

## JOURNAL OF THE SENATE

## Fifty-first Legislative Assembly

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Bismarck, March 30, 1989

The Senate convened at 10:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Terry Kern, First Evangelical Free Church, Bismarck.

Our Eternal God and Heavenly Father, we pause now, at the beginning of this day's session to worship You, to honor You, and to remind ourselves of Your right to our highest praise.

With those who worship You in the Book of Revelation, we say:

"Holy, Holy, Holy is the Lord God, the Almighty, who was, who is, and who is to come. Worthy art Thou, our Lord and our God, to receive glory and honor and power, for Thou didst create all things, and because of Thy will they existed, and were created. Worthy is the Lamb that was slain to receive power and riches and wisdom and might and honor and glory and blessing. To Him who sits on the throne and to the Lamb be blessing and honor and glory and blessing and dominion forever and ever." (Revelation 4:8, 11; 5:12) Amen.

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

A quorum was declared by the President.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2262, SB 2320, SB 2335, SB 2417, and SB 2475 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2262: Sens. Kelsh, J. Meyer, Stenehjem  
 SB 2320: Sens. Langley, Krauter, Nething  
 SB 2335: Sens. Schoenwald, Richard, Tennefos  
 SB 2417: Sens. Maixner, Satrom, Ingstad  
 SB 2475: Sens. Richard, Robinson, Moore

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2173, SB 2226, SB 2230, SB 2242, and SB 2256 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2173: Sens. Keller, Schoenwald, Todd  
 SB 2226: Sens. Maixner, O'Connell, David  
 SB 2230: Sens. Krauter, Maixner, Moore  
 SB 2242: Sens. Keller, Krauter, Mutch  
 SB 2256: Sens. Maxson, Nalewaja, Stenehjem

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1023: Sens. Tallackson, Yockim, Lips  
HB 1510: Sens. Dotzenrod, Robinson, Holmberg

**SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)**

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: HB 1050, HB 1051, HB 1061, HB 1062, HB 1106, HB 1119, HB 1142, HB 1146, HB 1178, HB 1184, HB 1192, HB 1434, HCR 3003, HCR 3009, HCR 3023, HCR 3032, HCR 3035, HCR 3037, HCR 3049, HCR 3059, HCR 3060, HCR 3069.

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

MR. SPEAKER: The President has signed: HB 1050, HB 1051, HB 1061, HB 1062, HB 1106, HB 1119, HB 1142, HB 1146, HB 1178, HB 1184, HB 1192, HB 1434, HCR 3003, HCR 3009, HCR 3023, HCR 3032, HCR 3035, HCR 3037, HCR 3049, HCR 3059, HCR 3060, HCR 3069.

**SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)**

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: SB 2007, SB 2223, SB 2336, SB 2473.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2007, SB 2223, SB 2336, SB 2473.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1250.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1186, HB 1302, HB 1444, HB 1495, HB 1554, HB 1559, HB 1581, HB 1614, HB 1647.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4072.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1258, HB 1571, HB 1661.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2357.

**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-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1450, line 41, delete "HB 1167"

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

**APPOINTMENT OF CONFERENCE COMMITTEE**

SEN. J. MEYER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1210, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1210: Sens. J. Meyer, Stenehjem, Holmberg.

## MOTION

SEN. HEIGAARD MOVED that HB 1479 be placed at the top of the calendar, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1479 as recommended by the Committee on Finance and Taxation as printed on page 1476 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS.

## REQUEST

SEN. INGSTAD REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1479, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendments to HB 1479, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Nething

The motion to adopt the amendments to HB 1479 passed.

## MOTIONS

SEN. INGSTAD MOVED that in addition to the amendments to Engrossed HB 1479 adopted by the Senate as printed on page 1476 of the Senate Journal, Engrossed HB 1479 be further amended to retain the original language of Engrossed HB 1479.

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

SEN. OLSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1479, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1479, the roll was called and there were 25 YEAS, 26 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Hanson; Holmberg; Ingstad; Kinnoin; Krebsbach; Lips; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper; Waldera; Yockim

NAYS: Axtman; Dotzenrod; Ewen; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;

Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Wogsland

ABSENT AND NOT VOTING: Lashkowitz; Nothing

The proposed amendments to HB 1479 lost.

SECOND READING OF HOUSE BILL

HB 1479: A BILL for an Act to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an exemption from the oil extraction tax for a well requiring a work-over project.

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; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Nothing

HB 1479 passed and the title was agreed to.

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APPOINTMENT OF CONFERENCE COMMITTEE

SEN. D. MEYER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1660, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1660: Sens. D. Meyer, Axtman, Lodoen.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2043 as printed on pages 1248-1249 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to amend and reenact subsection 9 of section 10-04-06 of the North Dakota Century Code, relating to the authority of the securities commissioner to adopt transactional exemptions from securities registration requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 0 NAYS, 12 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Axtman; Freborg; Hanson; Keller; Kinnoin; Krebsbach; Lashkowitz; Meyer, W.; Nething; Tallackson; Vosper; Waldera

(Absent due to Committee on Agriculture meeting: W. Meyer; Axtman; Keller; Hanson; Kinnoin; Vosper; Freborg; Krebsbach)

SB 2043 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do concur in the House amendments to SB 2045 as printed on page 1276 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to fees for issuing game and fish licenses.

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, 0 NAYS, 11 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Axtman; Freborg; Hanson; Keller; Kinnoin; Krebsbach; Lashkowitz; Meyer, W.; Nething; Tallackson; Vosper

(Absent due to Committee on Agriculture meeting: W. Meyer; Axtman; Keller; Hanson; Kinnoin; Vosper; Freborg; Krebsbach)

SB 2045 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2048 as printed on pages 1323-1324 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2048: A BILL for an Act to create and enact a new section to chapter 23-06.1 and two new sections to chapter 23-07 of the North Dakota Century Code, relating to testing anatomical gifts for exposure to the human immunodeficiency virus and to testing of inmates, certain convicted individuals, and hospital patients for exposure to the human immunodeficiency virus; and to amend and reenact sections 14-10-17, 19-02.1-19, 23-07-01, 23-07-03, 23-07-07, 23-07-08, 23-07-09, 23-07-21, and 53-03-03 of the North Dakota Century Code, relating to sexually transmitted disease.

## 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, 0 NAYS, 11 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Axtman; Freborg; Hanson; Keller; Kinnoin; Krebsbach; Lashkowitz; Meyer, W.; Nething; Tallackson; Vosper

(Absent due to Committee on Agriculture meeting: W. Meyer; Axtman; Keller; Hanson; Kinnoin; Vosper; Freborg; Krebsbach)

SB 2048 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2098 as printed on page 1249 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2098: A BILL for an Act to require motor vehicle liability insurance policies for private passenger automobiles to include property damage coverage for rented automobiles.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 4 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Ewen; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Langley; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nalewaja; Nelson; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tennefos; Todd; Waldera; Wogsland

NAYS: David; Lips; Mutch; Thane

ABSENT AND NOT VOTING: Axtman; Freborg; Hanson; Keller; Kinnoin; Krebsbach; Lashkowitz; Maixner; Meyer, W.; Nething; Tallackson; Vosper; Yockim

(Absent due to Committee on Agriculture meeting: W. Meyer; Axtman; Keller; Hanson; Kinnoin; Vosper; Freborg; Krebsbach)

SB 2098 passed and the title was agreed to.

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#### MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 1:00 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2043, SB 2045, SB 2048, and SB 2098 and subsequently passed the same. The President has appointed as a conference committee to act with a like committee from the House on:

HB 1210: Sens. J. Meyer, Stenehjem, Holmberg

HB 1660: Sens. D. Meyer, Axtman, Lodoen

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2121 as printed on page 1279 of the Senate Journal, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2121: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to personal liability of corporate officers for unemployment compensation purposes.

#### ROLL CALL

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

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

NAYS: Moore; Stenehjem

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

SB 2121 passed and the title was agreed to.

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MOTION

SEN. SATROM MOVED that SB 2141 be moved below SB 2176 on the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2176 as printed on page 1324 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2176: A BILL for an Act to create and enact sections 19-03.1-36.1, 19-03.1-36.2, 19-03.1-36.3, 19-03.1-36.4, 19-03.1-36.5, 19-03.1-36.6, and 19-03.1-36.7 of the North Dakota Century Code, relating to forfeiture procedures; to amend and reenact subsections 1, 5, and 6 of section 19-03.1-36 of the North Dakota Century Code, relating to forfeitures; 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nothing; Tallackson

SB 2176 passed, the title was agreed to, and the emergency clause carried.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HILKEN MOVED that the Senate do concur in the House amendments to SB 2141 as printed on pages 1277-1278 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2141: A BILL for an Act to amend and reenact sections 57-40.4-02 and 57-55-01.2 of the North Dakota Century Code, relating to motor vehicle excise tax refunds and statements of full consideration for mobile homes.

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; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell;

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

SB 2141 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2178 as printed on page 1279 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to amend and reenact subsection 1 of section 51-19-04 and subsection 2 of section 51-19-17 of the North Dakota Century Code, relating to requirements of, and exemptions from, the franchise investment law.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

SB 2178 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HILKEN MOVED that the Senate do not concur in the House amendments to SB 2187 as printed on pages 1369-1370 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2187: Sens. Richard, Schoenwald, Mutch.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House Amendments to SB 2212 as printed on pages 1439-1444 of the Senate Journal and that a

conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2212: Sens. Maxson, Hanson, Stenehjem.

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

MR. PRESIDENT: The Speaker has signed: SB 2007, SB 2223, SB 2336, SB 2473.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do concur in the House amendments to SB 2218 as printed on page 1152 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2218: A BILL for an Act to provide for the protection of paleontological resources; to amend and reenact section 55-02-07, subsection 1 of section 55-03-00.1, and sections 55-03-02 and 55-03-07 of the North Dakota Century Code, relating to the protection of paleontological resources; 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

SB 2218 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2231 as printed on page 1438 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to exemptions from the open meetings and open records laws for attorney work product and attorney consultation.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

SB 2231 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do concur in the House amendments to SB 2240 as printed on pages 1410-1411 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2240: A BILL for an Act to repeal subsection 25 of section 20.1-02-05 of the North Dakota Century Code, relating to complimentary fishing licenses.

ROLL CALL

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

YEAS: None

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

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

SB 2240 lost.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do concur in the House amendments to SB 2251 as printed on page 1009 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to create and enact two new sections to chapter 57-43.1 and a new section to chapter 57-43.2 of the North Dakota Century Code, relating to determination of motor vehicle fuel tax if no return is made and a credit for motor fuel and special fuel taxes paid on worthless accounts; and to amend and reenact subsection 3 of section 57-43.1-01, sections 57-43.1-04, 57-43.1-06, 57-43.1-09, 57-43.1-10, 57-43.1-16, subsections 4 and 5 of section 57-43.2-01, subsection 1 of section 57-43.2-02, sections 57-43.2-11 and 57-43.2-15 of the North Dakota Century Code, relating to definition of "importer for use" as applied to motor vehicle fuel taxes, refund claims for motor vehicle fuel, refunds for tax paid on motor fuel when taken out of North Dakota, refunds for fuel used for heating purposes, invoices issued to purchasers of motor vehicle fuel, the witness requirements for motor fuel dealers' reports, definitions of "highway purposes" and "importer for use" as applied to special fuel taxes, the imposition of special fuel tax on fuel blended with recovered oil, and penalties for failure to pay special fuels tax.

## 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, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson; Wogsland

SB 2251 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2296 as printed on page 1417 of the Senate Journal, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to the disposition of personal property following completion of mortgage foreclosure actions.

## 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; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

SB 2296 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2306 as printed on page 1325 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to amend and reenact section 30.1-28-11 of the North Dakota Century Code, relating to the appointment of a guardian of an incapacitated person.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

SB 2306 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HILKEN MOVED that the Senate do concur in the House amendments to SB 2314 as printed on page 1417 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to personal flotation devices for children on boats.

## ROLL CALL

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

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

NAYS: Kinnoin; O'Connell

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

SB 2314 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. STROMME MOVED that the amendments to SCR 4043 as recommended by the Committee on Joint Constitutional Revision as printed on pages 1434-1435 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion lost.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4043: A concurrent resolution to create a new section to article IV of the Constitution of North Dakota, relating to the office of state auditor; to amend sections 12 and 13 of article V of the Constitution of North Dakota, relating to the office of state auditor; and to provide an effective date.

## ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 32 YEAS, 15 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Hanson; Heinrich; Holmberg; Ingstad; Kinnoin; Krauter; Krebsbach; Langley; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nalewaja; Nelson; Olson; Peterson; Robinson; Stenehjem; Streibel; Tennefos; Todd; Vosper; Waldera; Yockim

NAYS: Axtman; Dotzenrod; Ewen; Heigaard; Hilken; Kelsh; Lips; Mutch; O'Connell; Redlin; Richard; Schoenwald; Shea; Stromme; Wogsland

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Satrom; Tallackson; Thane

SCR 4043 was declared adopted on a roll call vote.

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## CONSIDERATION OF AMENDMENTS

SEN. D. MEYER MOVED that the amendments to HB 1036 as recommended by the Committee on State and Federal Government as printed on page 1345 of the

Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

HB 1036: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to insurance benefits for part-time employees; 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 23 YEAS, 26 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Mathern; Maxson; Meyer, J.; Mushik; Nalewaja; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Peterson; Streibel; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nothing; Tallackson

HB 1036 lost.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1013, HB 1033, HB 1034, HB 1035, HB 1057, HB 1197, HB 1211, HB 1226, HB 1307, HB 1312, HB 1384, HB 1407, HB 1413, HB 1457, HB 1521, HB 1603, HB 1618, HCR 3004, HCR 3005, HCR 3021, HCR 3067, HCR 3081, HCR 3083.

#### CONSIDERATION OF AMENDMENTS

SEN. KRAUTER MOVED that the amendments to HB 1449 as recommended by the Committee on Natural Resources as printed on pages 1435-1436 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to establish the wildlife habitat restoration trust fund; to provide for transfers from the game and fish operating fund and from the habitat restoration stamp fund; and to provide a continuing appropriation of the interest generated by the fund.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

HB 1449 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to HB 1666 as recommended by the Committee on Transportation as printed on page 1406 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1666: A BILL for an Act to create and enact chapter 39-06.2 of the North Dakota Century Code, relating to commercial driver's licensing, testing for and issuance of a commercial driver's license, employer and employee responsibilities, suspension or revocation of a commercial driver's license, and classification of commercial motor vehicles; to amend and reenact section 39-06-14, subsection 3 of section 39-06-17, subsections 4 and 7 of section 39-06-32, and subsections 1, 2, 3, and 4 of section 39-20-07 of the North Dakota Century Code, relating to classification of drivers' licenses, a restricted operator's license or permit, refusal of a chemical test in another state, and blood alcohol concentration and its applicability to chapter 39-06.2; and to provide an effective date and application of this Act to existing operators' licenses.

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

HB 1666 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to HCR 3076 as recommended by the Committee on Transportation as printed on pages 1406-1407 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3076: A concurrent resolution directing the Legislative Council to study motorboat license fees and the use and allocation of the game and fish operating fund's interest income.

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

HCR 3076 was declared adopted on a voice vote.

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

MR. PRESIDENT: The Senate has concurred in the House amendments to SB 2121, SB 2141, SB 2176, SB 2178, and SB 2218 and subsequently passed the same.

The Senate does not concur in the House amendments to SB 2187 and SB 2212 and the President has appointed as a conference committee to act with a like committee from the House on:

- SB 2187: Sens. Richard, Schoenwald, Mutch
- SB 2212: Sens. Maxson, Hanson, Stenehjem

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2231, SB 2251, SB 2296, SB 2306, and SB 2314 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2240 and subsequently failed to pass the same.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1063 as recommended by the Committee on Appropriations as printed on page 1474 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1063: A BILL for an Act providing an appropriation to the legislative assembly for improvements to the state capitol; providing an appropriation to the capitol grounds planning commission for defraying expenses; and declaring 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 36 YEAS, 12 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Krauter; Krebsbach; Lips; Maixner; Mathern; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Nelson; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tennesfos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: David; Kelsh; Kinnoin; Langley; Maxson; Meyer, D.; Moore; Mutch; Naaden; Stenehjem; Streibel; Vosper

ABSENT AND NOT VOTING: Keller; Lashkowitz; Lodoen; Nething; Tallackson

HB 1063 passed, the title was agreed to, and the emergency clause carried.

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CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1283 as recommended by the Committee on Finance and Taxation as printed on pages 1474-1475 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1283: A BILL for an Act to amend and reenact subsection 33 of section 57-39.2-04, section 57-39.2-04.1, subsection 18 of section 57-40.2-04, and section 57-40.2-04.1 of the North Dakota Century Code, relating to removal of sales and use tax exemption for purchases of coffee, tea, cocoa, and certain bottled water.

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, 1 NAY, 4 ABSENT AND NOT VOTING.

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

NAYS: O'Connell

ABSENT AND NOT VOTING: Keller; Lashkowitz; Nething; Tallackson

HB 1283 passed and the title was agreed to.

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MOTION

SEN. D. MEYER MOVED that HB 1297, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to HB 1421 as recommended by the Committee on Education as printed on pages 1475-1476 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1421: A BILL for an Act to create and enact four new sections to chapter 15-34.1 of the North Dakota Century Code, relating to home-based instruction, quality assurance, state aid for students in home-based schools, and supervision or administration by state-approved private or parochial schools; to amend and reenact sections 15-19-01, 15-34.1-03, and 15-34.1-04 of the North Dakota Century Code, relating to correspondence study by students receiving home-based instruction, exceptions from the compulsory school attendance laws, and prosecution for violation of compulsory school attendance laws; to repeal section

15-34.1-05 of the North Dakota Century Code, relating to penalties for violating the compulsory school attendance provisions; and to provide an expiration 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 35 YEAS, 13 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Ewen; Freborg; Hanson; Hilken; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Olson; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Yockim

NAYS: Axtman; Heinrich; Holmberg; Keller; Mushik; Peterson; Redlin; Richard; Robinson; Schoenwald; Shea; Waldera; Wogsland

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Maixner; Nething; Tallackson

HB 1421 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. D. MEYER MOVED that the amendments to HB 1537 as recommended by the Committee on State and Federal Government as printed on pages 1476-1477 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1537: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to rulemaking authority of the state department of health and consolidated laboratories.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 19 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Ewen; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Kinnoin; Krebsbach; Langley; Lips; Lodoen; Maxson; Meyer, D.; Meyer, J.; Moore; Naaden; Nalewaja; Nelson; Olson; Peterson; Richard; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Yockim

NAYS: Dotzenrod; Hanson; Heinrich; Keller; Kelsh; Krauter; Maixner; Mathern; Meyer, W.; Mushik; Mutch; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Shea; Waldera; Wogsland

ABSENT AND NOT VOTING: Lashkowitz; Nething; Tallackson

HB 1537 passed and the title was agreed to.

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## MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1449, HB 1666, HB 1063, HB 1283, HB 1421, HB 1537, SCR 4043, and HCR 3076 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the vote by which HB 1479 passed be reconsidered and the motion to reconsider be laid on the table.

## REQUEST

SEN. OLSON REQUESTED a recorded roll call vote on the motion that the vote by which HB 1479 passed be reconsidered and the motion to reconsider be laid on the table, which request was granted.

## ROLL CALL

The question being on the motion that the vote by which HB 1479 passed be reconsidered and the motion to reconsider be laid on the table, the roll was called and there were 29 YEAS, 20 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Moore; Mutch; Nalewaja; Nelson; Olson; Peterson; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper; Waldera

ABSENT AND NOT VOTING: Lashkowitz; Naaden; Nething; Tallackson

So the motion prevailed.

## MOTIONS

SEN. MAIXNER MOVED that the rules be suspended and that HB 1449, HB 1666, HB 1063, HB 1283, HB 1421, HB 1537, HB 1497, SCR 4043, and HCR 3076 be messaged to the House immediately, which motion prevailed.

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of SB 2537, SCR 4071, and HB 1078 the Senate stand adjourned until 9:00 a.m., Friday, March 31, 1989, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2537 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2537 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SCR 4071 has had the same

under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4071 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was rereferred Engrossed HB 1078, with amendments as previously adopted by the Senate on March 27, 1989, has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1078 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred Engrossed HB 1228 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1228 was placed on the Fourteenth 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 1245 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In addition to the amendments to engrossed House Bill No. 1245 as printed on page 1346 of the Senate Journal, engrossed House Bill No. 1245 is amended as follows:

Page 1, line 14, remove the overstrike over "~~twelve~~" and remove "thirteen"

Page 2, line 3, remove the overstrike over "~~six~~" and remove "seven"

Page 2, line 7, remove the overstrike over "~~six~~" and remove "seven"

Page 2, line 8, remove the overstrike over "~~seven~~" and remove "eight"

Page 2, line 12, remove the overstrike over "~~seven~~" and remove "eight"

Page 2, line 13, remove the overstrike over "~~nine~~" and remove "ten"

Page 2, line 17, remove the overstrike over "~~nine~~" and remove "ten"

Page 2, line 18, remove the overstrike over "~~ten~~" and remove "eleven"

Page 2, line 22, remove the overstrike over "~~ten~~" and remove "eleven"

Page 2, line 23, remove the overstrike over "~~twelve~~" and remove "thirteen"

Page 3, line 6, remove the overstrike over "~~twelve~~" and remove "thirteen"

Page 3, line 18, remove the overstrike over "~~twelve~~"

Page 3, line 19, remove "thirteen"

Page 4, line 8, remove the overstrike over "~~ten~~" and remove "thirty"

Renumber accordingly

HB 1245 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 1262 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, replace lines 8 through 19 with:

"1. "Degradable" means capable of being reduced to environmentally benign subunits under the action of normal environmental forces, including biodegradation, photodegradation, chemical degradation, or hydrolysis within reasonable time lines specific for waste types and waste management methods."

Page 2, remove lines 1 through 5

Page 2, line 8, replace "product" with "bottle", replace "any" with "a plastic", and replace "composed predominantly of" with "that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure, and has a capacity of at least sixteen fluid ounces [453.60 grams] but less than five gallons [18.93 liters]."

Page 2, remove lines 9 through 11

Page 2, after line 11, insert:

"6. "Rigid plastic container" means any formed or molded container, other than a bottle, intended for single use, composed predominately of plastic resin, and having a relatively inflexible finite shape or form with a capacity of at least eight ounces [226.80 grams] but not more than five gallons [18.93 liters]."

Page 2, line 16, after the period insert "The department may require test data to demonstrate that a plastic is degradable including the rate of degradation and the by-products of the degradation."

Page 2, line 17, replace "products" with "bottles and containers"

Page 2, line 18, replace "products" with "bottles and rigid plastic containers"

Page 2, line 20, replace "product" with "bottle or container"

Page 2, line 22, replace "product" with "bottle or rigid plastic container"

Page 2, line 23, replace "a triangle" with "three triangulated arrows"

Page 2, line 24, replace "triangle" with "three triangulated arrows" and after "used" insert ". The triangulated arrows must be equilateral, formed by three arrows with the apex of each point of the triangle at

the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow must be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle formed by the three arrows curved at their midpoints must depict a clockwise path around the code number. The numbers and letters used must be as follows"

Page 3, line 16, remove "The department may require test data to show that the plastic"

Page 3, line 17, remove "rings are degradable as required by this section."

Page 3, line 25, replace "1991" with "1990"

Renumber accordingly

HB 1262 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 1267 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a refund of sales tax for purchases made by residents of Canada; and to amend and reenact subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for purchases made by residents of certain adjoining states.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 12 of section 57-39.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12. Gross receipts from ~~all sales~~ a sale otherwise taxable under this chapter ~~when made to persons~~ a person who are residents ~~is a resident of an adjoining states state which do does not impose or levy a retail sales tax or are residents of Ganadar~~ provided that such persons are under the following conditions:
  - a. The nonresident is in the state of North Dakota for the express purpose of making such purchases a purchase, and ~~not as tourists; and provided, further, that any such person furnish a tourist.~~
  - b. The nonresident furnishes to the North Dakota retailer a certificate signed by ~~him~~ the nonresident in such a form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale. Unless ~~such~~ the certificate is furnished it shall be presumed, until the contrary is shown, that such person the nonresident was not in the state of North Dakota for the

~~express purpose of making such purchases; provided, further, that this exemption shall not apply to any a purchase.~~

- ~~c. The sale to any person who is a resident of another state if the sales price is twenty-five dollars or less or to any person who is a resident of Canada if the sales price is twenty-five dollars or less is fifty dollars or more.~~

SECTION 2. A new section to chapter 57-39.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refunds for Canadian residents. The tax imposed under this chapter on gross receipts from sales made to a person who is a resident of Canada may be refunded under the following conditions:

1. The Canadian resident was in North Dakota for the express purpose of making a purchase, and not as a tourist.
2. The goods will be removed from North Dakota within thirty days of purchase and will be used permanently outside North Dakota.
3. The Canadian resident applies in writing to the commissioner on a form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale.
4. The qualifying sale is one in which the total gross receipts from each individual transaction, which may involve one or more items, equals fifty dollars or more.
5. The refund is five dollars or more. Qualifying sales may be accumulated for periods not in excess of one calendar year in order to reach the five dollar limit."

Renumber accordingly

HB 1267 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred Reengrossed HB 1415 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 7, replace "repeal" with "suspend"

Page 2, line 10, replace "REPEAL" with "SUSPENSION"

Page 2, line 12, replace "repealed" with "suspended until July 1, 1991, pursuant to the provisions of section 6 of this Act"

Renumber accordingly

HB 1415 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was rereferred Reengrossed HB 1507 has had the same under consideration and recommends by a vote of 10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1507 was placed on the Fourteenth 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 1558 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact three new sections to chapter 10-24 and a new section to chapter 57-38 of the North Dakota Century Code, relating to certification of nonprofit development corporations and providing income tax credits for purchase of memberships, payment of dues, or making contributions by individuals and corporations to certified nonprofit development corporations; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 10-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

Definitions. As used in sections 1 through 3 of this Act, unless the context otherwise requires:

1. "Certified nonprofit development corporation" means a corporation organized under this chapter, certified by the secretary of state under section 2 of this Act, and no part of the income of which is distributable to its members, directors, or officers.
2. "Primary sector business" means an individual, corporation, partnership, or association that, through a process employing knowledge and labor, adds value to a product produced for resale.

SECTION 2. A new section to chapter 10-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

Certification of nonprofit development corporations. The secretary of state, after consultation with the economic development commission, shall adopt rules establishing minimum requirements for certification of nonprofit development corporations. The rules must contain a requirement that at least a majority of funds of the corporation must be used for investment in primary sector business. A nonprofit development corporation may obtain certification from the secretary of state upon compliance with this section, the rules adopted by the secretary of state, and payment of a fee of ten dollars.

SECTION 3. A new section to chapter 10-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

Certified nonprofit development corporations - Income tax credit for memberships or dues. An individual or corporate income taxpayer that buys membership in, or pays dues or contributes to, a nonprofit development corporation certified by the secretary of state under section 2 of this Act is entitled to a credit against income tax liability under chapter 57-38 in an amount equal to twenty-five percent of the total amount invested. No taxpayer is entitled to more than two thousand dollars in total income tax credits under this section. The amount of the credit under this section in excess of the taxpayer's income tax liability may be carried forward for up to seven taxable years.

SECTION 4. A new section to chapter 57-38 of the North Dakota Century Code is hereby created and enacted to read as follows:

Credit for investments in development corporations. An individual, estate, trust, or corporation is allowed, as a credit against a tax otherwise due under section 57-38-29 or 57-38-30 the credit for buying membership in, or paying dues or contributions to, a certified nonprofit development corporation as provided in section 3 of this Act.

SECTION 5. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1988."

ReNUMBER accordingly

HB 1558 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 1634 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 11, replace "twelve" with "nine"

ReNUMBER accordingly

HB 1634 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HCR 3084 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HCR 3084 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HCR 3085 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3085 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

59th DAY

THURSDAY, MARCH 30, 1989

1505

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

PATRICIA CONRAD, Secretary