certificates of deposit.

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; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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; Maixner; Nething

HB 1471 passed and the title was agreed to.

MOTIONS

SEN. SCHOENWALD MOVED that the Senate reconsider the action by which HB 1356 failed to pass for want of a Constitutional majority.

SEN. D. MEYER MOVED that the Senate stand in recess for five minutes.

SEN. HEIGAARD MOVED that the motion be amended to read fifteen seconds, which motion prevailed.

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

SEN. SCHOENWALD'S motion prevailed on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1356: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to prepayment of travel expenses for state officers and employees.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 30 YEAS, 20 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Lips; Maixner; Mathern; Maxson; Meyer, W.; Mushik; O'Connell; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Hanson; Hilken; Kinnoin; Krauter; Krebsbach; Langley; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Peterson; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nothing

HB 1356 passed and the title was agreed to.

HB 1528: A BILL for an Act to amend and reenact section 40-57.1-04.1 of the North Dakota Century Code, relating to the period of vacancy of existing structures for purposes of tax exemptions for new industries; 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 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, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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; Meyer, J.; Nothing

HB 1528 passed and the title was agreed to.

HB 1529: A BILL for an Act to amend and reenact sections 54-03.1-03 and 54-44.1-07 of the North Dakota Century Code, relating to the organizational session agenda and presentation of the executive budget.

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, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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; Meyer, J.; Nothing

HB 1529 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Harry Semerad

SECOND READING OF HOUSE BILLS

HB 1530: A BILL for an Act to amend and reenact section 57-38-30 of the North Dakota Century Code, relating to the imposition and rate of income tax on corporations; 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 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, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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; Meyer, J.; Nothing

HB 1530 passed and the title was agreed to.

HB 1531: A BILL for an Act to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to personalized plates for motorcycles.

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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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; Meyer, J.; Meyer, W.; Nothing

HB 1531 passed and the title was agreed to.

HB 1532: A BILL for an Act to amend and reenact subsection 5 of section 20.1-03-11 of the North Dakota Century Code, relating to preferential landowner antelope licenses.

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, 44 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Maixner; O'Connell; Richard; Shea; Vosper

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

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Meyer, W.; Nothing

HB 1532 lost.

HB 1534: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-18 and subsection 1 of section 57-40.2-15 of the North Dakota Century Code, relating to penalties for delinquent sales and use tax returns and payments.

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, W.;

Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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; Meyer, J.; Nothing

HB 1534 passed and the title was agreed to.

HB 1549: A BILL for an Act to amend and reenact section 57-40.4-01.1 of the North Dakota Century Code, relating to refunds of motor vehicle excise taxes with respect to returned motor vehicles; and to provide for application of the Act.

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; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Heigaard; Lashkowitz; Meyer, D.; Meyer, J.; Nothing

HB 1549 passed and the title was agreed to.

CONFLICT OF INTEREST

SEN. YOCKIM REQUESTED permission to not vote on HB 1556, as he has a potential conflict of interest.

MOTION

SEN. MAIXNER MOVED that the Senate allow Sen. Yockim to vote, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1556: A BILL for an Act to create and enact subsection 5 of section 15-01-02 of the North Dakota Century Code, relating to the authority of the board of university and school lands to issue refunds; 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 46 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Hanson; Yockim

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Meyer, D.; Meyer, J.; Nothing

HB 1556 passed, the title was agreed to, and the emergency clause carried.

HB 1564: A BILL for an Act to create and enact a new section to chapter 31-01 of the North Dakota Century Code, relating to duty of courts to warn parties of perjury; and to amend and reenact section 28-32-11 of the North Dakota Century Code, relating to duty of administrative hearing officers to warn parties of perjury.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 14 YEAS, 36 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Holmberg; Kelsh; Kinnoin; Langley; Maixner; Meyer, D.; Nalewaja; O'Connell; Satrom; Shea; Waldera; Wogsland

NAYS: Axtman; David; Ewen; Freborg; Hanson; Heinrich; Hilken; Ingstad; Keller; Krauter; Krebsbach; Lips; Lodoen; Mathern; Maxson; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nothing

HB 1564 lost.

HB 1566: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to a spouse's responsibility for medical assistance for needy persons.

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 8 YEAS, 42 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Krauter; Maixner; Mathern; Mushik; O'Connell; Schoenwald; Wogsland; Yockim

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Lips; Lodoen; Maxson; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Richard; Robinson; Satrom;

Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nothing

HB 1566 lost.

MOTION

SEN. MAIXNER MOVED that the Senate stand at recess until 2:15 p.m., which motion prevailed.

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

SECOND READING OF HOUSE BILLS

HB 1572: A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to immediate possession of property by counties exercising eminent domain authority.

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 42 YEAS, 6 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Hilken; Keller; Meyer, D.; O'Connell; Richard; Schoenwald

ABSENT AND NOT VOTING: Lashkowitz; Maixner; Meyer, J.; Nothing; Stenehjelm

HB 1572 passed and the title was agreed to.

HB 1573: A BILL for an Act to amend and reenact sections 57-39.2-04.1 and 57-40.2-04.1 of the North Dakota Century Code, relating to sales and use tax exemptions for food samples given to customers in food stores.

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 42 YEAS, 6 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Ewen; Heinrich; Kinnoin; Meyer, D.; O'Connell; Redlin

ABSENT AND NOT VOTING: Lashkowitz; Maixner; Meyer, J.; Nething; Stenehjem

HB 1573 passed and the title was agreed to.

HB 1575: A BILL for an Act to amend and reenact section 39-22-05 of the North Dakota Century Code, relating to motor vehicle dealer bonds; and to provide for application of this Act.

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, 1 NAY, 5 ABSENT AND NOT VOTING.

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

NAYS: Ewen

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Moore; Nething; Stenehjem

HB 1575 passed and the title was agreed to.

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

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 2 YEAS, 47 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Maixner; Yockim

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

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nething; Stenehjem

HB 1583 lost.

HB 1590: A BILL for an Act to amend and reenact sections 27-25-04 and 27-26-04 of the North Dakota Century Code, relating to filling a vacancy in the office of supreme, district, or county court judge; 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, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nething; Stenehjem

HB 1590 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that HB 1595 which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1598: A BILL for an Act to create and enact two new sections to chapter 4-09 of the North Dakota Century Code, relating to a state seed mediation board.

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

NAYS: Keller

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nething; Stenehjem

HB 1598 passed and the title was agreed to.

HB 1601: A BILL for an Act to provide a continuing appropriation for the North Dakota centennial edition of the blue book; to amend and reenact subsection 5 of section 20 of chapter 70 of the 1987 Session Laws of North Dakota, relating to the sale of the blue book; to provide an expiration date; 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 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, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nething; Stenehjem

HB 1601 passed, the title was agreed to, and the emergency clause carried.

HB 1602: A BILL for an Act to amend and reenact subsection 5 of section 11-10-10 of the North Dakota Century Code, relating to salaries of county commissioners; 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 44 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: David; Hanson; Kelsh; Kinnoin

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Meyer, J.; Nething; Stenehjem

HB 1602 passed and the title was agreed to.

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.

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; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Olson; Peterson;

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

NAYS: None

ABSENT AND NOT VOTING: David; Lashkowitz; Meyer, J.; Nething; Stenehjem

HB 1608 passed and the title was agreed to.

HB 1613: A BILL for an Act to create and enact a new subsection to section 57-39.2-04, a new subsection to section 57-40.2-04, two new subsections to section 57-60-01, and a new subsection to section 57-60-02 of the North Dakota Century Code, relating to the exemption of beneficiated coal from the sales tax and use tax, the definition of coal beneficiation and the definition of, and the imposition of a tax upon the operator of a coal beneficiation plant; and to amend and reenact subsections 1 and 2 of section 57-60-01 and section 57-60-03 of the North Dakota Century Code, relating to the inclusion of coal beneficiation plants in the definition of a coal conversion facility and the measurement and recording of beneficiated coal.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nething; Stenehjem

HB 1613 passed and the title was agreed to.

HB 1632: A BILL for an Act to create and enact two new sections to chapter 54-44.2 of the North Dakota Century Code, relating to the capitol telephone exchange and wide area telephone service; to amend and reenact section 54-16-11.1, subsections 3 and 5 of section 54-44-11, and sections 54-44.2-01, 54-44.2-02, 54-44.2-02.1, 54-44.2-02.2, 54-44.2-04, 54-44.2-06, and 54-44.2-07 of the North Dakota Century Code, relating to the redesignation of the office of central data processing as the information services division; and to repeal chapter 48-07 of the North Dakota Century Code, relating to the capitol telephone exchange and wide area telephone service.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nothing; Stenehjem

HB 1632 passed and the title was agreed to.

HB 1644: A BILL for an Act to amend and reenact section 31-01-16.2 of the North Dakota Century Code, relating to compensation of municipal court witnesses.

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

NAYS: Heinrich

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nothing; Stenehjem

HB 1644 passed and the title was agreed to.

HB 1650: A BILL for an Act to authorize the director of institutions to sell and convey certain land belonging to the school for the deaf to Devils Lake public school district no. 1; 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 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, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Olson;

Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.; Nething; Stenehjerm

HB 1650 passed, the title was agreed to, and the emergency clause carried.

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

MR. PRESIDENT: The Speaker has signed: SB 2038, SB 2074, SB 2075, SB 2076, SB 2080, SB 2099, SB 2160, SB 2162, SB 2171, SB 2183, SB 2188, SB 2199, SB 2204, SB 2205, SB 2209, SB 2214, SB 2215, SB 2239, SB 2250, SB 2257, SB 2277.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1064, HB 1079, HB 1117, HB 1122, HB 1160, HB 1188, HB 1190, HB 1194, HB 1202, HB 1227, HB 1242, HB 1288, HB 1359, HB 1393, HB 1420, HB 1428, HB 1512.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to SB 2136 as printed on page 1009 of the Senate Journal, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2136: A BILL for an Act to amend and reenact sections 11-23-01 and 11-23-06 of the North Dakota Century Code, relating to county budgets and appropriations; and to repeal section 11-23-08 of the North Dakota Century Code, relating to county expenditures made before the appropriation is approved.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Lashkowitz; Meyer, J.; Nething; Stenehjerm; Stromme

SB 2136 passed and the title was agreed to.

DOCTOR OF THE DAY SCHEDULE

March 13:	Frederick Mitzel, MD	- Family Practice	Velva
March 14:	Warren J. Hintz, MD	- IM Resident	Fargo
March 15:	Warren J. Hintz, MD	- IM Resident	Fargo
March 16:	Warren J. Hintz, MD	- IM Resident	Fargo
March 17:	Glenn M. Thoreson, MD	- Family Practice	Mayville

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 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 HB 1344, HB 1425, HB 1014, HB 1009, HB 1287, HB 1453, HB 1468, HB 1463, HB 1290, HB 1249, HB 1084, HB 1654, HB 1184, HB 1456, HB 1277, HB 1565, HB 1596, HB 1331, HB 1259, HB 1505, HB 1241, HB 1597, HCR 3074, HCR 3066 and HCR 3029, the Senate stand adjourned until 1:00 p.m., Monday, March 13, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SCR 4033 has had the same under consideration and recommends by a vote of 6 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 1, after "study" insert "equalization problems in valuing property for property tax assessment, property tax exemptions and credits, and"

Page 1, replace lines 6 through 11 with:

"WHEREAS, controversy exists concerning equalization in valuing for property tax assessment the classes of property including residential, commercial, and agricultural; and

WHEREAS, controversy also exists concerning the various property tax exemptions and credits;"

Page 1, line 14, replace "the present formula used for the" with "equalization problems in valuing property for property tax assessment, property tax exemptions and credits, and the method used to calculate county average agricultural land values for ad valorem taxation"

Page 1, remove line 15

Page 1, line 16, remove "determine whether the formula continues to produce an equitable result"

Renumber accordingly

SCR 4033 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 HB 1009 has had the same under consideration and

recommends by a vote of 8 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING that the same DO PASS.

HB 1009 was placed on the Fourteenth 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 1014 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.

HB 1014 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred HB 1023 has had the same under consideration and recommends by a vote of 12 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 12, replace "3,261,158" with "3,429,158"

Page 1, line 14, replace "1,698,257" with "2,005,957"

Page 1, line 15, replace "286,682" with "310,982"

Page 1, line 18, replace "9,071,713" with "9,571,713"

Page 1, line 20, replace "4,188,466" with "4,688,466"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - PARKS AND RECREATION DEPARTMENT

Because Senate Bill No. 2027 was defeated, this amendment adds the following amounts from the general fund which were included in Senate Bill No. 2027 for the Parks and Recreation Department:

	GENERAL FUND
<u>Salaries and wages</u>	
Provides funding from the general fund for the following two positions at the Devils Lake State Park:	
One FTE park manager II	\$ 63,000
One FTE park ranger	44,000
Provides funding from the general fund for temporary salaries	61,000
	<hr/>
Subtotal	\$ 168,000
<u>Operating expenses</u>	
Provides funding from the general fund for the following:	
Nature preserves and heritage program	\$ 50,000
Turtle River State Park summer camps	12,000
Prairie Rose State Games	90,000

State parks' maintenance costs	47,900
State parks' operating costs	84,700
Inflationary costs	<u>23,100</u>
Subtotal	\$ 307,700
Equipment	
Provides funding for equipment at the Cross Ranch State Park	\$ 24,300
Total	\$ 500,000

HB 1023 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 Engrossed HB 1039 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 17, replace "provides emergency medical services for a" with "receives no compensation or who is paid expenses, reasonable benefits, nominal fees, or a combination of expenses, reasonable benefits, and nominal fees to perform the services for which the individual volunteered"

Page 1, remove lines 18 through 22

Page 2, line 1, remove "total payments per calendar year"

Renumber accordingly

HB 1039 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 HB 1084 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1084 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 HB 1098 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 4, line 10, replace "Section" with "If Senate Bill No. 2030 is not approved by the fifty-first legislative assembly or does not become effective, section"

Page 4, after line 26, insert:

"SECTION 3. AMENDMENT. If Senate Bill No. 2030, as approved by the fifty-first legislative assembly, becomes effective,

section 15-39.1-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-06. Organization of board. The board may hold meetings as necessary for the transaction of business and a meeting may be called by the president or any two members of the board upon reasonable notice to the other members of the board. The president for the ensuing year must be elected at the first meeting following July first of each year. ~~The board may employ an administrator, who need not be a member of the board and who shall perform duties as the board prescribes. Except for disbursing money for the payment of claims and actuarial consultant and auditor fees, the board shall expend money for administrative purposes, as limited by the appropriation first made by the legislative assembly, by preparing an appropriate voucher and submitting the voucher to the office of management and budget.~~

SECTION 4. AMENDMENT. If Senate Bill No. 2030, as approved by the fifty-first legislative assembly, becomes effective and subsequently terminates by its own provisions, section 15-39.1-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-06. Organization of board. The board may hold meetings as necessary for the transaction of business and a meeting may be called by the president or any two members of the board upon reasonable notice to the other members of the board. The president for the ensuing year must be elected at the first meeting following July first of each year. The board may employ an administrator and a deputy administrator, who need not be a member members of the board and who shall perform duties as the board prescribes. The deputy administrator may serve and vote, on behalf of the administrator, on the state investment board pursuant to section 21-10-01. Except for disbursing money for the payment of claims and actuarial consultant and auditor fees, the board shall expend money for administrative purposes, as limited by the appropriation first made by the legislative assembly, by preparing an appropriate voucher and submitting the voucher to the office of management and budget."

Renumber accordingly

HB 1098 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 HB 1140 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HB 1140 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred Engrossed HB 1184 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 PASS.

HB 1184 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 1241 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1241 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 1249 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 1249 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 1259 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 1259 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 Engrossed HB 1277 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 NOT PASS.

HB 1277 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 1284 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 21, after "project" insert "is approved", remove the overstrike over "~~The notice must~~" and insert immediately thereafter "also", and remove the overstrike over "~~be published once~~"

Page 2, line 22, remove the overstrike over "~~in~~", after "~~the~~" insert "a", remove the overstrike over "~~newspaper~~", and remove the overstrike over "~~of general~~"

Page 2, line 23, remove the overstrike over "~~circulation in the district and~~" and insert immediately thereafter "once" and remove the overstrike over "~~in the official county newspaper of each~~"

Page 2, line 24, remove the overstrike over "~~county in which the benefited lands are located~~" and remove "is approved"

Renumber accordingly

HB 1284 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 Engrossed HB 1287 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 1287 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 1290 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 1290 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 1294 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 8, replace "When" with "On all losses in excess of two thousand dollars, when"

Page 1, line 9, remove "or for"

Renumber accordingly

HB 1294 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 HB 1321 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace the second "and" with a comma and after "54-52-02.1" insert ", subsection 3 of section 54-52.1-01, and section 54-52.1-03.1"

Page 1, line 4, after "district" insert "and participation by district health units in the uniform group insurance program"

Page 3, after line 19, insert:

"SECTION 3. AMENDMENT. Subsection 3 of section 54-52.1-01 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. "Department, board, or agency" means the departments, boards, agencies, or associations of this state, and includes the state's charitable, penal, and higher educational institutions; the Bank of North Dakota; the state mill and elevator association; and counties, cities, district health units, and school districts participating under chapter 54-52.

SECTION 4. AMENDMENT. Section 54-52.1-03.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.1-03.1. ~~County, city, noncertified school district employees and employees of any combination thereof~~ Certain political subdivisions authorized to join uniform group insurance program - Employer contribution. The board of county commissioners of any county, the governing body of any city or school district, a district health unit, or any combination thereof, which has elected to participate in the North Dakota public employees retirement system, is hereby authorized may on behalf of its permanent employees, and permanent noncertified employees only in the case of school districts, to extend the benefits of the uniform group insurance program, as provided in this chapter, to such those employees. The boards of county commissioners of participating counties and the governing bodies of participating cities, or school districts, district health units, or any combinations thereof may determine the amount of the governing bodies' employer's monthly contribution towards toward the total monthly premium amount required of each eligible participating employee."

Renumber accordingly

HB 1321 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 1331 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 1331 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 Engrossed HB 1344 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 1344 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 1353 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 18, replace "county" with "state"

Renumber accordingly

HB 1353 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 HB 1389 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 8, after the first "recount" insert "and not disqualified under subdivision c of subsection 2 of section 16.1-05-02"

Page 2, line 9, remove "and"

Page 2, line 10, after the second "board" insert ", and all expenses of the recount must be paid as provided in section 15-28-10"

Renumber accordingly

HB 1389 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 Engrossed HB 1425 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 1425 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 Engrossed HB 1453 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 1453 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 Engrossed HB 1456 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 1456 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 1463 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1463 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 1468 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 1468 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 1469 has had the same under consideration and recommends by a vote of 3 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 22, replace "must" with "may"

Renumber accordingly

HB 1469 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 Engrossed HB 1475 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 15, replace "individual's" with "applicator's"

Page 3, line 10, overstrike "cooperative" and insert immediately thereafter "North Dakota state university"

Page 3, line 14, replace "cooperative" with "North Dakota state university"

Page 3, line 19, overstrike "cooperative" and insert immediately thereafter "North Dakota state university"

Page 5, line 4, replace "cooperative" with "North Dakota state university"

Page 6, line 2, replace "cooperative" with "North Dakota state university"

Page 7, line 21, overstrike "cooperative" and insert immediately thereafter "North Dakota state university"

Page 7, line 25, overstrike "cooperative" and insert immediately thereafter "North Dakota state university"

Page 7, line 28, overstrike "cooperative" and insert immediately thereafter "North Dakota state university"

Page 10, line 16, overstrike "cooperative" and insert immediately thereafter "North Dakota state university"

Page 11, line 9, remove "trained"

Renumber accordingly

HB 1475 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 HB 1505 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 1505 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 Engrossed HB 1565 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 1565 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 1596 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1596 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 1597 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 NOT PASS.

HB 1597 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 1654 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HB 1654 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 3029 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.

HCR 3029 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 HCR 3066 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3066 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 HCR 3074 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.

HCR 3074 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3069: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting an alternative method of delivery of special education and related services to developmentally disabled students in this state.

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

HCR 3076: A concurrent resolution directing the Legislative Council to study motorboat license fees.

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

HCR 3081: A concurrent resolution directing the Legislative Council to study legislative employee compensation.

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

HCR 3082: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of replacing county and city emergency management organizations with regional emergency management organizations and transferring responsibility for the state radio broadcasting system to the Adjutant General.

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

HCR 3083: A concurrent resolution directing the Legislative Council to study the adequacy of property insurance coverage to replace state buildings.

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

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

PATRICIA CONRAD, Secretary