

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 20, 1989

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

The prayer was offered by Rev. Wil Dachtler, Baptist Home, Bismarck.

God, Our Father, we are privileged to lift our voices in adoration and praise.

We thank You for this special day - special in the fact that You have promised to be with us.

Heavenly Father, be with each person assembled here. Grant them this day renewed concern. Help them to fulfill the task which Thy will demands be done, mindful that the task is too great for us alone. May each be sensitive to Your leading.

Unite the Assembly in harmonious endeavor as they pursue the business of the day.

Be with our Governor and his staff. Give him inner strength and wisdom to carry on his duties of the day. May the love of Christ fill our hearts.

In His Name, we pray. Amen.

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

A quorum was declared by the President.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 10:21 a.m., March 20, 1989: SB 2039, SB 2040, SB 2054, SB 2194, SB 2280, SB 2315, SB 2406, SB 2408, SB 2414, SB 2420, SB 2425, SB 2426, SB 2435.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 10:21 a.m., March 20, 1989: SB 2050, SB 2051, SB 2052, SB 2053, SB 2057, SB 2106, SB 2134, SB 2136, 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.

SIGNING OF BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolution: SMR 1, SB 2060, SB 2067, SB 2108, SB 2109, SB 2169, SB 2180, SB 2200, SB 2207, SB 2208, SB 2229, SB 2283, SB 2299, SB 2338, SB 2431, SB 2457.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2060, SB 2067, SB 2108, SB 2109, SB 2169, SB 2180, SB 2200, SB 2207, SB 2208, SB 2229, SB 2283, SB 2299, SB 2338, SB 2431, SB 2457.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 10:25 a.m., March 20, 1989: SMR 1, SCR 4018.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: 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 HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed: 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 HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1284, HB 1475.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1364, HB 1586, HB 1642.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1094, HB 1131, HB 1240, HB 1347, HB 1371, HCR 3031.

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

MR. PRESIDENT: The Speaker has signed: 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.

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 Fifty-first Day and finds it to be correct.

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

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to HB 1089 as recommended by the Committee on Industry, Business and Labor as printed on pages 1160-1161 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1089 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1155 as recommended by the Committee on Industry, Business and Labor as printed on page 1161 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1155 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1207 as recommended by the Committee on Industry, Business and Labor as printed on pages 1161-1162 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1207 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1213 as recommended by the Committee on Industry, Business and Labor as printed on page 1162 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1213 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 1292 as recommended by the Committee on Judiciary as printed on page 1163 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1292 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1298 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1163 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1298 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. SATROM MOVED that the amendments to HB 1381 as recommended by the Committee on Finance and Taxation as printed on page 1164 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. RICHARD MOVED that the rules be suspended, that HB 1381 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 1381: A BILL for an Act to amend and reenact section 23-11-29 of the North Dakota Century Code, relating to tax exemptions for housing authorities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1381 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1507 as recommended by the Committee on Education as printed on pages 1165-1169 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1507 was rereferred to the Committee on Appropriations.

SEN. D. MEYER MOVED that the amendments to HB 1660 as recommended by the Committee on State and Federal Government as printed on page 1170 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1660 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to HCR 3045 as recommended by the Committee on Education as printed on page 1171 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HCR 3045 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. STROMME MOVED that the amendments to SCR 4017 as recommended by the Committee on Joint Constitutional Revision as printed on page 1190 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. STROMME MOVED that the amendments to SCR 4026 as recommended by the Committee on Joint Constitutional Revision as printed on pages 1190-1191 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

MOTION

SEN. STROMME MOVED that SCR 4040 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1052 as recommended by the Committee on Judiciary as printed on page 1192 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1052 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. W. MEYER MOVED that the amendments to HB 1181 as recommended by the Committee on Agriculture as printed on page 1192 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1181 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 1210 as recommended by the Committee on Judiciary as printed on pages 1192-1193 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1210 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1235 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1193-1196 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1235 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 1276 as recommended by the Committee on Judiciary as printed on pages 1196-1197 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1276 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 1323 as recommended by the Committee on Judiciary as printed on page 1197 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1323 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to HB 1387 as recommended by the Committee on Natural Resources as printed on page 1198 of the Senate Journal

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

HB 1387 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 1498 as recommended by the Committee on Judiciary as printed on page 1198 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1498 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 1543 as recommended by the Committee on Judiciary as printed on page 1199 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1543 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 1580 as recommended by the Committee on Judiciary as printed on pages 1199-1200 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1580 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 1584 as recommended by the Committee on Judiciary as printed on page 1200 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1584 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 1621 as recommended by the Committee on Judiciary as printed on page 1201 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1621 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to HCR 3058 as recommended by the Committee on Judiciary as printed on page 1202 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HCR 3058 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. HEIGAARD MOVED that HB 1024, HB 1603, HCR 3067, HB 1005, HB 1013, and HB 1021, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. D. MEYER MOVED that HB 1537 and HB 1563, which are on the Fourteenth order, be laid over two legislative days, which motion prevailed.

SEN. DOTZENROD MOVED that HB 1415, which is on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Dotzenrod's motion, HB 1415 was rereferred.

SEN. TENNEFOS MOVED that the Senate reconsider the action by which HB 1342 passed, which motion lost on a verification vote.

POINT OF PERSONAL PRIVILEGE

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

Mr. President and members of the Senate: I attempted to have HB 1342 reconsidered for the purpose of allowing me to change my vote, on which I erred last Friday, March 17th.

When I was considering and gave that vote of "yes" at the time I did, it was in error and I would like the record to show that I would not be in favor of increasing the single cash prizes from \$500 to \$1,000, nor would I like to be shown in favor of cash prizes totaling more than what was originally \$500 to be increased to \$3,000. I think this Legislative Assembly has heard my opinion on this particular area before, the proliferation of what I think is happening to the state of North Dakota and our constituents throughout the state. So, I would just like to have the record straight - that I would not be in favor of such a move and therefore I would like to have the record show likewise. Thank you, Mr. President.

CONSIDERATION OF AMENDMENTS

SEN. STROMME MOVED that the amendments to SCR 4040 as recommended by the Committee on Joint Constitutional Revision as printed on page 1191 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

SCR 4040 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. J. MEYER MOVED that HB 1307, which is on the Fourteenth order, be laid over three legislative days, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1390: A BILL for an Act to create and enact a new section to chapter 15-38.2, relating to documentation of material in teachers' personnel files.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 43 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Heigaard; Mathern; Meyer, J.; Satrom; Schoenwald; Shea

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin;

Robinson; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane;
Todd; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Keller; Lashkowitz; Richard; Waldera

HB 1390 lost.

MOTION

SEN. MAIXNER MOVED that HB 1330 and HCR 3047 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1330: A BILL for an Act to amend and reenact section 6-06-29 of the North Dakota Century Code, relating to taxation of credit unions.

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

YEAS: David; Dotzenrod; Ewen; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Krebsbach; Lodoen; Maxson; Moore; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Robinson; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Vosper; Waldera; Wogsland

NAYS: Axtman; Hanson; Heinrich; Kelsh; Kinnoin; Krauter; Langley; Lips; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Nething; O'Connell; Richard; Satrom; Schoenwald; Shea; Thane; Todd; Yockim

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1330 passed and the title was agreed to.

MOTION

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

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

SIGNING OF BILLS AND RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: HB 1094, HB 1131, HB 1240, HB 1347, HB 1371, HCR 3031.

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

MR. SPEAKER: The President has signed: HB 1094, HB 1131, HB 1240, HB 1347, HB 1371, HCR 3031.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 2:25 p.m., March 20, 1989: SCR 4001, SCR 4002, SCR 4014, SCR 4025, SCR 4028, SCR 4034, SCR 4037, SCR 4039, SCR 4042.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3047: A concurrent resolution urging Congress to allow taxation of the income of credit unions and provide for capital adequacy for all financial services providers.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO NOT PASS.

HCR 3047 was declared lost on a voice vote.

MOTIONS

SEN. NETHING MOVED that HB 1540 be further amended as follows:

In addition to the amendments to Engrossed House Bill No. 1540 adopted by the Senate as printed on page 1015 of the Senate Journal, Engrossed House Bill No. 1540 is amended as follows:

Page 2, line 5, after "shall" insert ", if requested,"

ReNUMBER accordingly

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

SEN. NETHING MOVED that the rules be suspended, that HB 1540 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 1540: A BILL for an Act to create and enact a new section to chapter 26.1-39 of the North Dakota Century Code, relating to the use of property and casualty insurance binders.

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 42 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Ewen; Freborg; Hanson; Heinrich; Kinnoin; Naaden; Nelson; Stromme; Wogsland

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1540 passed and the title was agreed to.

HB 1631: A BILL for an Act to create and enact a new subsection to section 39-10-46 of the North Dakota Century Code, relating to signs on

schoolbuses that stop at railroad crossings; and to amend and reenact subsection 1 of section 39-10-43 of the North Dakota Century Code, relating to vehicles required to stop at railroad crossings.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1631 passed and the title was agreed to.

HB 1110: A BILL for an Act to create and enact a new subsection to section 50-06.1-04 of the North Dakota Century Code, relating to the establishment of advisory bodies to the division of vocational rehabilitation; and to repeal section 25-15-03 of the North Dakota Century Code, relating to a vocational rehabilitation facilities advisory committee.

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; Nothing; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1110 passed and the title was agreed to.

HB 1238: A BILL for an Act providing optional property tax levy increase authority of political subdivisions and providing limitations on that authority; and to provide an effective date and 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 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 1238 passed and the title was agreed to.

HB 1272: A BILL for an Act to amend and reenact section 11-21-01 of the North Dakota Century Code, relating to the office of public administrators.

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 1272 passed and the title was agreed to.

HB 1301: A BILL for an Act to amend and reenact section 24-06-26.3 of the North Dakota Century Code, relating to maintenance of township road ditches.

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, 46 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Heigaard; Kinnoin; O'Connell; Stromme; Vosper

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

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1301 lost.

HB 1357: A BILL for an Act to amend and reenact subsection 3 of section 38-08-07 of the North Dakota Century Code, relating to the drilling of oil and gas wells at exception locations under orders establishing spacing units.

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 1357 passed and the title was agreed to.

HB 1427: A BILL for an Act to amend and reenact section 6-03-49.1 of the North Dakota Century Code, relating to bank service corporations.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 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 1427 passed and the title was agreed to.

HB 1450: A BILL for an Act to adopt the Uniform Statutory Rule Against Perpetuities; and to repeal section 47-02-27 of the North Dakota Century Code, relating to the rule against perpetuities.

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, 49 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Ingstad; Stromme

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; 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

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1450 lost.

HB 1493: A BILL for an Act to amend and reenact section 16.1-07-07 of the North Dakota Century Code, relating to applications for absentee 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 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; 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; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Freborg; O'Connell

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1493 passed and the title was agreed to.

HB 1515: A BILL for an Act to amend and reenact subsection 6 of section 52-06-02 of the North Dakota Century Code, relating to student disqualification from unemployment compensation benefits.

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 1515 passed and the title was agreed to.

HB 1522: A BILL for an Act to amend and reenact section 65-12-11 of the North Dakota Century Code, relating to workers' compensation boiler inspection fees.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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: Heinrich; Keller; Lashkowitz

HB 1522 passed and the title was agreed to.

HB 1544: A BILL for an Act to create and enact a new subsection to section 11-10.1-05 of the North Dakota Century Code, relating to an ad valorem assessment that is made by an assessor who is not certified as qualified for that assessment jurisdiction.

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; 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: Heigaard; Keller; Lashkowitz

HB 1544 passed and the title was agreed to.

HB 1545: A BILL for an Act to provide certain architects and engineers with information about products manufactured in the state.

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; 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: Heigaard; Keller; Lashkowitz

HB 1545 passed and the title was agreed to.

HB 1561: A BILL for an Act to amend and reenact section 23-11-05 of the North Dakota Century Code, relating to per diem compensation of commissioners of a housing authority.

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 1 YEA, 49 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Kelsh

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; 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

ABSENT AND NOT VOTING: Heigaard; Keller; Lashkowitz

HB 1561 lost.

HB 1562: A BILL for an Act to amend and reenact section 5-02-05.1 of the North Dakota Century Code, relating to Sunday event alcoholic beverage permits.

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, 11 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Axtman; David; Freborg; Hilken; Krauter; Mutch; Naaden; Nelson; Redlin; Streibel; Tennefos

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1562 passed and the title was agreed to.

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

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; 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; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Shea; Tennefos

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz

HB 1565 passed, the title was agreed to, and the emergency clause carried.

HB 1569: A BILL for an Act to require the North Dakota centennial commission to place the signature of Burdette B. (Burt) Calkins on the centennial logo and provide that any article or product using the logo must use

the signed logo to recognize the significant contributions made by North Dakota artist Burdette B. (Burt) Calkins, the award-winning designer of the North Dakota centennial logo.

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 1 YEA, 50 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Meyer, W.

NAYS: 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.; 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

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1569 lost.

HB 1576: A BILL for an Act to create and enact chapter 26.1-38.1 of the North Dakota Century Code, relating to life and health insurance policies and annuity contracts; and to repeal chapter 26.1-38, relating to the North Dakota life and health insurance guaranty association and the performance of contractual obligations under life and health insurance policies and annuity contracts.

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 1576 passed and the title was agreed to.

HB 1577: A BILL for an Act to amend and reenact section 10-23-01 of the North Dakota Century Code, relating to annual reports of domestic and foreign corporations.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 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 1577 passed and the title was agreed to.

HB 1595: A BILL for an Act to amend and reenact section 39-20-04, subsection 1 of section 39-20-05, and section 39-20-14 of the North Dakota Century Code, relating to pleading guilty to avoid a section 39-20-04 revocation, performing a chemical test after refusing a screening test to avoid a section 39-20-04 revocation, and the temporary operator's permit serving notice to driver.

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

NAYS: Meyer, J.; Moore; Shea

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1595 passed and the title was agreed to.

HB 1596: A BILL for an Act to amend and reenact section 15-44-02 of the North Dakota Century Code, relating to reporting of criminal fines proceeds by the county treasurer to the state treasurer.

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, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; 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: Holmberg

ABSENT AND NOT VOTING: Keller; Lashkowitz

HB 1596 passed and the title was agreed to.

HB 1597: A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the sale of game and fish; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 32 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Hilken; Holmberg; Kelsh; Langley; Lodoen; Maixner; Mushik; Naaden; Nelson; O'Connell; Satrom; Schoenwald; Shea; Stromme; Tallackson; Wogsland

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Ingstad; Kinnoin; Krauter; Krebsbach; Lips; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Nalewaja; Nething; Olson; Peterson; Redlin; Richard; Robinson; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper; Yockim

ABSENT AND NOT VOTING: Keller; Lashkowitz; Waldera

HB 1597 lost.

HB 1623: A BILL for an Act to create and enact a new section to title 6, a new section to title 7, and a new section to title 47 of the North Dakota Century Code, allowing banking institutions, savings and loan associations, and other persons to pay interest on escrow accounts related to mortgages on residences.

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 18 YEAS, 32 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Hanson; Heigaard; Heinrich; Holmberg; Kelsh; Maixner; Mathern; Maxson; Mushik; Richard; Satrom; Schoenwald; Shea; Stenehjem; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Ewen; Freborg; Hilken; Ingstad; Kinnoin; Krebsbach; Langley; Lips; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch;

Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz

HB 1623 lost.

HB 1638: A BILL for an Act to create and enact a new section to chapter 26.1-03 of the North Dakota Century Code, relating to imposition of an insurance claims tax, deposit of tax revenues in the uninsured children's benefit account, and grants from the uninsured children's benefit account; and providing a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 49 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krebsbach; 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

ABSENT AND NOT VOTING: Keller; Krauter; Langley; Lashkowitz

HB 1638 lost.

HB 1652: A BILL for an Act to create and enact a new section to chapter 26.1-33 of the North Dakota Century Code, relating to the right to return a life insurance policy and receive a refund; and to amend and reenact subdivision a of subsection 1 of section 26.1-45-09 of the North Dakota Century Code, relating to the right to return a long-term care insurance policy and receive a refund.

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; 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; Krauter; Lashkowitz

HB 1652 passed and the title was agreed to.

HB 1654: A BILL for an Act to amend and reenact section 39-08-18 of the North Dakota Century Code, relating to the open bottle law.

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; 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; Krauter; Lashkowitz

HB 1654 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3025: A concurrent resolution urging Congress to provide funds to the appropriate agency to construct a bridge over the Missouri River approximately midway between Bismarck, North Dakota, and Mobridge, South Dakota, in the vicinity of Fort Yates and Emmons County, North Dakota.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3025 was declared adopted on a voice vote.

MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 4:15 p.m., which motion prevailed.

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

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3028: A concurrent resolution regarding the approval of state agency use of block grant funds, and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz; Maxson; Vosper; Wogsland

HCR 3028 was declared adopted on a roll call vote.

HCR 3029: A concurrent resolution urging the Congress of the United States to create a Garrison Unit Advisory Committee to review the impact of the impoundment of the waters of the Missouri River on the social and economic base of North Dakota including the impact on Indians of the Fort Berthold and Standing Rock Indian Reservations.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3029 was declared adopted on a voice vote.

HCR 3036: A concurrent resolution urging Congress to restore full funding of the Little Missouri Bay public recreation area to ensure its continued operation.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3036 was declared adopted on a voice vote.

HCR 3048: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring boiler operators to be licensed.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3048 was declared adopted on a voice vote.

HCR 3061: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of restructuring the education system in this state.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3061 lost on a verification vote.

MOTION

SEN. MAIXNER MOVED that HCR 3064 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3065: A concurrent resolution directing the Legislative Council to study the cost and utilization of office space and other facilities leased by state agencies and institutions.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3065 was declared adopted on a voice vote.

HCR 3066: A concurrent resolution directing the Legislative Council, in cooperation with the members of the North Dakota Congressional Delegation, to study the adverse economic impact that changing conditions in marketing, processing, and retailing of agricultural products are having on producers of agricultural products and consumers.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3066 was declared adopted on a voice vote.

HCR 3072: A concurrent resolution directing the Legislative Council to study the duties and responsibilities of the Commissioner of Insurance, whether the commissioner should employ an actuary, and the role and limitations of the commissioner with regard to the regulation of insurance companies in this state; and to study the duties and responsibilities of the Commissioner of Labor and whether the commissioner should have a role in the programs of unemployment and workers' compensation.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO NOT PASS.

HCR 3072 was declared lost on a voice vote.

HCR 3074: A concurrent resolution directing the Legislative Council to study Type I wetlands.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3074 was declared adopted on a voice vote.

HCR 3075: A concurrent resolution directing the Legislative Council to study the functions and duties of the Game and Fish Department, the Parks and Recreation Department, and the Tourism Division of the Economic Development Commission with a view toward combining those agencies.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO NOT PASS.

HCR 3075 was declared lost on a voice vote.

HCR 3078: A concurrent resolution directing the Legislative Council to study economic development efforts in this state.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3078 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILL

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

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; Kelsch; 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; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz

HB 1018 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that HB 1038, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1083: A BILL for an Act to amend and reenact subsection 4 of section 23-01-03 of the North Dakota Century Code, relating to the powers and duties of the state health council.

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, 3 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Kinnoin; Krebsbach; Shea

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz

HB 1083 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1304 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1304 be messaged to the House immediately, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1304.

SECOND READING OF HOUSE BILLS

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

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; 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; Krauter; Lashkowitz

HB 1169 passed, the title was agreed to, and the emergency clause carried.

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

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; 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; Krauter; Lashkowitz

HB 1324 passed and the title was agreed to.

MOTION

SEN. KELSH MOVED that HB 1402, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1362: A BILL for an Act to amend and reenact section 43-26-11 of the North Dakota Century Code, relating to grounds for refusal, suspension, or revocation of certification as a physical therapist.

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; 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; Krauter; Lashkowitz

HB 1362 passed and the title was agreed to.

HB 1610: A BILL for an Act to provide for equipment and building lease disclosures.

ROLL CALL

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

YEAS: Dotzenrod; Hilken; Langley; Meyer, W.; Nalewaja; Tallackson

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

ABSENT AND NOT VOTING: Keller; Krauter; Lashkowitz

HB 1610 lost.

HB 1622: A BILL for an Act to amend and reenact sections 43-26-06 and 43-26-09 of the North Dakota Century Code, relating to payment of application and renewal fees by physical therapists.

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; 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; Krauter; Lashkowitz

HB 1622 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3007: A concurrent resolution for the ratification of a proposed amendment to the Constitution of the United States, providing for a delay in an increase in compensation to members of Congress until an intervening election of representatives has occurred.

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 20 YEAS, 31 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Kinnoin; Krebsbach; Langley; Lodoen; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Shea; Streibel; Tennefos; Todd; Vosper

NAYS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Lips; Maixner; Mathern; Maxson; Meyer, J.; Mushik; O'Connell; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Keller; Lashkowitz

HCR 3007 was declared lost.

HCR 3020: A concurrent resolution directing the Legislative Council to study the interbasin transfer of biota, waterfowl diseases, waterfowl wastes, and the possibility of moving Missouri River water to the James, Sheyenne, Souris, and Red Rivers.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3020 was declared adopted on a voice vote.

HCR 3055: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the state contracting with a fiscal intermediary for administration of the Medicaid program.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3055 was declared adopted on a voice vote.

MOTION

SEN. KELSH MOVED that HCR 3073 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3079: A concurrent resolution urging Congress to appropriate \$48 million for the Garrison Diversion Unit Project.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3079 was declared adopted on a voice vote.

HCR 3064: A concurrent resolution directing the Legislative Council to study the advantages and disadvantages of deregulating telecommunications.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3064 was declared adopted on a voice vote.

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

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

HCR 3073 was declared adopted on a voice vote.

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 SCR 4063, HB 1665, HB 1312, HB 1254, HB 1057, HCR 3069, and HCR 3037, the Senate stand adjourned until 1:00 p.m., Tuesday, March 21, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred SB 2528 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

Page 1, line 4, remove "4-30-03.2,"

Page 1, line 8, after "producers" insert "; and to declare an emergency"

Page 3, remove lines 9 through 28

Page 4, line 4, remove the overstrike over "~~In all cases where it appears that the financial condition of~~"

Page 4, remove the overstrike over lines 5 through 8

Page 4, line 9, remove the overstrike over "~~the~~" and remove "The"

Page 8, after line 5, insert:

"SECTION 8. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

SB 2528 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SCR 4063 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.

SCR 4063 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was rereferred HB 1057 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 1057 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 1058 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 and be rereferred to the Committee on Appropriations:

Page 1, line 4, replace "effective date" with "appropriation"

Page 3, line 16, after the second "or" insert "lack of"

Page 12, line 8, after "Act" insert "with respect to any region, area, or county of this state"

Page 12, line 9, after "Act" insert "within that region, area, or county"

Page 12, replace lines 12 through 14 with:

"SECTION 16. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, to the department of human services for the purpose of continuing pursuant to this Act the existing adult protective service demonstration program, as initially authorized by section 2 of chapter 293 of the 1987 Session Laws of North Dakota, in Cass County and the multicounty region served by the Lake Region human service center, and developing and managing a similar adult protective service program within a multicounty region in western North Dakota for the biennium beginning July 1, 1989, and ending June 30, 1991."

ReNUMBER accordingly

HB 1058 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred Engrossed HB 1075 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 4, after the semicolon insert "to amend and reenact subsection 1 of section 57-02-26 of the North Dakota Century Code, relating to property taxable to a lessee or equitable owner; to provide an appropriation;"

Page 1, line 6, underscore "Definition. As used in", after "in" insert "sections 1 through 8 of", and underscore "this Act, unless the context or"

Page 1, underscore lines 7 through 9

Page 1, line 10, underscore "was obtained", after "obtained" insert "after January 1, 1980,", underscore "by foreclosure", after "foreclosure" insert "or deed in lieu of foreclosure", and underscore "of a mortgage given to the Bank of North Dakota,"

Page 1, underscore line 11

Page 1, line 12, underscore "Imposition of in lieu of tax payments. The board of"

Page 1, underscore lines 13 through 18

Page 1, line 19, underscore "Assessment of property - Notice to county auditors. All"

Page 1, underscore lines 20 through 22

Page 2, underscore lines 1 through 6

Page 2, line 7, underscore "Appearance before state board of equalization. The state"

Page 2, underscore lines 8 through 15

Page 2, line 16, underscore "Computation of payment - Remittance to counties. Upon"

Page 2, underscore lines 17 through 25

Page 2, line 26, underscore "Allocation of revenue within counties. The revenue to"

Page 2, underscore lines 27 through 29

Page 3, underscore lines 1 through 8

Page 3, after line 8, insert:

"SECTION 7. Exception. The provisions of sections 1 through 8 of this Act do not apply to real property that has been acquired by the state and, within nine months thereafter, has been sold or leased by the state to a person or entity in whose possession the property is subject to property tax assessment.

SECTION 8. Appropriation. There is hereby appropriated to the board of university and school lands, as a standing and continuing appropriation from the lease rentals of property subject to valuation under sections 1 through 8 of this Act, the funds necessary to make the payments required by sections 1 through 8 of this Act.

SECTION 9. AMENDMENT. Subsection 1 of section 57-02-26 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Property held under a lease for a term of years, or under a contract for the purchase thereof, belonging to the United States or to the state or a political subdivision thereof, except such lands as have been leased ~~for pasture or grazing purposes~~, or to any religious, scientific, or benevolent society or institution, whether incorporated or unincorporated, or to any railroad corporation whose property is not taxed in the same manner as other property, shall be considered, for all purposes of taxation, as the property of the person so holding the same."

Page 3, line 9, replace "This" with "Sections 1 through 8 of this" and replace "is" with "are"

ReNUMBER accordingly

HB 1075 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 1076 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 21, replace "is governed by section 23-07-01.1" with "need not be filed if there is a suspected violation of section 39-08-01 and there are no persons injured, other than the driver"

Renumber accordingly

HB 1076 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 1200 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, replace "transfer of" with "contracting of services by"

Page 1, line 3, replace "to the agricultural experiment" with "with the department of agriculture"

Page 1, line 4, remove "station"

Page 2, line 1, overstrike "by" and insert immediately thereafter "under the direction of", remove the underscored comma, and remove the overstrike over "~~hereby~~"

Page 2, line 2, remove the overstrike over "~~established~~" and remove "under the supervision of the director of the agricultural"

Page 2, remove lines 3 through 5

Page 2, line 6, remove "development project in which the commission participates"

Page 2, line 17, overstrike "Personnel" and insert immediately thereafter "Administrative support"

Page 2, line 19, remove "The director of the agricultural"

Page 2, remove line 20

Page 2, line 21, remove "of the commission.", overstrike "The", and remove "agricultural experiment station"

Page 2, line 22, remove "shall provide", overstrike "office space and", and remove "administrative services for the commission."

Page 2, line 23, remove "The commission may" and overstrike "employ needed personnel for the performance of its duties,"

Page 2, overstrike line 24

Page 2, line 25, overstrike "parties for services." and insert immediately thereafter "The commission shall contract with the department of agriculture for administrative and support services to carry out its program. The contract may not exceed fifteen percent of the appropriation established by the legislative assembly."

Renumber accordingly

HB 1200 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred Engrossed HB 1254 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1254 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 1266 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, remove "and" and after "43-44-06" insert ", and subsection 10 of section 43-44-10"

Page 1, line 3, remove "and"

Page 1, line 4, after "nutritionists" insert ", and persons exempt from licensure as dietitians and nutritionists"

Page 1, line 15, after "nutrition" insert "assessment and nutrition"

Page 3, line 12, overstrike the first comma and overstrike the second comma

Page 3, line 13, overstrike "licensed registered"

Page 3, line 20, replace "or use" with "using"

Page 3, after line 23, insert:

"SECTION 4. AMENDMENT. Subsection 10 of section 43-44-10 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

10. A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the explanation advising of the use of those products, or the preparation of those products, or the counseling of individuals or groups in the selection of products to meet normal nutritional needs, if that person does not represent that that person is a licensed registered dietitian or licensed nutritionist."

Renumber accordingly

HB 1266 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 1281 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 2, remove "damage caused from" and after "placing" insert "and operating"

Page 1, line 3, after "near" insert ", on, or over" and after "roadways" insert "; to provide a penalty; and to declare an emergency"

Page 1, line 7, after "prohibited" insert " - Penalty"

Page 1, line 8, replace "or" with a comma and after "erect" insert ", or operate"

Page 1, line 9, after "equipment" insert "upon or across any highway, street, or road or"

Page 1, line 10, replace "cause" with "flow or fall upon"

Page 1, line 11, remove "damage to" and replace "A person violating this section is" with "This section does not apply to the transportation of irrigation works or equipment upon a highway, street, or road. A person violating this section is guilty of an infraction."

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Page 1, remove lines 12 through 20

Re-number accordingly

HB 1281 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 rereferred HB 1295 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 9, after "services" insert "if the rollers are cleaned and sanitized after each use in conformity with rules adopted by the board"

Re-number accordingly

HB 1295 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 1302 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 5, remove "and section 57-62-06"

Page 1, line 7, remove "and legislative intent and guidelines on oil and gas impact grants"

Page 2, remove lines 1 through 16

Re-number accordingly

HB 1302 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1312 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 1312 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 1368 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 13, replace "during the official school year" with ", except Saturday and Sunday,"

Page 1, line 14, after "session" insert "during the official school year"

Re-number accordingly

HB 1368 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 1369 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 1, after "23-06-03" insert "and section 50-24.1-02.3"

Page 1, line 2, after "burial" insert "and pre-need funeral service plans; and to provide an effective date"

Page 1, line 16, after "~~six~~" insert "eight", remove the overstrike over "hundred", and remove "one thousand"

Page 2, line 13, remove "The county social service board must be the contracting"

Page 2, replace lines 14 through 18 with:

"SECTION 2. AMENDMENT. Section 50-24.1-02.3 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24.1-02.3. When pre-need funeral plan not to be considered in eligibility determination. In determining eligibility for medical assistance, the department of human services may not consider as an available resource any prepayments or deposits which total three thousand dollars or less, and the interest accrued thereon, made under a pre-need funeral service contract by an applicant for or recipient of medical assistance. A pre-need funeral service contract deposit is not a multiple-party account for purposes of chapter 30.1-31. No claim for payment of funeral expenses may be made against the estate of a deceased medical assistance recipient except to the extent that

prepayments or deposits on pre-need funeral service contracts total less than one thousand four hundred dollars.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on January 1, 1990."

Renumber accordingly

HB 1369 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 1476 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 "All transfer hoses" with "A transfer hose with an expiration date printed on the hose must be replaced prior to that date. Transfer hoses without an expiration date"

Page 1, line 18, replace "installation" with "manufacture"

Page 1, line 20, replace "installation" with "manufacture"

Page 2, line 2, replace "installation" with "manufacture"

Page 2, replace lines 3 and 4 with "Notwithstanding the replacement dates determined under this subsection for transfer hoses with or without an expiration date, an additional year must be allowed for replacement of transfer hoses in order to take into account delays in the original installation of transfer hoses."

Renumber accordingly

HB 1476 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 1527 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, remove "certain"

Page 1, line 8, remove "agricultural"

Page 1, line 9, remove "agricultural"

Renumber accordingly

HB 1527 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 1626 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 and be rereferred to the Committee on Appropriations:

Page 1, line 3, after the semicolon insert "to amend and reenact subsection 4 of section 63-01.1-06.2 of the North Dakota Century Code, relating to expenditures for leafy spurge control;"

Page 1, underscore lines 7 through 13

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Subsection 4 of section 63-01.1-06.2 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Any legislative appropriation for the leafy spurge control program of sections 63-01.1-06.1 through 63-01.1-06.3 shall be expended for reimbursement of the cost of leafy spurge control according to this section to private landowners, including lessees, tenants, renters, or operators of private land, county weed boards, or cities, and for other leafy spurge programs as the commissioner determines to be necessary. No expenditure pursuant to legislative appropriations for leafy spurge control shall be made related to private land if the land is owned or leased by a corporation or if a corporation is an owner of any easement or right of way on that private land unless the corporation is a domestic corporation meeting the requirements of section 10-06-07."

Renumber accordingly

HB 1626 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred Engrossed HB 1641 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 and be rereferred to the Committee on Appropriations:

Page 1, line 1, after "enact" insert "a new subdivision to subsection 5 of section 12.1-28-02,"

Page 1, line 4, after "devices" insert ", coin-operated gaming devices,"

Page 1, line 5, after the second comma insert "53-06.1-12, 53-06.1-12.1,"

Page 1, line 8, after the semicolon insert "to provide for deposit of fees; to provide an appropriation;"

Page 1, after line 9, insert:

"SECTION 1. A new subdivision to subsection 5 of section 12.1-28-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

A law enforcement officer may seize any device described in subdivision a of this subsection upon probable cause to believe that the device was used or is intended to be used in violation of this chapter or chapter 53-06.1.

The court shall order the device forfeited in the same manner and according to the same procedure provided in chapter 19-03.1."

Page 2, line 1, replace "fifty" with "seventy-five"

Page 3, after line 3, insert:

"d. In electronic video gaming device play of any game of chance permitted in this section, the maximum prize per play is four hundred dollars."

Page 3, after line 21, insert:

"SECTION 8. AMENDMENT. Section 53-06.1-12 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12. Tax based on adjusted gross proceeds. A tax as provided in this section upon the total adjusted gross proceeds received by a licensed eligible organization shall be paid to the licensing authority on a quarterly basis in such manner and upon such forms as ~~shall be~~ prescribed by the licensing authority by rule. The figure used for adjusted gross proceeds is as determined in subsection 1 of section 53-06.1-01 before any reduction for expenses. The amount of this tax shall be paid from adjusted gross proceeds and not charged against the percentage limitation of expenses. The tax is hereby imposed upon every eligible organization, to be levied, collected, and paid quarterly with respect to the adjusted gross proceeds of the eligible organization as provided in this section.

1. The tax imposed upon an eligible organization for games of chance conducted through use of electronic video gaming devices is five percent of the adjusted gross proceeds from those devices.
2. In addition to the tax imposed by subsection 1, there is imposed upon an eligible organization a tax upon games of chance conducted through use of electronic video gaming devices in the amount of two percent upon the adjusted gross proceeds from those devices, which is in lieu of sales or use taxes.
3. The tax imposed upon the adjusted gross proceeds of an eligible organization from games of chance not conducted through use of electronic video gaming devices must be computed at the following rates:
 - ~~+~~ a. On adjusted gross proceeds not in excess of six hundred thousand dollars per quarter, a tax of five percent.
 - ~~+~~ b. On adjusted gross proceeds in excess of six hundred thousand dollars per quarter, a tax of twenty percent.

SECTION 9. AMENDMENT. Section 53-06.1-12.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12.1. Allocation of games of chance tax - Appropriation. The state treasurer, at the direction of the licensing authority, shall pay quarterly to cities and counties in proportion to the tax collected under section 53-06.1-12 from eligible organizations conducting games of chance within each city, for sites within city limits, or within each county, for sites outside city limits, the following amounts which are hereby appropriated:

1. Two-fifths of the tax collected under subsection 1 of section 53-06.1-12 within the city or county.
2. Two-fifths of the tax collected under subdivision a of subsection 3 of section 53-06.1-12 within the city or county.
- ~~2-~~ 3. One-tenth of the tax collected under subdivision b of subsection 3 of section 53-06.1-12 within the city or county.

The remaining tax collected under section 53-06.1-12, up to the amount paid during the 1985-87 biennium, shall be paid by the licensing authority to the state treasurer for deposit in the state general fund. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with enforcement of this chapter within the city or county. Any amount remaining because of the limitation with respect to the 1985-87 biennium, up to two hundred thousand dollars, must be deposited in the attorney general's operating budget fund and must be used only for the enforcement of gaming as appropriated. Any amount remaining in excess of two hundred thousand dollars must be deposited by the state treasurer in the general fund."

Page 5, line 2, remove "purchase or"

Page 5, line 3, remove "manufacturer or"

Page 5, line 6, after the period insert "No North Dakota licensed manufacturer may be a distributor."

Page 7, after line 2, insert:

"SECTION 13. DEPOSIT OF FEES. The first two hundred ninety thousand dollars in license fee revenue under section 7 of this Act during the 1989-91 biennium must be deposited in the attorney general's operating fund.

SECTION 14. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$210,000, or so much thereof as may be necessary, to the attorney general for the purpose of enforcement of games of chance laws for the biennium beginning July 1, 1989, and ending June 30, 1991. There is also hereby appropriated out of any moneys in the attorney general's operating fund from license fees for electronic video gaming devices, not otherwise appropriated, the sum of \$290,000, or so much thereof as may be necessary, to the attorney general for the purpose of enforcement of games of chance laws for the biennium beginning July 1, 1989, and ending June 30, 1991."

Page 7, line 4, replace "1990" with "1991"

Renumber accordingly

HB 1641 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred Engrossed HB 1657 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 2, line 3, remove "unless"

Page 2, line 4, remove "the object, material, or", overstrike "tinted windows or windshields", remove "are", and overstrike "in"

Page 2, line 5, overstrike "compliance with the federal motor vehicle safety standards No. 205" and insert immediately thereafter "unless the object, material, or tinting in conjunction with the window or windshield upon which it is displayed, affixed, or applied has a light transmittance of at least seventy percent"

Page 2, line 8, after "39-21-38" insert ", nor to front side windows displaying transparent sunscreening material as authorized by competent medical authority"

Renumber accordingly

HB 1657 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 1665 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1665 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 HCR 3037 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3037 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred HCR 3069 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3069 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

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

PATRICIA CONRAD, Secretary