

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 27, 1989

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

The prayer was offered by Rev. Ronald Gough, First United Methodist Church, Mandan.

Almighty God, who sees and considers the ways of the children of men: we pray today in individual and corporate acknowledgment of that nature in us which tends to selfishness and undue self-regard. All our justice is in Your sight as but a filthy garment. We have nothing to bring to You but a plea for undeserved mercy and an extension of clemency for our culpability. Should Your mercy be continued, it is for nothing that we have done, but simply the exercise of Your divine grace and wisdom.

We are grateful for the freedom to seek Your grace and for the liberty to restrain our own propensity to think of ourselves higher than we ought to think. We are thankful for the order of righteous government, for those who are the terror to evil conduct and the solace of righteous behavior.

Guide this body in these closing days of deliberation. Give them efficiency and fidelity in considering the vast amount of material they must ponder. Give them power, wisdom, and knowledge in debate; give them resistance and tact in debating and weighing expedience in the pursuit of harmony.

And when their duties here have concluded, may their spirits be nourished by the recognition that they have served the cause of heaven and earth in the spirit of righteousness and holiness. May they find comfort in the knowledge that they have hastened the day when Thy will shall be done on earth as it is in heaven. In the name of the Father, and the Son, and the Holy Spirit. Amen.

The roll was called and all Senators were present, except Senators Ingstad, Lashkowitz, and W. Meyer.

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 10:28 a.m., March 27, 1989: 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.

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 10:28 a.m., March 27, 1989: SB 2035, SB 2083, SB 2095, SB 2124, SB 2137, SB 2166, SB 2224, SB 2236, SB 2266, SB 2267, SB 2275, SB 2311, SB 2331, SB 2348, SB 2349, SB 2353, SB 2381, SB 2436, SB 2437, SB 2441, SB 2469, SB 2474, SB 2477, SB 2496, SB 2515, SB 2519.

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 10:28 a.m., March 27, 1989: SB 2156, SB 2282, SB 2287, SB 2330, SB 2442.

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 10:28 a.m., March 27, 1989: SB 2071, SB 2117, SB 2118, SB 2122, SB 2123, SB 2191, SB 2323, SB 2337, SB 2367, SB 2405, SB 2434, SB 2450, SB 2476, SB 2479, SB 2492, SB 2507.

THE PRESIDENT ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 10:36 a.m., March 27, 1989: SCR 4005, SCR 4038.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1014, HB 1032, HB 1145, HB 1163, HB 1342, HB 1343, HB 1400, HB 1411, HB 1419, HB 1456, HB 1463, HB 1468, HB 1472, HB 1473, HB 1505, HB 1665.

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

MR. SPEAKER: The President has signed: HB 1014, HB 1032, HB 1145, HB 1163, HB 1342, HB 1343, HB 1400, HB 1411, HB 1419, HB 1456, HB 1463, HB 1468, HB 1472, HB 1473, HB 1505, HB 1665.

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

MR. SPEAKER: The Senate has failed to pass: HB 1402.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3003, HCR 3009, HCR 3023, HCR 3032, HCR 3035, HCR 3037, HCR 3049, HCR 3059, HCR 3060, HCR 3069, HB 1434.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1052, HB 1075, HB 1089, HB 1155, HB 1181, HB 1207, HB 1210, HB 1213, HB 1235, HB 1276, HB 1298, HB 1323, HB 1387, HB 1498, HB 1543, HB 1580, HB 1584, HB 1599.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1671, HB 1673.

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

MR. PRESIDENT: The House has passed unchanged: SB 2428.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2079, SB 2085, SB 2187, SB 2206, SB 2220, SB 2230, SB 2335, SB 2360, SB 2376, SB 2440, SB 2462.

HOUSE AMENDMENTS TO SB 2079

Page 2, line 10, after "instrument" insert "containing a different legal description"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2085

Page 3, line 5, after the period, insert "If the contract between the representative and the satellite video livestock auction market is terminated, rescinded, breached, or otherwise materially altered, the representative and the satellite video livestock auction market shall immediately notify the commissioner. Failure to notify the commissioner of termination, rescission, breach, or material alteration of the contract between the representative and the satellite video livestock auction market is deemed to be a failure to keep and maintain suitable records with the department and is deemed to be a false entry or statement of fact in an application filed with the department."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2187

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 49-11-24, 49-11-28, 49-11-29, and 49-11-30 of the North Dakota Century Code, relating to fencing on railroad rights of way and maintenance of cattleguards and gates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-11-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-24. Railroad right of way to be fenced - Fences.

1. Every person, company, or corporation owning or operating any line of railroad or railway within this state shall construct a fence on each side of its right of way and shall maintain such fence and keep it in good repair. Such fence shall be constructed within six months after the completion of the railroad or railway owner or lessee of land abutting any operating railroad's right of way who has a legal fence, as defined in section 47-26-01, along all sides of the land except the side abutting the right of way may make a written request of the owners or operators of the railroad to construct a fence along the right of way. Upon receipt of the request, the owners or operators shall erect, within a reasonable time, a legal fence along the right of way to confine livestock as required by section 36-11-01. The owners or operators shall maintain the fence so long as the owner or lessee maintains the fence around the other sides of the enclosure in good repair.
2. Where the railroad has a fence along its right of way, the owners or operators of the railroad shall maintain the fence without necessity of a request by the owner or lessee so long as the owner or lessee maintains a fence around the other sides of the enclosure in good repair.
3. Except for the penalty and liability imposed by sections 49-11-29 and 49-11-30, the failure to comply with the requirements of this section is not, in itself, evidence of negligence and the fact that this section has been violated is not admissible in any other action.

SECTION 2. AMENDMENT. Section 49-11-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-28. ~~Cattle guards and swinging~~ Swinging gates - When railroad required to maintain. ~~Every person, company, or corporation owning or operating any line of railroad within this state shall:~~

- 1- ~~Construct and maintain suitable and safe cattle guards on both sides of all public crossings; and~~
- 2- ~~Construct and maintain suitable and safe swinging gates on both sides of all private crossings~~ Upon the written request of the owner or lessee of land abutting the railroad's right of way, the owners or operators of a railroad shall construct and maintain suitable and safe swinging gates on any side of a private crossing enclosed by the railroad under section 49-11-24. The request must be made at the same time a request is made under subsection 1 of section 49-11-24.

SECTION 3. AMENDMENT. Section 49-11-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-29. ~~Failure to construct fence, cattle guard, or swinging gate - Penalty.~~ Any person owning or operating any line of railroad within this state and refusing or neglecting to comply with any of the provisions of sections 49-11-24 through 49-11-28 shall be is guilty of a class A misdemeanor. A prosecution or conviction under sections 49-11-24 through 49-11-28 ~~shall does~~ not relieve such person from liability for the maiming or killing of livestock on such the right of way by reason of ~~his~~ that person's negligence.

SECTION 4. AMENDMENT. Section 49-11-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-11-30. Failure of railroad to fence - Damage to owner of stock - How collected. Any corporation operating a railroad and failing to fence the same against livestock running at large and ~~failing to maintain proper and sufficient cattle guards at all points where the duty to fence or maintain cattle guards exists; shall be~~ is liable to the owner of any stock killed or injured by reason of the want of such fence or cattle guard for the full amount of the damages sustained by the owner, unless the injury was occasioned by the grossly negligent act of the owner of the stock or ~~his~~ the owner's agent. To recover ~~the same, it shall be necessary for the owner of the stock to~~ must prove only the loss of or injury to ~~his~~ the owner's property. Notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, ~~shall must~~ be served upon an officer of the corporation or upon a station or ticket agent employed by ~~said~~ the corporation in the county where ~~such the~~ loss or injury occurred. If the corporation fails or neglects to pay ~~such damage the damages~~ within ninety days after the notice is served on it, the owner ~~shall be~~ is entitled to recover from the corporation double the amount of damages actually sustained by ~~him~~ the owner, and twenty-five dollars as an attorney's fee when it ~~shall be~~ is adjudged by a court of competent jurisdiction that the claimant is entitled to the amount claimed."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2206

Page 2, line 2, replace "from" with "for the auctioneer at"

Reumber accordingly

HOUSE AMENDMENTS TO SB 2220

Page 10, line 23, after "order" insert ". When books or records are seized, the attorney general shall provide copies of those records or books within twenty-four hours of a specific request by the organization for a copy of the books or records seized"

Reumber accordingly

HOUSE AMENDMENTS TO SB 2230

Page 2, line 6, after "commission" insert "that pertains to the prevention or control of pollution or waste"

Reumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2335

Page 5, line 15, replace "must" with "may"

Page 6, line 12, after "means" insert "official" and after "signs" insert "approved by the commissioner"

Reumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2360

Page 2, line 20, after "known" insert "of the damage"

Page 3, line 13, replace "license" with "certification"

Reumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2376

Page 1, line 18, after the period insert "However, a customer who is twenty-one years of age or older must be provided access from the nonlicensed portion of the business to the licensed portion of the business."

Reumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2440

Page 1, line 13, remove "subsection 1 of"

Page 1, line 14, remove "subsection 1 of"

Reumber accordingly

HOUSE AMENDMENTS TO SB 2462

Page 1, line 3, replace "general" with "highway tax distribution"

Page 1, line 4, after "fund" insert "; and to provide an expiration date"

Page 1, line 9, replace "general" with "highway tax distribution"

Page 1, line 14, replace "general fund" with "highway tax distribution fund, before allocation of the fund under section 54-27-19,"

Page 1, after line 18, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date is ineffective."

Renumber accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2421.

Page 1, line 22, replace "the" with "a"

Renumber accordingly

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-fifth Day and finds it to be correct.

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

MOTIONS

SEN. MAIXNER MOVED that the Senate reconsider its action whereby SB 2518 passed, which motion prevailed.

SEN. MAIXNER MOVED that the Senate reconsider its action whereby HB 1302 passed, which motion prevailed.

SEN. MAIXNER MOVED that the Senate reconsider its action whereby HB 1254 passed, which motion prevailed on a verification vote.

SEN. MAIXNER MOVED that HB 1254 be amended as follows:

Page 1, line 2, replace "the confidentiality of" with "access to"

Page 1, line 17, replace "Confidentiality" with "Access"

Page 1, line 18, remove "confidential and" and after "inspection" insert "under section 44-04-18 and section 6 of article XI of the Constitution of North Dakota"

Page 2, line 3, after "infraction" insert "and is not subject to the penalty provided by section 12.1-13-01"

Renumber accordingly

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

SECOND READING OF HOUSE BILL

HB 1254: A BILL for an Act to create and enact a new section to chapter 15-38.2 of the North Dakota Century Code, relating to access to teachers' personnel files; to amend and reenact sections 15-29-10 and 15-51-10 of the North Dakota Century Code, relating to school district and school board records; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 10 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Streibel; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: David; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Nelson; Olson; Stenehjem; Stromme; Vosper

ABSENT AND NOT VOTING: Lashkowitz

HB 1254 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that SB 2518 be placed at the bottom of the calendar, which motion prevailed.

SEN. MAIXNER MOVED that HB 1302 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2524: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the state board of architecture, definitions, exemptions, board membership, rules, the practice of architecture, examinations, fees, board powers and duties, license revocation, and penalties; to repeal chapter 43-03 of the North Dakota Century Code, relating to architects and the practice of architecture; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 31 YEAS, 21 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Hanson; Heigaard; Holmberg; Ingstad; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Olson; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Dotzenrod; Ewen; Freborg; Heinrich; Hilken; Keller; Kelsh; Langley; Maxson; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Richard; Shea; Streibel; Stromme

ABSENT AND NOT VOTING: Lashkowitz

SB 2524 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4061: A concurrent resolution urging Congress not to approve legislation authorizing the use of eminent domain to acquire property for coal slurry pipelines.

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

SCR 4061 was declared adopted on a voice vote.

SCR 4064: A concurrent resolution urging Congress and the Department of the Treasury to rescind or amend legislative and rulemaking provisions that require Disaster Assistance Act of 1988 payments to farmers to be treated as income in a single taxable year.

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

SCR 4064 was declared adopted on a voice vote.

MOTIONS

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

SEN. HEIGAARD MOVED that the vote by which SB 2524, SCR 4061, and SCR 4064 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that SB 2524, SCR 4061, and SCR 4064 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2524, SCR 4061, SCR 4064.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator George Rait of Crosby

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1018, HB 1083, HB 1110, HB 1169, HB 1238, HB 1272, HB 1324, HB 1330, HB 1357, HB 1362, HB 1427, HB 1493, HB 1515, HB 1522, HB 1544, HB 1545, HB 1562, HB 1565, HB 1576, HB 1577, HB 1595, HB 1596, HB 1622, HB 1652, HB 1654, HCR 3020, HCR 3025, HCR 3028, HCR 3029, HCR 3036, HCR 3048, HCR 3055, HCR 3064, HCR 3065, HCR 3066, HCR 3073, HCR 3074, HCR 3078, HCR 3079.

MOTIONS

SEN. HEIGAARD MOVED that HB 1005 be placed at the top of the calendar, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1005 be amended as follows:

In lieu of the amendments to engrossed House Bill No. 1005 adopted by the Senate as printed on pages 1136 and 1137 of the Senate Journal, engrossed House Bill No. 1005 is amended as follows:

Page 1, line 17, replace "1,311,350" with "1,466,350"

Page 1, line 19, replace "7,542,457" with "7,697,457"

Page 1, line 20, replace "1,324,650" with "1,479,650"

Page 2, line 2, replace "\$1,261,350" with "\$1,416,350"

Page 2, line 5, replace "biennium" with "period" and replace "July 1, 1989," with "with the effective date of this section"

Page 2, line 11, after the period insert "All classified employees not on a probation status are entitled to receive increases of at least eighty dollars per month. Pay grade maximums shall not limit the amount of such an increase."

Page 2, line 14, after "1" insert "and section 2"

Page 2, line 15, replace "is" with "are", remove "an", and replace "measure" with "measures"

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 130 - DIRECTOR OF INSTITUTIONS

These amendments add \$155,000 from the Capitol building fund for the following Capitol building projects:

1. Agency space renovation	\$ 25,000
2. Fire safety requirements	15,000
3. Basement vault renovation	5,000
4. Elevator synchronization	<u>110,000</u>
	<u>\$155,000</u>

In addition, these amendments provide that funds may be transferred from the Capitol building fund on an emergency basis to allow for beginning installation of the replacement elevator prior to July 1, 1989. The bill as amended provides a total of \$210,000 for automating one elevator and providing for elevator synchronization.

This amendment also changes the section of the bill regarding state employee compensation adjustments to provide that with some exceptions classified employees receive an increase of at least \$80 per month on July 1, 1989.

This amendment removes the \$53,000 general fund appropriation to the court monitor which was provided for in the prior amendment.

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

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act making an appropriation for defraying the expenses of the director of institutions of the state of North Dakota; to provide for a transfer from the capitol building fund; to provide for a statement of legislative intent regarding state employee compensation adjustments; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; 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: David; Meyer, D.; Moore; Mutch

ABSENT AND NOT VOTING: Lashkowitz

HB 1005 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

SEN. WOGSLAND MOVED that HB 1024 be moved to follow HB 1476 on the calendar, which motion prevailed.

SEN. HEINRICH MOVED that HB 1640, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1657: A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to restrictions on tinted windows and objects or material placed on automobile windows.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Shea; Thane

ABSENT AND NOT VOTING: Lashkowitz

HB 1657 passed and the title was agreed to.

HB 1476: A BILL for an Act to create and enact two new subsections to section 19-20.2-06 of the North Dakota Century Code, relating to anhydrous ammonia transfer hose requirements.

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 41 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: David; Dotzenrod; Meyer, D.; Mutch; Naaden; Nelson; Peterson; Streibel; Stromme; Tennefos

ABSENT AND NOT VOTING: Lashkowitz; Maixner

HB 1476 passed and the title was agreed to.

REQUEST

SEN. NELSON REQUESTED that the Senate divide HB 1024, which request was granted.

Division A - Section 2, page 2
Division B - Remainder of bill

ROLL CALL

The question being on the adoption of Division A of HB 1024, the roll was called and there were 38 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Kinnoin; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz

Division A of HB 1024 passed.

ROLL CALL

The question being on the adoption of Division B of HB 1024, the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;

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

NAYS: Moore

ABSENT AND NOT VOTING: Lashkowitz

Division B of HB 1024 passed.

SECOND READING OF HOUSE BILLS

HB 1024: A BILL for an Act making an appropriation for defraying the expenses of the various divisions of the state water commission of the state of North Dakota; and providing for an appropriation and transfer of funds from the resources trust fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; 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: Freborg; Moore

ABSENT AND NOT VOTING: Lashkowitz

HB 1024 passed and the title was agreed to.

HB 1013: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and soil conservation districts of the state of North Dakota.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1013 passed and the title was agreed to.

HB 1021: A BILL for an Act making an appropriation for defraying the expenses of the state seed department of the state of North Dakota.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1021 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2464.

MOTIONS

SEN. SATROM MOVED that HB 1030, which is on the Fourteenth order, be laid over three legislative days, which motion prevailed.

SEN. J. MEYER MOVED that HB 1038, which is on the Fourteenth order, be laid over three legislative days, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1042: A BILL for an Act to create and enact a new subsection to section 49-21-01.1 of the North Dakota Century Code, relating to exempting the use of telecommunication services for educational purposes from regulation by the public service commission.

ROLL CALL

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

YEAS: None

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

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1042 lost.

HB 1057: A BILL for an Act to amend and reenact section 6-08-16.1 of the North Dakota Century Code, relating to issuing a check or draft without an account; and to provide a penalty.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1057 passed and the title was agreed to.

HB 1116: A BILL for an Act to amend and reenact section 12.1-32-12 of the North Dakota Century Code, relating to penalties, sentences, and parole for unclassified offenses; and to repeal section 12.1-32-10 of the North Dakota Century Code, relating to mandatory parole components.

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, 50 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: None

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

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Peterson

HB 1116 lost.

HB 1226: A BILL for an Act to designate July 3, 1989, as a public holiday in recognition of the North Dakota centennial.

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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1226 passed and the title was agreed to.

HB 1307: A BILL for an Act to adopt the Uniform Status of Children of Assisted Conception Act; and to amend and reenact section 12.1-31-05 of the North Dakota Century Code, relating to child procurement.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Krauter; Lashkowitz

HB 1307 passed and the title was agreed to.

HB 1312: A BILL for an Act to amend and reenact subsection 1 of section 6-03-47.2 of the North Dakota Century Code, relating to the investments of state banks.

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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1312 passed and the title was agreed to.

HB 1327: A BILL for an Act to amend and reenact sections 61-32-05 and 61-32-10 of the North Dakota Century Code, relating to the replacement of wetlands.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 23 YEAS, 29 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Freborg; Hanson; Heigaard; Hilken; Keller; Kelsh; Kinnoin; Krauter; Langley; Meyer, D.; Meyer, J.; Moore; Mutch; Nelson; O'Connell; Richard; Stromme; Tallackson; Vosper; Waldera; Wogsland

NAYS: David; Ewen; Heinrich; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, W.; Mushik; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Tennefos; Thane; Todd; Yockim

ABSENT AND NOT VOTING: Lashkowitz

HB 1327 lost.

MOTIONS

SEN. HEIGAARD MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

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

SEN. D. MEYER MOVED that HB 1537, which is on the Fourteenth order, be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. D. Meyer's motion, HB 1537 was rereferred.

SEN. D. MEYER MOVED that HB 1563, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1354: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to payment of claims for mileage and travel expense and for allowance for meals and lodging by state employees.

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 13 YEAS, 37 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Heinrich; Ingstad; Mathern; Maxson; Mushik; O'Connell; Redlin; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Hilken; Holmberg; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Richard; Robinson; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Mutch

HB 1354 lost.

HB 1384: A BILL for an Act to amend and reenact subdivision j of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to an income tax deduction for highway patrolmen's retirement benefits; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; 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: Moore

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Mutch

HB 1384 passed and the title was agreed to.

HB 1407: A BILL for an Act to amend and reenact sections 19-10-19, 19-10-20, and 19-10-21 of the North Dakota Century Code, relating to inspection fees for petroleum products in North Dakota, reporting of petroleum products, and bonds required of petroleum dealers.

ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Mutch

HB 1407 passed and the title was agreed to.

HB 1457: A BILL for an Act to amend and reenact subsection 7 of section 21-03-07 of the North Dakota Century Code, relating to dedication of tax levies and issuance of general obligation bonds by the Fargo school district.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Mutch

HB 1457 passed and the title was agreed to.

HB 1484: A BILL for an Act to amend and reenact subsection 1 of section 57-38-40 of the North Dakota Century Code, relating to a claim for credit or refund; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 49 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Moore

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

HB 1484 lost.

MOTION

SEN. SATROM MOVED that HB 1499, which is on the Fourteenth order, be laid over three legislative days, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1509: A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to notice of employee rights under the Workers' Compensation 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 25 YEAS, 26 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Maixner; Mathern; Maxson; Meyer, W.; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Tallackson; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Ewen; Freborg; Holmberg; Ingstad; Kinnoin; Krebsbach; Lips; Lodoen; Meyer, D.; Meyer, J.; Moore; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjerm; Streibel; Stromme; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Mutch

HB 1509 lost.

HB 1521: A BILL for an Act to create and enact a new subsection to section 57-15-06.7 of the North Dakota Century Code, relating to the limitation on county levies for certain comprehensive human services programs; and to amend and reenact section 50-06.2-05 of the North Dakota Century Code, relating to the authority of the board of county commissioners to levy a tax for comprehensive human services programs.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Moore; Naaden; Nelson; Nething; Shea; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Mutch

HB 1521 passed and the title was agreed to.

HB 1603: A BILL for an Act to amend and reenact subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to 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; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Mutch

HB 1603 passed and the title was agreed to.

HB 1618: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code to provide for a seven-year plan for the system of higher education in this state and for procedures for review and implementation of that plan.

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: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Krebsbach; Langley; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Todd; Wogsland; Yockim

NAYS: David; Heigaard; Keller; Kinnoin; Lips; Naaden; Satrom; Streibel; Thane; Vosper; Waldera

ABSENT AND NOT VOTING: Lashkowitz; Mutch

HB 1618 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3005: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of North Dakota, relating to the effective date of legislation.

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 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kels; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; 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: Meyer, D.; Moore

ABSENT AND NOT VOTING: Lashkowitz; Mutch

HCR 3005 was declared adopted on a roll call vote.

HCR 3067: A concurrent resolution directing the Legislative Council to study whether the Commissioner of Insurance should employ a property and casualty actuary.

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

HCR 3067 was declared adopted on a voice vote.

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

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

HCR 3081 was declared adopted on a voice vote.

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

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

HCR 3082 was declared lost on a voice vote.

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

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

HCR 3083 was declared adopted on a voice vote.

MOTION

SEN. AXTMAN MOVED that HB 1034, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1211: A BILL for an Act to amend and reenact sections 6-09.9-02, 6-09.9-03, and 6-09.9-04 of the North Dakota Century Code, relating to operating loans to farmers and agribusinesses; and to repeal section 6-09.9-06 of the North Dakota Century Code, relating to participation interests in operating loans to agribusinesses.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Mutch; Redlin

HB 1211 passed and the title was agreed to.

HB 1333: A BILL for an Act to amend and reenact section 20.1-02-18.1 of the North Dakota Century Code, relating to approval by the board of county commissioners prior to acquisition of property by the department of the interior for waterfowl or wildlife purposes; 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 17 YEAS, 34 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Freborg; Heigaard; Hilken; Kelsh; Kinnoin; Meyer, D.; Meyer, J.; Moore; Nelson; O'Connell; Richard; Schoenwald; Stromme; Tallackson; Vosper; Wogsland

NAYS: Axtman; David; Ewen; Hanson; Heinrich; Holmberg; Ingstad; Keller; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, W.; Mushik; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Robinson; Satrom; Shea; Stenehjem; Streibel; Tennefos; Thane; Todd; Waldera; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Mutch

HB 1333 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3004: A concurrent resolution directing the Legislative Council to establish a Jobs Development Commission composed of legislators, officials from the executive branch of state government, officials from higher education, and representatives of the private sector to study methods and coordinate efforts to initiate and sustain state economic development and to stimulate the creation of new employment opportunities for the citizens of North Dakota.

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

HCR 3004 was declared adopted on a voice vote.

HCR 3019: A concurrent resolution for the amendment of sections 3 and 4 of article IV of the Constitution of North Dakota, relating to the terms of legislative assembly members; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 37 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Kelsh; Kinnoin; Krebsbach; Langley; Maixner; Meyer, D.; Moore; Naaden; Nelson; O'Connell; Tallackson; Vosper

NAYS: Axtman; David; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Krauter; Lips; Lodoen; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Nething; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Mutch

HCR 3019 was declared lost on a roll call vote.

HCR 3021: A concurrent resolution urging employers to provide employment opportunities for older workers.

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

HCR 3021 was declared adopted on a voice vote.

MOTIONS

SEN. MAIXNER MOVED that HB 1185, which is on the Sixth order, be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Maixner's motion, HB 1185 was rereferred.

SEN. MAIXNER MOVED that HB 1637, HB 1604, and HB 1578 be moved to the head of the calendar, which motion prevailed.

SEN. MAIXNER MOVED that SB 2526 and SB 2530 be placed following HB 1578 on the calendar, which motion prevailed.

SEN. MAIXNER MOVED that the Senate stand at recess until 4:20 p.m., which motion prevailed.

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

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1023, HB 1039, HB 1123, HB 1124, and HB 1152 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1023: Reps. Sorensen, Wald, Watne
 HB 1039: Reps. Rydell, Clayburgh, P. DeMers
 HB 1123: Reps. R. Larson, Shide, Enget
 HB 1124: Reps. R. Larson, Whalen, Skjerven
 HB 1152: Reps. Bernstein, Clayburgh, Huether

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1294 and HB 1510, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1294: Reps. Dorso, Shide, Skjerven
 HB 1510: Reps. Lindgren, Howard, Gerl

MOTIONS

SEN. D. MEYER MOVED that the vote by which HB 1354 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SEN. D. MEYER MOVED that HB 1035 be moved from the Sixth order to the Fourteenth order, and then be laid over one legislative day, which motion prevailed.

SEN. RICHARD MOVED that HB 1647, which is on the Sixth order, be laid over two legislative days, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1637 as recommended by the Committee on Education as printed on pages 1356-1364 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

REQUEST

SEN. LIPS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1637, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1637, the roll was called and there were 31 YEAS, 17 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Hilken; Keller; Kelsh; Kinnoin; Krauter; Langley; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Nalewaja; Nelson; Nething; Robinson; Schoenwald; Shea; Streibel; Stromme; Thane; Todd; Vosper; Waldera; Wogsland

NAYS: David; Heinrich; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Meyer, D.; Mushik; O'Connell; Olson; Peterson; Richard; Satrom; Stenehjem; Tennefos; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Mutch; Naaden; Redlin; Tallackson

The motion to adopt the amendments to HB 1637 passed.

HB 1637 was rereferred to the Committee on Appropriations.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1050, HB 1051, HB 1062, and HB 1106 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1119, HB 1134, HB 1142, HB 1146, and HB 1178 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1192 and HB 1197 and subsequently passed the same.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1604 as recommended by the Committee on Education as printed on pages 1355-1356 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 1604 was rereferred to the Committee on Appropriations.

SEN. HEINRICH MOVED that the amendments to HB 1578 as recommended by the Committee on Education as printed on page 1355 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 1578 was rereferred to the Committee on Appropriations.

SEN. SATROM MOVED that the amendments to SB 2526 as recommended by the Committee on Finance and Taxation as printed on pages 1342-1343 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2526: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition

of agricultural property for assessment purposes; and to provide an effective date.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Lashkowitz; Mutch; Redlin

SB 2526 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2530 as recommended by the Committee on Judiciary as printed on page 1343 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2530: A BILL for an Act to repeal chapter 32-07 of the North Dakota Century Code, relating to claim and delivery proceedings.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Mutch; Redlin

SB 2530 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which SB 2526 and SB 2530 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that SB 2526 and SB 2530 be messaged to the House immediately, which motion prevailed.

SEN. D. MEYER MOVED that the vote by which HB 1509 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1022 as recommended by the Committee on Appropriations as printed on pages 1310-1311 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the game and fish department of the state of North Dakota; to amend and reenact subsection 22 of section 20.1-03-12 of the North Dakota Century Code, relating to motorboat license fees; and to declare an emergency.

ROLL CALL

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

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

NAYS: Meyer, J.; O'Connell; Stromme

ABSENT AND NOT VOTING: Lashkowitz; Redlin

HB 1022 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

SEN. HEINRICH MOVED that HB 1421, which is on the Sixth order, be rereferred to the Committee on Education, which motion prevailed. Pursuant to Sen. Heinrich's motion, HB 1421 was rereferred.

SEN. SATROM MOVED that HB 1245, which is on the Sixth order, be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Sen. Satrom's motion, HB 1245 was rereferred.

SEN. MAIXNER MOVED that HB 1040, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1078 as recommended by the Committee on Judiciary as printed on pages 1311-1312 of the Senate Journal be adopted, and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1078: A BILL for an Act to amend and reenact section 28-01-32 of the North Dakota Century Code, relating to the statute of limitations when a person is absent from the state.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 14 YEAS, 36 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Freborg; Hanson; Holmberg; Lips; Lodoen; Meyer, J.; Mutch; Nalewaja; Nething; Olson; Peterson; Satrom; Stenehjem

NAYS: David; Dotzenrod; Ewen; Heinrich; Hilken; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Maixner; Mathern; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Naaden; Nelson; O'Connell; Richard; Robinson; Schoenwald; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Redlin

HB 1078 lost.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to HB 1128 as recommended by the Committee on Industry, Business and Labor as printed on page 1312 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1128, which request was granted.

REQUEST

SEN. NETHING REQUESTED that the Senate divide the amendments to HB 1128, which request was granted.

Division A - Page 1, line 1, 2, and 3
Page 6, lines 1 through 10
Division B - Remainder of amendment

ROLL CALL

The question being on the adoption of Division A of the amendments to HB 1128, the roll was called and there were 28 YEAS, 23 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: David; Dotzenrod; Freborg; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Meyer, J.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Redlin

Division A of the amendments to HB 1128 was adopted on a roll call vote.

The question being on the adoption of Division B of the amendments to HB 1128.

Division B of the amendments to HB 1128 was adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1128: A BILL for an Act to amend and reenact sections 65-05-08, 65-05-09, and 65-05-10 of the North Dakota Century Code, relating to workers compensation partial and total disability and benefits.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Redlin

HB 1128 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that HB 1360 be moved to the head of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1360 as recommended by the Committee on Judiciary as printed on page 1315 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to create and enact a new subsection to section 12.1-28-01 of the North Dakota Century Code, relating to the definition of lawful contests of skill, speed, strength, or endurance; to amend and reenact subsection 5 of section 12.1-28-02 of the North Dakota Century Code, relating to prohibited coin-operated gaming devices; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 14 YEAS, 37 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Heigaard; Heinrich; Hilken; Keller; Kelsh; Mathern; Moore; Mushik; O'Connell; Shea; Stromme; Tennesfos; Yockim

NAYS: David; Dotzenrod; Ewen; Freborg; Hanson; Holmberg; Ingstad; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Stenehjsem; Streibel; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland

ABSENT AND NOT VOTING: Lashkowitz; Redlin

HB 1360 lost.

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, the Senate stand adjourned until 1:00 p.m., Tuesday, March 28, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred Engrossed HB 1029 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "subsection" with "subsections" and after "1" insert "and 2"

Page 1, line 6, replace "Subsection" with "Subsections" and after "1" insert "and 2"

Page 1, line 20, replace "one-half" with "three-fourths"

Page 1, line 21, replace "one-half" with "three-fourths"

Page 2, after line 4, insert:

- "2. An insurance company, nonprofit health service corporation, health maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax due for the amount of any assessment paid as a member of a comprehensive health association under subsection 4 of section 26.1-08-09 for which the member may be liable for the year in which the assessment was paid, a credit as provided under subsection 1

of section 26.1-38-08, a credit against the tax due for an amount equal to the examination fees paid to the commissioner under sections 26.1-01-07, 26.1-02-02, ~~and~~ 26.1-03-19 through 26.1-03-22, 26.1-17-32, and 26.1-18-27 and a credit against the tax due for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office in this state for over one-half of the year for which the tax is paid. The credits under this subsection must be prorated on a quarterly basis and may not exceed the total tax liability under subsection 1."

Reumber accordingly

HB 1029 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 1077 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 2, remove "and" and after "appropriation" insert "; and to declare an emergency"

Page 2, line 17, after the period insert "The corporations, and their boards, are engaged in state governmental functions for purposes of immunity."

Page 2, line 18, remove "and"

Page 2, line 19, remove "participation in fringe benefits"

Page 3, after line 10, insert:

"SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Reumber accordingly

HB 1077 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 1186 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 3, line 29, remove the overstrike over "~~certificate~~" and remove "license"

Page 14, line 10, after "malice" insert "or gross negligence"

Reumber accordingly

HB 1186 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 Engrossed HB 1258 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 2, line 15, replace "right-of-way" with "right of way or between governmental entities"

Renumber accordingly

HB 1258 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 1297 has had the same under consideration and recommends by a vote of 6 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, after the semicolon insert "and"

Page 1, line 3, remove "; and to provide an expiration date"

Page 1, line 6, replace "chapter" with "Act"

Page 1, line 8, after "compensation" insert "advisory" and replace "make" with "review claims against the"

Page 1, remove line 9

Page 1, line 11, replace "When" with "As"

Page 1, line 13, after "compensation" insert "advisory"

Page 3, after line 3, insert:

- "d. A farm or residential tank with a capacity of one thousand one hundred gallons [4,163.94 liters] or less used for storing motor fuel for noncommercial purposes.
- e. A tank used for storing heating oil for consumptive use on the premises where stored.
- f. A surface impoundment, pit, pond, or lagoon.
- g. A flow-through process tank.
- h. A liquid trap or associated gathering lines directly related to oil or gas production or gathering operations.
- i. A storage tank situated in an underground area such as a basement, cellar, mine working, drift, shaft, or tunnel if the storage tank is situated upon or above the surface of the floor.

j. A tank used for the storage of propane."

Page 3, line 7, after "compensation" insert "advisory"

Page 3, line 8, after "compensation" insert "advisory", replace "seven" with "three", and replace "as follows: a" with "appointed by the governor. Members must be appointed to terms of three years with the terms arranged so that the term of one member expires June thirtieth of each year. A member shall hold office until a successor is duly appointed and qualified."

Page 3, remove lines 9 through 23

Page 3, line 24, remove "representative named in subsection 4 will serve five years."

Page 3, line 25, replace "fifty" with "sixty-two" and after "dollars" insert "and fifty cents"

Page 3, line 28, replace "Appointment of staff" with "Staff" and replace "board may" with "commissioner of insurance shall"

Page 3, line 29, replace "its" with "the" and after "activities" insert "of the board"

Page 4, remove lines 1 through 6

Page 4, line 7, remove "If the board has reason to believe that"

Page 4, line 8, remove "a release has occurred, it shall notify the department."

Page 4, line 9, replace "In" with "The"

Page 4, line 10, remove "either event, the"

Page 4, line 28, remove "the board or"

Page 5, line 3, remove "board or the" and remove "or any member, employee, or agent of the board or"

Page 5, line 4, remove "the department," and remove "the board or"

Page 5, line 6, remove "the board or"

Page 5, line 9, remove "the board or"

Page 5, line 18, remove "the board or"

Page 6, line 7, remove "board or"

Page 6, line 8, remove "board or"

Page 6, remove line 15

Page 6, line 19, replace "board" with "commissioner of insurance"

Page 6, line 22, replace "board" with "commissioner of insurance"

Page 6, line 27, replace "board" with "commissioner of insurance"

Page 7, line 12, after "fund" insert "for the sole purpose of reimbursement of corrective costs authorized under this Act"

Page 7, line 16, replace "board" with "commissioner of insurance"

Page 7, line 19, after "the" insert "tax"

Page 8, line 2, after "The" insert "tax"

Page 8, line 10, remove "fifty dollar", after "fee" insert "of ten dollars", and after "each" insert "aboveground tank and twenty-five dollars for each underground"

Page 8, line 12, replace "department" with "commissioner of insurance" and replace "deposited in the state treasury for credit to the" with "must be used for administrative costs incurred under this Act."

Page 8, remove lines 13 through 26

Page 8, line 27, replace "board" with "commissioner of insurance"

Page 9, line 7, replace "and the board were" with "was"

Page 9, line 12, remove "and the board"

Page 9, line 16, replace "board" with "commissioner of insurance" and replace "and" with ". An owner or operator may be reimbursed only for releases discovered and reported after the effective date of this Act."

Page 9, remove line 17

Page 10, line 5, replace "board" with "commissioner of insurance"

Page 10, line 11, replace the first "board" with "commissioner of insurance" and replace the second "board" with "commissioner of insurance"

Page 10, line 17, replace "Board" with "Commissioner of insurance" and replace "board" with "commissioner of insurance"

Page 10, line 22, replace "board" with "commissioner of insurance"

Page 10, line 27, replace "board" with "commissioner of insurance"

Page 11, remove lines 1 and 2

Re-number accordingly

HB 1297 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:

In lieu of the amendments to engrossed House Bill No. 1302 adopted by the Senate as printed on page 1239 of the Senate Journal, engrossed House Bill No. 1302 is amended as follows:

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

Page 2, line 28, replace "Section 3" with "Sections 1 and 2" and replace "becomes" with "become"

Renumber accordingly

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

MR. PRESIDENT: Your Committee on Agriculture (Sen. Axtman, Vice Chairman) to which was referred Engrossed HB 1444 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 6-08.1-02, a new subsection to section 6-08.1-03, and sections 6-09.10-10 and 6-09.10-11 of the North Dakota Century Code, relating to disclosure of customer information by financial institutions, mediation records and meetings, and authority to receive and expend federal funds; to amend and reenact sections 6-09.10-03, 6-09.10-04, 6-09.10-04.1, 6-09.10-05, and subsection 3 of section 6-09.10-08.5 of the North Dakota Century Code, relating to fees charged for assistance provided to farmers and creditors, changing the name of the farm credit counseling program, compensation for credit review board members, requests for assistance, and liability; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 6-08.1-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Disclosure by a financial institution to the commissioner of agriculture that it has given a customer notice of the availability of the North Dakota agricultural mediation service.

SECTION 2. A new subsection to section 6-08.1-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

For the purpose of notifying the commissioner of agriculture that a financial institution has notified a customer of the availability of the North Dakota agricultural mediation service.

SECTION 3. AMENDMENT. Section 6-09.10-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.10-03. Farm Credit Counseling Program North Dakota agricultural mediation service - Powers - Compensation and expenses - Fees. The board shall meet at the call of the chairman, as is necessary to fulfill its duties under this chapter. The department of agriculture shall administer the farm credit counseling program agricultural mediation service. The commissioner of agriculture shall establish a farm credit counseling program an agricultural mediation service to disseminate information to farmers concerning farm credit problems, and provide advice and counseling regarding assistance to seek to resolve farm credit problems. The commissioner shall appoint an administrator of the farm credit counseling program to administer the program agricultural mediation service. The commissioner shall hire staff and, negotiators, and mediators who may mediate between a farmer who has requested assistance and the farmer's creditors, either of whom may request assistance. The board may charge the farmer and each of the farmer's creditors a reasonable fee for any assistance provided to a farmer, such funds to be used to continue the program service until June 30, ~~1989~~ 1991. Fees charged to the farmer's creditors are limited to twenty-five dollars per hour, each, for the time spent in mediation sessions. The board shall adopt policies governing the negotiators and, staff, and mediators hired under this section. Board members are entitled to receive fifty sixty-five dollars for each day of official service, as directed by the board. The board members are entitled to expenses as provided in sections 44-08-04 and 54-06-09. The expenses provided under this section may be paid from any funds available in the home-quarter purchase fund.

SECTION 4. AMENDMENT. Section 6-09.10-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.10-04. Request for assistance - Negotiation - Mediation.

- 1- Any farmer or creditor may request the assistance of a negotiator from the administrator. Upon receipt of the request, the negotiator may enter into negotiations with the lender, on behalf of the farmer and upon consent of the farmer and the creditor to mediation, the negotiator or mediator shall encourage and assist the farmer and the farmer's creditors to reach a voluntary settlement.
- 2- The negotiator shall negotiate with the lender in an attempt to extend the term of the loan; reduce the dollar amount of payments under the loan; or otherwise negotiate a settlement that will allow the farmer to reside in the farm residence and allow the farmer to continue to produce agricultural commodities. Any change in the terms of the mortgage must be approved by the lender and the farmer.

SECTION 5. AMENDMENT. Section 6-09.10-04.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.10-04.1. Liability. The board, commissioner, administrator, staff, and negotiators, and mediators are not subject to any liability arising from any actions undertaken on behalf of a farmer or between a farmer and the farmer's creditors in attempting to reach a settlement with a lender.

SECTION 6. AMENDMENT. Section 6-09.10-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09.10-05. Interest rate buydowns by the board.

1. If the board, or its authorized agent, is unable to mediate a settlement in the negotiation of with regard to a farmer's debt, the board may approve the purchase, refinancing, or redemption of the farmer's home-quarter. If the board approves the purchase, refinancing, or redemption of the home-quarter, it shall subsidize the interest rate paid by the farmer after credit has been obtained by the farmer from any governmental or private financial institution or agency.
2. The board may only approve an interest subsidy if the farmer has the financial ability to meet all payments and financial responsibilities, including the payment of principal and interest on loans subsidized under this chapter.
3. The board may defer or waive payment, restructure payment, or enter into other reasonable loan servicing options with a farmer who has received an interest subsidy, upon proof of financial hardship, or if the farmer, after deferral, restructure, or other loan servicing options, has the ability to make all the payments and meet all the financial responsibilities with regard to the change in payments.

SECTION 7. AMENDMENT. Subsection 3 of section 6-09.10-08.5 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Cooperate with the farm credit counseling program agricultural mediation service and existing informational and referral networks among farmers, farmer advocates, small business persons, and others concerned with the economic crisis in agricultural and small business concern areas.

SECTION 8. Section 6-09.10-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

6-09.10-10. Mediation - Open records and meetings exception. Information created, collected, and maintained by the agricultural mediation service regarding the finances of specific farmers and creditors is confidential and is not subject to the open records requirements of section 44-04-18. All mediation meetings, or meetings involving the board, staff, negotiators, or mediators wherein the finances of specific farmers and creditors is discussed, are confidential, closed meetings and are not subject to the open meetings requirements of section 44-04-19.

SECTION 9. Section 6-09.10-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

6-09.10-11. Commissioner of agriculture - Authorization. The commissioner of agriculture is authorized to receive and expend any federal, private, or other funds that become available for the purpose of defraying the expenses of the agricultural mediation service.

SECTION 10. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

HB 1444 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred HB 1446 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 and subdivision e of subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs; and to provide for changing references to being in actual physical control of a motor vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 39-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A person may not drive or ~~be in actual physical control of~~ attempt to drive any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or attempting to drive.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug ~~which that~~ predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.

SECTION 2. AMENDMENT. Subdivision e of subsection 4 of section 39-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- e. A sentence or imposition of sentence under this section may not be suspended under chapter 12-53 except that a fine or a sentence of imprisonment may be suspended in any of the following instances:
- (1) Upon conviction of being in actual physical control of attempting to drive a motor vehicle in violation of this section or equivalent ordinance.
 - (2) If the defendant is under age eighteen when convicted except that if the defendant has, within the preceding five years, previously been convicted of violating section 39-08-01 or equivalent ordinance, the sentence must include at least forty-eight consecutive hours imprisonment or in a minimum security facility or at least ten days of community service, which sentence or imposition of sentence may not be suspended under chapter 12-53.

SECTION 3. Legislative council - Change of references. The legislative council shall replace "being in actual physical control of" in all its grammatical forms wherever it appears in the North Dakota Century Code with "attempting to drive" in its appropriate grammatical form."

Renumber accordingly

HB 1446 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 Engrossed HB 1495 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 9, after the comma insert "up to a maximum of three hundred dollars per month,"

Renumber accordingly

HB 1495 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 1554 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 8, remove "affected"

Page 2, line 11, remove "affected"

Renumber accordingly

HB 1554 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 1571 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 4, remove "Notwithstanding"

Page 1, remove lines 5 and 6

Page 1, line 7, replace "it" with "It"

Page 1, line 8, replace "by" with "orally or artificially by way of the gastro-intestinal tract. This presumption does not apply if"

Page 1, line 9, remove "any method unless"

Page 1, line 13, after "hydration" insert ". This evidence may include a written document executed in accordance with the law of this state which specifically indicates refusal of artificially administered nutrition and hydration"

Renumber accordingly

HB 1571 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 1666 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 4, after line 7, insert:

"(2) A house car or a vehicle towing a travel trailer being used solely for personal purposes may be driven with a class D license."

Page 4, line 8, replace "(2)" with "(3)"

Page 4, line 22, remove the overstrike over "↔" and remove "(3)"

Renumber accordingly

HB 1666 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 HCR 3076 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after "fees" insert "and the use and allocation of the game and fish operating fund's interest income"

Page 1, line 13, after the semicolon insert "and"

Page 1, after line 13, insert:

"WHEREAS, a portion of the game and fish operating fund's interest income is from motorboat license fees; and

WHEREAS, all of the game and fish operating fund's interest income is deposited in the deer depredation fund;"

Page 1, line 17, after "fees" insert "and the use and allocation of the game and fish operating fund's interest income"

Re-number accordingly

HCR 3076 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

HB 1671: A BILL for an Act to amend and reenact section 54-02-09 of the North Dakota Century Code, relating to the name of the state march. Was read the first time and referred to the Committee on State and Federal Government.

HB 1673: A BILL for an Act to amend and reenact section 53-01-13 of the North Dakota Century Code, relating to boxing or sparring exhibitions; and to declare an emergency. Was read the first time and referred to the Committee on State and Federal Government.

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

PATRICIA CONRAD, Secretary