

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 17, 1989

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

The prayer was offered by Rev. David McCauley, Church of the Nativity, Fargo.

Lord of all nations and peoples, we rejoice in Your holy man, Patrick. Irish or not, Catholic or not, we all dance a bit on this joyous feast! Lord of bishops and bartenders, of those who make and who break our laws, we thank You for sprinkling saints among us like Patrick of Ireland.

His Green Feast gives us all a chance to wear the green of spring and life. The green of this day foretells of rich vegetation soon to grace our whited countryside.

As the work of this Assembly proclaims the fresh and new to the tired and weary of those we serve.

Glory for spring and Senate and saintly Patrick, whose feast of faerie folk will be for us the eve and hope of spring and freedom's ring.

As Patrick sent snakes from Ireland by Your blessed touch, may we, as Your holy people of today, drive evil from our life and state.

Lord of all seasons and all right, as song and mirth are greening around us, enliven us with Your light and embolden us with Your power that our gifts will produce justice and growth in the land with which You have graced us.

Blessed be Patrick, bishop and saint, blessed be all Senators and Saints, and the wee folk as well. Amen.

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

A quorum was declared by the President.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: SB 2156, SB 2282, SB 2287, SB 2330, SB 2442, SCR 4001, SCR 4002, SCR 4014, SCR 4025, SCR 4028, SCR 4034, SCR 4037, SCR 4039, SCR 4042.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2156, SB 2282, SB 2287, SB 2330, SB 2442, SCR 4001, SCR 4002, SCR 4014, SCR 4025, SCR 4028, SCR 4034, SCR 4037, SCR 4039, SCR 4042.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1023, HB 1321, HB 1353, HB 1372, HB 1375, HB 1389.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1061.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1469.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1094, HB 1131, HB 1240, HB 1347, HB 1371, and HCR 3031 and subsequently passed the same.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1009, HB 1084, HB 1140, HB 1182, HB 1212, HB 1256, HB 1275, HB 1287, HB 1290, HB 1331, HB 1344, HB 1425, HB 1440, HB 1607, HB 1651, HCR 3001, HCR 3002, HCR 3006, HCR 3010, HCR 3024, HCR 3027, HCR 3033, HCR 3041, HCR 3042, HCR 3043, HCR 3044, HCR 3050, HCR 3052, HCR 3053, HCR 3057, HCR 3062, HCR 3063, HCR 3068, HCR 3070.

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

MR. PRESIDENT: The Speaker has signed: SB 2035, SB 2083, SB 2095, SB 2124, SB 2137, SB 2166, SB 2224, SB 2236, SB 2266, SB 2267, SB 2275, SB 2311, SB 2331, SB 2348, SB 2349, SB 2353, SB 2381, SB 2436, SB 2437, SB 2441, SB 2469, SB 2474, SB 2477, SB 2496, SB 2515, SB 2519.

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 Fiftieth Day and finds it to be correct.

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

MOTIONS

SEN. MAIXNER MOVED that the Senate reconsider the action by which HB 1643 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

SEN. STROMME MOVED that HB 1643 be amended as follows:

Page 4, line 1, replace "2" with "1"

Re-number accordingly

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

SEN. MAIXNER MOVED that the rules be suspended, that HB 1643 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1643: A BILL for an Act to create and enact a new section to chapter 42-01 of the North Dakota Century Code, relating to the definition of illegal abortion; to amend and reenact sections 42-01-01, 42-01-06, 42-01-08, 42-01-15, and 42-02-10 of the North Dakota Century Code, relating to illegal abortion as a nuisance; to repeal sections 14-02.1-03.1, 14-02.1-04, and 14-02.1-11 of the North Dakota Century

Code, relating to abortion; to provide an effective date; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Freborg; Keller; Kelsh; Kinnoin; Krauter; Lips; Lodoen; Mathern; Meyer, W.; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Vosper

NAYS: Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Krebsbach; Langley; Maixner; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Olson; Peterson; Redlin; Richard; Satrom; Schoenwald; Stenehjerm; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz

HB 1643 lost.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1390 as recommended by the Committee on Education as printed on page 1143 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

HB 1390 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to HB 1631 as recommended by the Committee on Education as printed on pages 1145-1146 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1631 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. STROMME MOVED that the amendments to SCR 4032 as recommended by the Committee on Joint Constitutional Revision as printed on page 1159 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SCR 4032 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. MAIXNER MOVED that HB 1024 be moved to the bottom of the calendar, which motion prevailed.

SEN. MAIXNER MOVED that SB 2534 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

REQUEST

SEN. SCHOENWALD REQUESTED the unanimous consent of the Senate to withdraw SB 2534. There being no objection, it was so ordered by the President.

SECOND READING OF HOUSE BILLS

HB 1119: A BILL for an Act to amend and reenact section 65-05-07 of the North Dakota Century Code, relating to prohibition against a medical provider billing the claimant for the difference between the usual and customary charge and the amount allowed by the bureau fee schedule.

ROLL CALL

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

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

HB 1119 passed and the title was agreed to.

HB 1127: A BILL for an Act to create and enact a new section to chapter 25-04 of the North Dakota Century Code, relating to chapter limitations; to amend and reenact section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 310 of the 1985 Session Laws of North Dakota, section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 311 of the 1985 Session Laws of North Dakota, section 25-04-03 of the North Dakota Century Code as amended by section 3 of chapter 311 of the 1985 Session Laws of North Dakota, and subsection 3 of section 25-04-16 of the North Dakota Century Code, relating to the state developmental center at Grafton; and to repeal sections 25-04-03.1 and 25-04-05.2 of the North Dakota Century Code, section 25-04-03.1 of the North Dakota Century Code as amended by section 4 of chapter 311 of the 1985 Session Laws of North Dakota, and section 11 of chapter 311 of the 1985 Session Laws of North Dakota, relating to san haven and the organization of the department of human services.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1127 passed and the title was agreed to.

HB 1167: A BILL for an Act to create and enact a new subsection to section 50-06.2-02 and a new section to chapter 50-06.2 of the North Dakota Century Code, relating to the definition of qualified service provider and the freedom of choice of qualified service provider; and to amend and reenact subsection 4 of section 50-06.2-02, section 50-06.2-03, and subsection 3 of section 50-06.2-04 of the North Dakota Century Code, relating to the definition of family home care, payment for human services, and the availability of human services.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsch; 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; Stenehjelm; Streibel; Stromme; Tallackson; Tennesfos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1167 passed and the title was agreed to.

MOTIONS

SEN. D. MEYER MOVED that HB 1249 be amended as follows:

In addition to the amendments to House Bill No. 1249 adopted by the Senate as printed on page 1117 of the Senate Journal, House Bill No. 1249 is further amended as follows:

Page 1, line 16, overstrike "is" and after "two" insert "may be set by the licensee or eligible organization at not more than"

Renumber accordingly

SEN. D. MEYER MOVED that the proposed amendments be adopted, which motion prevailed on a verification vote.

MOTIONS

SEN. NAA DEN MOVED that HB 1249 be further amended as follows:

Page 1, line 16, replace "five" with "three"

Renumber accordingly

SEN. NAA DEN MOVED that the proposed amendments be adopted, which motion lost on a verification vote.

MOTION

SEN. D. MEYER MOVED that the rules be suspended, that HB 1249 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1249: A BILL for an Act to amend and reenact section 53-06.1-10 of the North Dakota Century Code, relating to maximum and minimum wagers in the game of twenty-one.

MOTION

SEN. MAIXNER MOVED the previous question, which motion prevailed.

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

YEAS: David; Dotzenrod; Heinrich; Holmberg; Ingstad; Kelsh; Kinnoin; Krebsbach; Langley; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland

NAYS: Axtman; Ewen; Freborg; Hanson; Hilken; Keller; Krauter; Mathern; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Streibel; Tennefos; Vosper; Yockim

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1249 passed and the title was agreed to.

HB 1304: A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to establishing school districts on military installations; to amend and reenact sections 15-27.1-02 and 15-27.1-11 of the North Dakota Century Code, relating to the application of the laws relating to annexation, reorganization, and dissolution of school districts; 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 46 YEAS, 5 NAYS, 2 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, W.; Mushik; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: Meyer, J.; Moore; Mutch; O'Connell; Vosper

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1304 passed, the title was agreed to, and the emergency clause carried.

HB 1510: A BILL for an Act to create and enact a new section to chapter 58-04 to allow expansion of the board of township supervisors from three to five members; and to amend and reenact sections 58-04-02 and 58-05-02 of the North Dakota Century Code, relating to special township meetings and officers of a township.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Redlin

HB 1510 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House respectfully requests the return of: SB 2424.

MOTION

SEN. MAIXNER MOVED that SB 2424 be returned to the House, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate respectfully returns SB 2424.

MOTION

SEN. MAIXNER MOVED that HB 1540, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1383: A BILL for an Act to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to smoking in public elementary and secondary schools.

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 17 YEAS, 34 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Ewen; Freborg; Hilken; Ingstad; Krebsbach; Maixner; Mathern; Maxson; Nalewaja; O'Connell; Redlin; Satrom; Shea; Stromme; Todd; Yockim

NAYS: David; Dotzenrod; Hanson; Heinrich; Holmberg; Keller; Kelsh; Kinnoin; Krauter; Langley; Lips; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nothing; Olson; Peterson; Richard; Robinson; Schoenwald; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Vosper; Waldera; Wogsland

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1383 lost.

HB 1451: A BILL for an Act to create and enact a new section to chapter 11-17; and to amend and reenact sections 11-10-02, 11-10-06, 11-10-10, 11-10-11, 11-17-05, and 27-01-01.1 of the North Dakota Century Code, relating to clerks of district court.

ROLL CALL

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

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

NAYS: Kinnoin; Nothing; O'Connell; Todd

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1451 passed and the title was agreed to.

HB 1585: A BILL for an Act to provide for regulation of wholesale drug distributors; and to provide a penalty.

ROLL CALL

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

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

HB 1585 passed and the title was agreed to.

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.

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

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

NAYS: Ewen; Hilken; Kelsh; Krauter; Moore; Mutch; Naaden; Nelson; Vosper

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

HB 1014 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that the Senate stand at recess until 2:30 p.m., which motion prevailed.

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

March 17, 1989

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

Dear Mr. President:

This is to inform you that on March 17, 1989, I signed the following: SB 2031, SB 2034, SB 2061, SB 2063, SB 2068, SB 2087, SB 2091, SB 2092, SB 2100, SB 2101, SB 2107, SB 2111, SB 2112, SB 2113, SB 2126, SB 2127, SB 2149, SB 2165, SB 2179, SB 2185, SB 2211, SB 2228.

Sincerely,

GEORGE A. SINNER
 Governor

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4015: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the missions and closure of the institutions of higher education.

ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS, the roll was called and there were 19 YEAS, 33 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Freborg; Heinrich; Holmberg; Keller; Krebsbach; Lodoen; Maxson; Meyer, D.; Meyer, W.; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Shea; Stenehjem; Tennefos; Todd

NAYS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Hilken; Ingstad; Kelsh; Kinnoin; Krauter; Langley; Lips; Maixner; Mathern; Meyer, J.; Moore; Mushik; Nething; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Streibel; Stromme; Tallackson; Thane; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz

SCR 4015 was declared lost.

SECOND READING OF HOUSE BILLS

HB 1032: A BILL for an Act to create and enact four new subdivisions to subsection 6 of section 28-32-01 and a new section to chapter 28-32 of the North Dakota Century Code, relating to what is excluded from a rule and not subject to the requirements of the Administrative Agencies Practice Act and to regulatory analysis of proposed rules; and to amend and reenact sections 28-32-02, 28-32-03, and 28-32-22 of the North Dakota Century Code, relating to administrative agency rulemaking procedures.

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; 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: Keller; Lashkowitz

HB 1032 passed and the title was agreed to.

HB 1145: A BILL for an Act to amend and reenact subsection 9 of section 57-02-08 of the North Dakota Century Code, relating to the exemption from ad valorem taxation for a religious corporation or organization; 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, 1 NAY, 3 ABSENT AND NOT VOTING.

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

NAYS: Lips

ABSENT AND NOT VOTING: Keller; Lashkowitz; Stromme

HB 1145 passed and the title was agreed to.

HB 1163: A BILL for an Act to amend and reenact sections 23-06-03.1, 43-10.1-03, 43-10.1-04, and 43-10.1-05 of the North Dakota Century Code, relating to pre-need funeral services.

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; 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; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Stromme

HB 1163 passed and the title was agreed to.

HB 1277: A BILL for an Act to amend and reenact section 43-30-02 of the North Dakota Century Code, relating to law enforcement personnel providing private security service.

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, 35 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Freborg; Heinrich; Krebsbach; Langley; Meyer, J.; Nelson; Nething; O'Connell; Robinson; Stenehjem; Tallackson; Todd; Vosper; Yockim

NAYS: Axtman; David; Ewen; Hanson; Heigaard; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Olson; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Streibel; Tennefos; Thane; Waldera; Wogsland

ABSENT AND NOT VOTING: Keller; Lashkowitz; Stromme

HB 1277 lost.

HB 1342: A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to limitations on cash prizes in raffles.

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 45 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Naaden; Nething; Peterson; Redlin

ABSENT AND NOT VOTING: David; Keller; Lashkowitz; Stromme

HB 1342 passed and the title was agreed to.

HB 1343: A BILL for an Act to amend and reenact subsection 6 of section 26.1-08-01 of the North Dakota Century Code, relating to the definition of an insurance company for purposes of the comprehensive health association.

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; Holmberg; Ingstad; Kelsh; Kinnoin; 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; Tallackson; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz; Stenehjerm; Stromme; Waldera

HB 1343 passed and the title was agreed to.

HB 1400: A BILL for an Act to amend and reenact sections 15-40.2-03 and 15-40.2-04 of the North Dakota Century Code, relating to an exemption from tuition payments for students enrolled in approved alternative education programs.

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; Holmberg; Ingstad; Kelsh; Kinnoin; 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; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz; Stenehjerm; Stromme

HB 1400 passed and the title was agreed to.

HB 1411: A BILL for an Act to amend and reenact sections 43-25-02, 43-25-05, 43-25-07, 43-25-08, 43-25-09, 43-25-13, and 43-25-14 of the North

Dakota Century Code, relating to regulation of the practice of massage therapy.

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; Holmberg; Ingstad; Kelsh; Kinnoin; 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; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz; Stenehjem; Stromme

HB 1411 passed and the title was agreed to.

HB 1419: A BILL for an Act to create and enact a new section to chapter 12.1-27.2 of the North Dakota Century Code, relating to possession of certain materials; to amend and reenact subsections 4 and 9 of section 12.1-27.1-01, and sections 12.1-27.1-03, 12.1-27.2-01, 12.1-27.2-02, 12.1-27.2-03, 12.1-27.2-04, 12.1-27.2-05, and 12.1-27.2-06 of the North Dakota Century Code, relating to obscenity and sexual performances by minors; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO 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; Holmberg; Ingstad; Kelsh; Kinnoin; 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; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz; Stenehjem; Stromme

HB 1419 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that HB 1427 and HB 1515 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1456: A BILL for an Act to allow the centennial commission to establish a centennial decade trees committee by rule, to establish a centennial tree program trust fund, and to provide for uses of the fund; to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional contribution to the centennial tree program trust fund to be included on North Dakota income tax returns; to provide a continuing appropriation; to provide an effective date; and to provide an expiration 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 40 YEAS, 8 NAYS, 5 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz; Stenehjem; Stromme

HB 1456 passed and the title was agreed to.

HB 1463: A BILL for an Act to amend and reenact section 40-49-10 of the North Dakota Century Code, relating to the interest in contracts of members of the park 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 47 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

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

NAYS: Shea

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz; Stenehjem; Stromme

HB 1463 passed and the title was agreed to.

HB 1468: A BILL for an Act to amend and reenact sections 14-03-09, 16.1-15-08, 16.1-15-09, 16.1-15-11, 16.1-15-13, and 16.1-16-07 of the North Dakota Century Code, relating to the authority of magistrates to

perform marriages and the duty of magistrates to preserve election ballots.

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; Holmberg; Ingstad; Kelsh; Kinnoin; 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; Shea; Streibel; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz; Maixner; Stenehjem; Stromme

HB 1468 passed and the title was agreed to.

HB 1472: A BILL for an Act to amend and reenact subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to deductions in foundation aid payments for schools that are not accredited.

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 35 YEAS, 13 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Tallackson; Tennefos; Thane; Waldera; Yockim

NAYS: Hilken; Kelsh; Kinnoin; Langley; Maixner; Meyer, W.; Moore; Mutch; Naaden; Streibel; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz; Stenehjem; Stromme

HB 1472 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

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

Thank you, Mr. President. Yesterday on HB 1642, I had visitors and was distracted and I voted wrong. I would like to have my comments in the Journal to recognize the fact that I intended to vote "yea" on HB 1642 and consequently I am trying to correct a mistake that I made. It is that

simple. So if the Senate Journal could show that I was in favor of HB 1642, I would appreciate it.

SECOND READING OF HOUSE BILLS

HB 1473: A BILL for an Act to regulate the operation of amusement rides; to provide a penalty; 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 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz; Stenehjerm; Stromme

HB 1473 passed, the title was agreed to, and the emergency clause carried.

HB 1505: A BILL for an Act to amend and reenact subsections 1 and 2 of section 20.1-02-17.1 and section 20.1-02-18.1 of the North Dakota Century Code, relating to land acquisitions for wildlife and fish restoration.

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; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; 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; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Keller; Krauter; Lashkowitz; Stenehjerm; Stromme

HB 1505 passed and the title was agreed to.

DOCTOR OF THE DAY SCHEDULE

March 20: Ray F. Miller, MD - Orthopedics - Bismarck
March 21: Craig M. Doser, MD - FP Resident - Bismarck

March 22: Michael J. Schlosser, MD - FP Resident - Bismarck
 March 23: Louise A. Murphy, MD - FP Resident - Bismarck
 March 24: Raymond S. Gruby, MD - Orthopedics - Bismarck

MOTIONS

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

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the 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 4020, HB 1337, HB 1324, HB 1304, HB 1610, HB 1362, HB 1622, HB 1038, HB 1083, HB 1169, HB 1402, HB 1018, HCR 3020, HCR 3079, HCR 3055, HCR 3073, HCR 3003, HCR 3059, and HCR 3009, the Senate stand adjourned until 1:00 p.m., Monday, March 20, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4017 has had the same under consideration and recommends by a vote of 10 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 4, replace "moneys" with "taxes collected and"

ReNUMBER accordingly

SCR 4017 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4020 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SCR 4020 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4026 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, replace "states attorneys in counties of less than" with "officials who are elected under existing law in counties of relatively small population."

Page 1, remove lines 3 and 4

Page 1, remove lines 11 through 13

Page 1, line 15, replace "a states attorney" with "certain county officials"

Page 1, line 18, replace "states" with "certain officials who are elected under present law"

Page 1, line 19, remove "attorneys" and remove "and of creating appropriate"

Page 1, line 20, remove "constitutional changes to accomplish such appointments"

Renumber accordingly

SCR 4026 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4040 has had the same under consideration and recommends by a vote of 6 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 5, replace "The legislative assembly intends that the office of state" with "Currently, no other constitutional elective state office has such a limitation."

Page 1, remove lines 6 and 7

Page 1, line 14, after "Dakota" insert ", if House Concurrent Resolution No. 3038, having been submitted to the voters, is not approved in the preceding primary election"

Renumber accordingly

SCR 4040 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 Engrossed HB 1013 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1013 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 1018 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1018 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 1021 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 1021 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 1038 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 1038 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1052 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 8, after line 14, insert:

"p. Serve a term of imprisonment of up to one-half of the maximum term authorized for the offense of which the defendant was convicted or one year, whichever is less."

Renumber accordingly

HB 1052 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 1083 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1083 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 1169 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1169 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 1181 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 22, after "commodity" insert "or livestock"

Page 2, line 20, replace "one hundred" with "seventy-five"

Renumber accordingly

HB 1181 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred HB 1210 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, remove the comma

Page 1, line 2, remove "subsection 3 of section 53-06.1-11,"

Page 2, remove lines 10 through 22

Renumber accordingly

HB 1210 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 HB 1235 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 4, after "foods" insert "; and to amend and reenact sections 23-05-01 and 23-14-06 of the North Dakota Century Code, relating to the sale and use of certain home-prepared foods"
- Page 1, line 8, underscore "Exemption for certain home-prepared food." and replace "This chapter does not" with "Nothing in this chapter may be construed to prohibit"
- Page 1, line 9, remove "apply to" and underscore "a person not regularly engaged in the business of preparing or"
- Page 1, line 10, underscore "selling food", replace "and who prepares" with "from preparing", and underscore "food for sale directly to the ultimate"
- Page 1, line 11, underscore "consumer", replace "; for" with "if the", underscore "sale or use", after "use" insert "is", and underscore "for political purposes, including the raising of"
- Page 1, underscore lines 12 through 20
- Page 1, line 21, underscore "1260-1265; 21 U.S.C. 603 et seq.]" and after the period insert "Inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."
- Page 2, line 3, underscore "Exemption for certain home-prepared food." and replace "This chapter does not" with "Nothing in this chapter may be construed to prohibit"
- Page 2, line 4, remove "apply to" and underscore "a person not regularly engaged in the business of preparing or"
- Page 2, line 5, underscore "selling food", replace "and who prepares" with "from preparing", and underscore "food for sale directly to the ultimate"
- Page 2, line 6, underscore "consumer", replace "; for" with "if the", underscore "sale or use", after "use" insert "is", and underscore "for political purposes, including the raising of"
- Page 2, underscore lines 7 through 15

- Page 2, line 16, underscore "1260-1265; 21 U.S.C. 603 et seq.]" and after the period insert "Inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."
- Page 2, line 19, underscore "Exemption for home-prepared beverages." and replace "This chapter does not apply" with "Nothing in this chapter may be construed to prohibit"
- Page 2, line 20, remove "to" and underscore "a person not regularly engaged in the business of preparing or selling"
- Page 2, line 21, underscore "beverages", replace "and who prepares" with "from preparing", and underscore "beverages for sale directly to the ultimate"
- Page 2, line 22, underscore "consumer", replace "; for" with "if the", underscore "sale or use", after "use" insert "is", and underscore "for political purposes, including the raising of"
- Page 2, underscore lines 23 through 28
- Page 3, underscore line 1
- Page 3, line 2, underscore "products." and after the period insert "Inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."
- Page 3, line 5, underscore "Exemption for home-prepared", remove "rolls and white", underscore "bread", after "bread" insert "products", underscore the period, and replace "This chapter does" with "Nothing in this chapter may be construed to prohibit"
- Page 3, line 6, remove "not apply to" and underscore "a person not regularly engaged in the business of preparing or"
- Page 3, line 7, underscore "selling rolls", replace "or white" with an underscored comma, underscore "bread", replace "and who prepares" with ", or other bread products from preparing", underscore "rolls", replace "or white" with an underscored comma, underscore "bread", after "bread" insert ", or other bread products", and underscore "for sale"
- Page 3, line 8, underscore "directly to the ultimate consumer", replace "; for" with "if the", underscore "sale or use", after "use" insert "is", and underscore "for political purposes."
- Page 3, underscore lines 9 through 14
- Page 3, line 15, underscore "business of selling rolls", replace "or white" with an underscored comma, underscore "bread", after "bread" insert ", or other bread products", and underscore ". The exemption provided by this"
- Page 3, line 16, underscore "section does not apply to rolls", replace "or white" with an underscored comma, underscore "bread", after "bread"

insert ", or other bread products", and underscore "prepared using nongrade A"

Page 3, line 17, underscore "dairy products." and after the period insert "Inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."

Page 3, after line 17, insert:

"SECTION 5. AMENDMENT. Section 23-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-05-01. Powers and duties of local board of health. The county, city, and township boards of health shall be known as local boards of health, and each board shall have the following powers and duties within its jurisdiction:

1. To employ such persons as may be necessary to carry into effect the regulations established by it and the provisions of this title.
2. To inquire into all nuisances, sources of filth, and causes of sickness, and make such regulations regarding the same as are necessary for the public health and safety, but the regulations of the township board of health shall be temporary, and such board, immediately upon taking such action, shall report the same to the county superintendent of public health, who shall give the board specific instructions or take such action as he deems necessary for the protection of public health.
3. To adopt such quarantine and sanitary measures as are necessary when an infectious or contagious disease exists in its jurisdiction.
4. To provide such necessities of life as in its judgment shall be needed for the maintenance, welfare, and comfort of persons afflicted with contagious and infectious diseases.
5. To enter into and examine at any time all buildings, lots, and places of any description within its jurisdiction for the purpose of ascertaining the conditions thereof insofar as public health may be affected.
6. To make such rules and regulations as are necessary and proper for the preservation of public health and safety.

Nothing in this chapter may be construed to prohibit a person not regularly engaged in the business of preparing or selling food from preparing food for sale directly to the ultimate consumer if the sale or use is for political purposes, including the raising of funds for use in supporting or opposing the nomination or election of any candidate, promoting the passage or defeat of any initiated or referred measure, or supporting or opposing any other political issue; or for sale or use by nonprofit charitable, educational, fraternal, religious, or veterans organization, civic or service club, or other nonprofit

public-spirited organization not regularly engaged in the business of selling food. The exemption provided by this section does not apply to home-canned goods, nongrade A dairy products and food prepared using nongrade A dairy products, and to meat not inspected under the Federal Meat Inspection Act [34 Stat. 1260-1265; 21 U.S.C. 603 et seq.]. Inspections conducted or rules adopted under this chapter may not be used by a local board of health to prohibit or restrict the sale and use of home-prepared foods as provided in this section.

SECTION 6. AMENDMENT. Section 23-14-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-14-06. Powers of the district boards of health - Fees. Each district board of health shall have and shall exercise all the powers and duties which now or hereafter may be given to a local board of health by the laws of the state insofar as the same are not inconsistent with this chapter. District health units may establish by regulation a schedule of reasonable fees which may be charged for services rendered. However, services may not be withheld because of inability to pay any fees established under this section. Nothing in this chapter may be construed to prohibit a person not regularly engaged in the business of preparing or selling food from preparing food for sale directly to the ultimate consumer if the sale or use is for political purposes, including the raising of funds for use in supporting or opposing the nomination or election of any candidate, promoting the passage or defeat of any initiated or referred measure, or supporting or opposing any other political issue; or for sale or use by nonprofit charitable, educational, fraternal, religious, or veterans organization, civic or service club, or other nonprofit public-spirited organization not regularly engaged in the business of selling food. The exemption provided by this section does not apply to home-canned goods, nongrade A dairy products and food prepared using nongrade A dairy products, and to meat not inspected under the Federal Meat Inspection Act [34 Stat. 1260-1265; 21 U.S.C. 603 et seq.]. Inspections conducted or rules adopted under this chapter may not be used by a district health unit to prohibit or restrict the sale and use of home-prepared foods as provided in this section."

ReNUMBER accordingly

HB 1235 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1276 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, after "16.1-01-09" insert ", sections 44-02-04, and 44-10-01", and after "petitions" insert "and vacancies in or removal from office"

Page 1, line 22, after "recall" insert "for misconduct, malfeasance, crime in office, neglect of duty in office, habitual drunkenness, or gross incompetency"

Page 2, after line 26, insert:

"SECTION 3. AMENDMENT. Section 44-02-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-02-04. Vacancy in county office - Appointment. A vacancy in any county office, other than that of county commissioner, must be filled by the board of county commissioners, ~~with the exception that if a vacancy has occurred in the office of state's attorney by reason of his removal under section 44-11-01, the appointment must be made by the board of county commissioners by and with the advice and consent of the governor.~~ A vacancy in the office of county judge must be filled as provided in chapter 27-26. The board of county commissioners may declare a county office to be vacant whenever the officeholder is unable to perform the duties of the office for six months or more. However, if within one year the officeholder should become able to perform ~~his~~ the duties of office the county commissioners may, for good cause shown, ~~reinstate such the~~ reinstate the officeholder.

SECTION 4. AMENDMENT. Section 44-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-10-01. Additional proceedings - Removal from office. In addition to the proceedings mentioned in chapter 32-13 and chapters 44-02 and ~~44-11~~ 44-08, and apart and distinct from any other criminal action or proceedings, the provisions of this chapter are adopted to obtain a judgment of removal from office."

Renumber accordingly

HB 1276 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred HB 1276 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 11, after "ballot" insert "as independent nominations"

Renumber accordingly

HB 1323 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 1324 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 1324 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 rereferred HB 1337 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

HB 1337 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred HB 1362 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1362 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 1387 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 12, after "landowners" insert "or operators"

Page 1, line 13, remove "the landowner's own" and after "land" insert "owned or operated by that individual"

Re-number accordingly

HB 1387 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 HB 1402 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 1402 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1498 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 2, replace "mortgages" with "loans"

Page 1, line 8, replace the comma with "must be"

Page 1, line 9, replace "mortgagee" with "borrower" and replace "mortgagor, must be affixed to all" with "lender on loans that"

Page 1, remove line 10

Page 1, line 11, remove "which"

Page 1, line 13, after "may" insert "attempt to"

Page 1, line 15, after "that" insert "it may be alleged that"

Page 1, line 18, after "that" insert "it may be alleged that"

Re-number accordingly

HB 1498 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1543 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 15, replace "absentee ballot precinct" with "county, city, or legislative district"

Re-number accordingly

HB 1543 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1580 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-09.1-03 of the North Dakota Century Code, relating to the exemption of wages.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-09.1-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

32-09.1-03. Restriction on garnishment of earnings.

1. The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment may not exceed the lesser of:
 - a. Twenty-five percent of disposable earnings for that week.
 - b. The amount by which disposable earnings for that week exceed forty times the federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended [Pub. L. 95-151; 91 Stat. 1245; 29 U.S.C. 206] or any equivalent multiple thereof prescribed by regulation by the secretary of labor in case of earnings for any pay period other than a week, in effect at the time the earnings are payable.
2. The maximum amount subject to garnishment under subsection 1 for any workweek must be reduced by twenty dollars for each dependent family member residing with the garnishment debtor.
3. The restrictions of subsection 1 do not apply in the case of:
 - a. Any order of any court for the support of any person.
 - b. Any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act.
 - c. Any debt due for any state or federal tax.

- ~~3-~~ 4. The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed:
- a. Where such individual is supporting a spouse or dependent child other than a spouse or child with respect to whose support such order is used, fifty percent of the individual's disposable earnings for that week; and
 - b. Where such individual is not supporting a spouse or dependent child other than a spouse or child with respect to whose support such order is used, sixty percent of the individual's disposable earnings for that week;

except that, with respect to the disposable earnings of any individual for any workweek, the fifty percent specified in subdivision a shall be deemed to be fifty-five percent and the sixty percent specified in subdivision b shall be deemed to be sixty-five percent, if and to the extent that the earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such workweek.

- ~~4-~~ 5. No court of this state may make, execute, or enforce any order or process in violation of this section."

Renumber accordingly

HB 1580 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1584 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 25, after "willfully" insert ", as defined in section 12.1-02-02,"

Page 3, line 12, after "willfully" insert ", as defined in section 12.1-02-02,"

Page 3, line 24, after "willfully" insert ", as defined in section 12.1-02-02,"

Renumber accordingly

HB 1584 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 1610 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1610 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1621 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, after "sale" insert "; to repeal chapter 194 of the 1987 Session Laws of North Dakota, relating to redemption of separate known lots or parcels of property"

Page 3, line 5, replace "separate" with "separately"

Page 4, after line 21, insert:

"SECTION 9. Right of certain debtors to purchase homesteads acquired by lenders. Any lender required under section 108 of the Agricultural Credit Act of 1987 [Pub. L. 100-233; 101 Stat. 1582; 12 U.S.C. 2219a] to offer a debtor the right to purchase property acquired by the lender shall offer the debtor the right to purchase the property in at least two separate parcels, one of which must be a compact contiguous tract of up to one hundred sixty acres [64.75 hectares] which includes the debtor's dwelling and does not unreasonably diminish the access, use, or value of the remaining property. Any payment made to the lender by the debtor to purchase a parcel must be considered in any determination of whether the parcel unreasonably diminishes the access, use, or value of the remaining property. The offer must be made prior to any lease or sale of the tract including the dwelling to a third party and, in addition, at the time as required or permitted by the Agricultural Credit Act of 1987, but duplicative offers are not required. Failure of a lender to offer a debtor the right to purchase the property under the Agricultural Credit Act of 1987 does not give the debtor a claim for relief under this section.

SECTION 10. REPEAL. Chapter 194 of the 1987 Session Laws of North Dakota is hereby repealed."

Renumber accordingly

HB 1621 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 HB 1622 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1622 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 HCR 3003 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 and BE PLACED ON THE CONSENT CALENDAR.

HCR 3003 was placed on the Tenth 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 HCR 3009 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 and BE PLACED ON THE CONSENT CALENDAR.

HCR 3009 was placed on the Tenth 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 3020 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.

HCR 3020 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 HCR 3055 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 3055 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred HCR 3058 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 2, after "devoted" insert "and the laws governing charitable gaming"

Page 1, line 11, after "devoted" insert "and a Legislative Council study of the status and impact of charitable gaming has not been conducted since the 1985-86 interim and since that interim substantial changes have been made in the laws governing charitable gaming"

Page 1, line 15, after "gaming" insert "and to determine whether the laws in place adequately govern the conduct of charitable gaming"

Page 1, line 19, after "devoted" insert "and the laws governing charitable gaming, with emphasis on charitable gaming laws enacted since 1987"

Re-number accordingly

HCR 3058 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 HCR 3059 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 and BE PLACED ON THE CONSENT CALENDAR.

HCR 3059 was placed on the Tenth 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 HCR 3073 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.

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HCR 3073 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 3079 has had the same under consideration and recommends by a vote of 4 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3079 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

PATRICIA CONRAD, Secretary