

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 31, 1989
The Senate convened at 9:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Larry Jahnke, New Song Community Church, Bismarck.

Our Father, we thank You for these committed men and women who have given so much of their time to serve the people of this state. We remember their families this morning, many of whom are back home, and we ask You to keep them bound together in Your love.

We acknowledge today, that Your ways are much higher than our ways, and so we seek Your wisdom in order to make correct decisions that will affect the lives of many people in this state.

We pray this morning for those in positions of authority over us. For President Bush and his cabinet, for all of the Senators and Congressmen in Washington, for our own Governor Sinner. They have been given much responsibility and we ask You to direct their steps and their decisions.

Help us today to walk in Your love, to be sensitive to the needs of each person in this room, and to be able to forgive as You have forgiven us.

In Jesus' name we pray. Amen.

The roll was called and all Senators were present, except Senators Kelsh, Lashkowitz, Nething, Tallackson, and Waldera.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1063, HB 1283, HB 1421, HB 1449, HB 1479, HB 1537, HB 1666, HCR 3076.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4043.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolutions: 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.

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

MR. SPEAKER: The President has signed: 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.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)
THE SECRETARY ANNOUNCED that the President signed the following enrolled bill: SB 2372.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2372.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1005, HB 1089, HB 1155, HB 1504, and HB 1614 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1005: Reps. Kingsbury, Gunsch, Solberg
 HB 1089: Reps. R. Larson, Soukup, J. DeMers
 HB 1155: Reps. Dorso, Tollefson, Oban
 HB 1504: Reps. Gates, Myrdal, Scherber
 HB 1614: Reps. Myrdal, V. Olson, Ness

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3011.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2008, SB 2011, SB 2012, SB 2013.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has adopted the conference committee report on HB 1144 and subsequently passed the same.

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1144 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 793 of the Senate Journal and that Engrossed HB 1144 be amended as follows:

Page 1, line 11, after "of" insert "administering snowmobile safety programs and"

Renumber accordingly

For the Senate: Sens. Krauter, Maixner, Moore
 For the House: Reps. Tollefson, Schatz, Tomac

Engrossed HB 1144 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

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-ninth Day and finds it to be correct.

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

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1539 as recommended by the Committee on Finance and Taxation as printed on pages 1477-1478 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1539: A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to wholesale sales of unstamped cigarettes to enrolled tribal members; and to amend and reenact sections 57-36-02, 57-36-07, 57-36-08, 57-36-10, and 57-36-11 of the North Dakota Century Code, relating to the requirement that all cigarettes sold in North Dakota be stamped within the state and to allow licensed distributors to sell unstamped cigarettes to enrolled tribal members.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 8 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Kinnoin; Meyer, D.; Mutch; Naaden; Nelson; O'Connell; Streibel; Teneffos

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

HB 1539 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1245 as recommended by the Committee on Finance and Taxation as printed on pages 1499-1500 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1245: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to property tax credits for persons sixty-five years of age or older with limited income; 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 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

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

NAYS: None

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

HB 1245 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. AXTMAN MOVED that the amendments to HB 1262 as recommended by the Committee on Agriculture as printed on pages 1500-1501 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1262: A BILL for an Act to provide for the labeling of certain plastic products, to require certain plastic products to be degradable, and to provide for standards for rates of degradation; to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to the purchase of soybean-based inks and starch-based plastics; and to provide penalties.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Maixner; Nething; Shea; Tallackson; Waldera

HB 1262 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1267 as recommended by the Committee on Finance and Taxation as printed on pages 1501-1502 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1267: A BILL 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.

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, 6 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Hanson; Krauter; Meyer, J.; O'Connell; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Maixner; Nething; Shea; Tallackson; Waldera

HB 1267 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HCR 3045 and subsequently passed the same.

CONSIDERATION OF AMENDMENTS

SEN. KRAUTER MOVED that the amendments to HB 1297 as recommended by the Committee on Natural Resources as printed on pages 1398-1400 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS.

MOTIONS

SEN. D. MEYER MOVED that HB 1297 be further amended as follows:

In lieu of the proposed amendments to engrossed House Bill No. 1297 as printed on pages 1398-1400 of the Senate Journal, engrossed House Bill No. 1297 is amended as follows:

Page 1, line 3, replace "expiration date" with "appropriation"

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 [4163.94 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. The board may provide staff to" with "Administration of fund - Staff. The commissioner of insurance shall administer the fund according to this Act. The commissioner shall convene the board as is necessary to keep the board apprised of the fund's general operations and to discuss all claims against the fund. The board shall serve in an advisory capacity to the commissioner. The commissioner may employ any assistance and staff necessary to administer the fund within the limits of legislative appropriation."

Page 3, remove line 29

Page 4, line 1, replace "board" with "commissioner of insurance"

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, after "the" insert "commissioner of insurance and the" and replace "In" with "The"
- Page 4, line 10, remove "either event, the"
- Page 4, line 28, replace "board" with "commissioner of insurance"
- Page 5, line 3, replace the first "board" with "commissioner of insurance" and replace the second "board" with "commissioner"
- Page 5, line 4, replace "board" with "commissioner"
- Page 5, line 6, replace "board" with "commissioner of insurance"
- Page 5, line 9, replace "board" with "commissioner of insurance"
- Page 5, line 18, replace "board" with "commissioner of insurance"
- Page 6, line 7, replace "board" with "commissioner of insurance"
- Page 6, line 8, replace "board" with "commissioner of insurance"
- 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 2, replace "board" with "commissioner of insurance"
- Page 9, line 7, replace "and the board were" with "was"
- Page 9, line 12, replace "board" with "commissioner of insurance"

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 9, line 18, replace "Board" with "Commissioner of insurance"

Page 9, line 19, replace "board" with "commissioner of insurance"

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 19, after "startup" insert ", cost of administration,"

Page 10, line 21, after "tariff" insert "or registration fees"

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

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

Page 10, after line 28, insert:

"SECTION 33. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury generated from the registration fees collected under section 21 of this Act, not otherwise appropriated, the sum of \$49,000, or so much thereof as may be necessary, to the commissioner of insurance for the purpose of administering the fund for the biennium beginning July 1, 1989, and ending June 30, 1991."

Page 11, remove lines 1 and 2

Re-number accordingly

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

MOTIONS

SEN. D. MEYER MOVED that HB 1297, which is on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. D. Meyer's motion, HB 1297 was rereferred.

SEN. SATROM MOVED that SB 2522 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

SEN. SATROM REQUESTED the unanimous consent of the Senate to withdraw SB 2522. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1415 as recommended by the Committee on Appropriations as printed on page 1502 of the Senate Journal be

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

SECOND READING OF HOUSE BILL

HB 1415: A BILL for an Act to provide for severability of provisions relating to reductions of motor vehicle fuels taxes and special fuels taxes that contain a blend of qualifying alcohol; to create and enact a new section to chapter 57-43.1 of the North Dakota Century Code, relating to refundability of taxes; to amend and reenact subsection 4 of section 4-14.1-02 of the North Dakota Century Code, relating to the purposes of the agriculturally derived fuels tax fund; to suspend subsections 2 and 3 of section 57-43.1-02 and subsection 2 of section 57-43.2-02 of the North Dakota Century Code, relating to tax reduction for fuels that contain a blend of qualifying alcohol; to provide an appropriation; to provide an effective date; 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 43 YEAS, 4 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: David; Moore; Mutch; Tennefos

ABSENT AND NOT VOTING: Lashkowitz; Maixner; Nething; Stromme; Tallackson; Waldera

HB 1415 passed, the title was agreed to, and the emergency clause carried.

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 10:06 a.m. March 31, 1989: SB 2007, SB 2223, SB 2336, SB 2473.

MOTIONS

SEN. D. MEYER MOVED that the Senate have 500 copies of Reengrossed HB 1297 printed, which motion prevailed.

SEN. KELLER MOVED that the Senate reconsider the action by which HB 1036 failed to pass, which motion prevailed on a verification vote.

SEN. HEIGAARD MOVED that HB 1036 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1634 as recommended by the Committee on Finance and Taxation as printed on page 1504 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1634: A BILL for an Act to amend and reenact section 57-38-35.2, subsection 1 of section 57-38-45, and subsection 1 of section 57-38-62 of the North Dakota Century Code, relating to interest on refunds and additional assessments of individual and corporation income tax and declarations of estimated tax; 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 45 YEAS, 2 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: David; Tennefos

ABSENT AND NOT VOTING: Lashkowitz; Maixner; Nething; Stromme; Tallackson; Waldera

HB 1634 passed and the title was agreed to.

SECOND READING OF SENATE BILLS

SB 2533: A BILL for an Act to create and enact a new subsection to section 57-02-01 of the North Dakota Century Code, relating to the definition of seasonal residential property; to amend and reenact subsection 5 of section 57-02-01 and section 57-02-27 of the North Dakota Century Code, relating to assessment of seasonal residential property; 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 7 YEAS, 39 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Hilken; Meyer, J.; Mutch; Naaden; Nelson; Tennefos; Vosper

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Nalewaja; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Thane; Todd; Wogsland; Yockim

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

SB 2533 lost.

SB 2537: A BILL for an Act to authorize the director of the department of human services to transfer title and convey certain land owned by the

state of North Dakota to job service North Dakota for use as a job service office.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

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

SB 2537 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4071: A concurrent resolution urging Congress to provide funds to replace the Four Bears Bridge west of New Town, North Dakota.

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

SCR 4071 was declared adopted on a voice vote.

MOTION

SEN. HEIGAARD MOVED that HB 1229, HB 1010, HB 1019, HB 1130, HB 1228, HB 1507, HB 1038, and HB 1333, which is on the Fourteenth order, be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1640: A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the salary and the office of the county superintendents of schools; to amend and reenact subsection 1 of section 11-08-08, sections 11-08-10, 11-08-13, sections 15-22-01, 15-22-02, 15-22-04, 15-22-09, and 15-22-25 of the North Dakota Century Code, relating to election, duties, and joint sharing by counties of county superintendents of schools; to repeal subsection 5 of section 11-08-06, section 11-09-24, subsection 9 of section 11-10-02, subsection 9 of section 11-10-06, sections 15-22-06, 15-22-08, and 15-22-24 of the North Dakota Century Code, relating to election of the county superintendent of schools, deputies, power of the county superintendent of schools to administer oaths, and contracts for services of the county superintendent of schools; and to provide for transition and an effective date.

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, 16 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Mathern; Meyer, W.; Moore; Naaden; Nalewaja; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Shea; Stenehjem; Tennefos; Thane; Wogsland; Yockim

NAYS: Axtman; David; Hilken; Ingstad; Keller; Maxson; Meyer, D.; Meyer, J.; Mushik; Mutch; Nelson; O'Connell; Schoenwald; Streibel; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Maixner; Nething; Stromme; Tallackson; Waldera

HB 1640 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1539, HB 1245, HB 1262, HB 1267, HB 1415, HB 1634, HB 1640, SB 2537, and SCR 4071 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 HB 1539, HB 1245, HB 1262, HB 1267, HB 1415, HB 1634, HB 1640, SB 2537, and SCR 4071 be messaged to the House immediately, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand at recess until 12:30 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 passed and your favorable consideration is requested on: SB 2537, SCR 4071.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1245, HB 1262, HB 1267, HB 1415, HB 1539, HB 1634, HB 1640.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to SB 2042 as printed on page 1276 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 2042: Sens. Maxson, Ingstad, Lodoen.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2093 as printed on pages 1276-1277 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 2093: Sens. Keller, Krauter, Todd.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to SB 2152 as printed on page 1437 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 2152: Sens. Dotzenrod, Robinson, Holmberg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to SB 2153 as printed on page 1324 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 2153: Sens. Dotzenrod, Maxson, Ingstad.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House amendments to SB 2222 as printed on page 1438 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 2222: Sens. J. Meyer, Hanson, Holmberg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do not concur in the House amendments to SB 2291 as printed on pages 1412-1417 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 2291: Sens. J. Meyer, Mathern, Peterson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to SB 2304 as printed on page 1439 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 2304: Sens. Robinson, Holmberg, Lodoen.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to SB 2309 as printed on page 1325 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 2309: Sens. Dotzenrod, Maxson, Ingstad.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do not concur in the House amendments to SB 2322 as printed on page 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 2322: Sens. Mathern, O'Connell, Freborg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to SB 2376 as printed on page 1371 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 2376: Sens. Robinson, Langley, Ingstad.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House amendments to SB 2389 as printed on pages 1445-1446 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 2389: Sens. Maxson, Holmberg, Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House amendments to SB 2459 as printed on pages 1458-1459 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 2459: Sens. Maxson, Stenehjem, Nalewaja.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do not concur in the House amendments to SB 2468 as printed on page 1439 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 2468: Sens. Hanson, Nalewaja, Stenehjem.

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1041, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1041: Sens. Kelsh, Heinrich, Peterson.

SEN. KELSH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1134, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1134: Sens. J. Meyer, Mathern, Nalewaja.

SEN. KELSH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1205, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1205: Sens. Mathern, J. Meyer, Stenehjem.

SEN. KELSH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1235, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1235: Sens. Kelsh, J. Meyer, Stenehjem.

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1455, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1455: Sens. Mathern, O'Connell, Krebsbach.

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1614, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1614: Sens. Hilken, O'Connell, Freborg.

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1155, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1155: Sens. Schoenwald, Krauter, Nething.

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1089, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1089: Sens. Schoenwald, Krauter, Todd.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1320, HB 1422, and HB 1581 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1320: Reps. Shaft, Urlacher, Ring
 HB 1422: Reps. Knell, Dorso, Ness
 HB 1581: Reps. Dorso, Soukup, Frey

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1076, HB 1167, HB 1181, HB 1207, and HB 1213 and subsequently passed the same.

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

MR. PRESIDENT: The Speaker has signed: SB 2372.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1249, HB 1266, HB 1276, HB 1281, HB 1284, HB 1295, and HB 1298 and subsequently passed the same.

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2212: Reps. Aas, D. Larson, Shockman
 SB 2226: Reps. Schatz, R. Berg, Tomac
 SB 2242: Reps. Whalen, Vander Vorst, Skjerven
 SB 2262: Reps. Stenehjerm, Clayburgh, Kolbo
 SB 2320: Reps. R. Larson, Whalen, Stofferahn
 SB 2335: Reps. Belter, D. Larson, Hokana
 SB 2417: Reps. R. Anderson, Belter, Hokana
 SB 2475: Reps. Goetz, A. Hausauer, Tomac

SECOND READING OF HOUSE BILLS

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 43 YEAS, 4 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Kinnoin; Maxson; Robinson; Thane

ABSENT AND NOT VOTING: Lashkowitz; Nething; Stromme; Tallackson; Waldera; Wogsland

HB 1078 passed and the title was agreed to.

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the radio communications department of the state of North Dakota and providing for a transfer from the state highway fund.

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 33 YEAS, 15 NAYS, 5 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Lashkowitz; Nething; Stromme; Tallackson; Waldera

HB 1008 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that HB 1021, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1030: A BILL for an Act to amend and reenact subsections 7, 8, and 9 of section 57-39.2-01, subdivision c of subsection 1 of section 57-39.2-02.1, and subsections 6, 7, and 8 of section 57-40.2-01 of the North Dakota Century Code, relating to the imposition of a sales and use tax on the gross receipts from furnishing bingo cards.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 8 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: David; Mutch; Naaden; Nelson; Shea; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Nething; Stromme; Tallackson; Waldera

HB 1030 passed and the title was agreed to.

HB 1126: A BILL for an Act to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund; and to provide a continuing appropriation.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Nething; Shea; Stromme; Tallackson; Waldera

HB 1126 passed and the title was agreed to.

MOTIONS

SEN. SATROM MOVED that HB 1499 be moved to the bottom of the calendar, which motion prevailed.

SEN. STENEHJEM MOVED that HB 1563 be amended as follows:

Page 1, line 1, after the second comma insert "45-11-04.1, 45-11-05,"

Page 1, line 2, after "to" insert "new and renewed fictitious name certificates and"

Page 1, line 20, after "the" insert "general"

Page 1, line 22, overstrike "members of the"

Page 2, line 1, overstrike "partnership" and insert immediately thereafter "general partners"

Page 2, after line 2, insert:

"SECTION 3. AMENDMENT. Section 45-11-04.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

45-11-04.1. Renewal. Any fictitious name certificate filed under this chapter must be renewed every five years from the date of the initial filing, except that those filings existing prior to July 1, 1985, must be required to file the statement of renewal by July 1, 1987, and then every five years thereafter. The statement of renewal ~~shall~~ must be executed by the partnership on forms prescribed and furnished by the secretary of state which are sent to the address of the principal place of business at least sixty days ~~prior to before~~ the deadline for filing. The statement must include the fictitious name of

the partnership, the state or country of organization, the address of the principal place of business, the names and addresses of all members general partners, and a statement that the partnership is still in existence and continues to transact business in this state. If the secretary of state finds that the statement conforms to the requirements of this section, and the filing fee of twenty-five dollars has been paid, the secretary of state shall file the same statement. If the secretary of state finds that it does not so conform, the secretary of state shall promptly return the same statement to the partnership for any necessary corrections, in which event, the fictitious name certificate is subject to cancellation if the statement is not returned corrected within thirty days after the statement was returned for corrections. If any partnership fails to file the statement of renewal when due, the fictitious name certificate must be canceled by the secretary of state and notice of such cancellation must be mailed to the address of the principal place of business.

SECTION 4. AMENDMENT. Section 45-11-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

45-11-05. New certificate required when members changed. Whenever there is a change in the general partners who are members of a partnership transacting business in this state under a fictitious name, or in a designation which does not show the names of the persons interested as general partners in the business, except in a case mentioned in section 45-11-03, a new certificate must be filed with the secretary of state as required by this chapter upon the formation of such the partnership."

Renumber accordingly

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

SECOND READING OF HOUSE BILLS

HB 1563: A BILL for an Act to amend and reenact sections 45-10.1-16, 45-11-02, 45-11-04.1, 45-11-05, and 45-11-06 of the North Dakota Century Code, relating to new and renewed fictitious name certificates and records filed with the secretary of state with respect to limited partnerships and fictitious partnership names.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 6 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; Stenehjsem; Streibel; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Nething; Shea; Stromme; Tallackson; Waldera

HB 1563 passed and the title was agreed to.

HB 1658: A BILL for an Act to provide for deposit of certain revenue in a rainy day fund and other special funds if general fund revenue is in excess of estimates; and to provide a continuing appropriation.

ROLL CALL

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

YEAS: Nalewaja; Olson; Tennesfos

NAYS: 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; Nelson; O'Connell; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Thane; Todd; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Lashkowitz; Nething; Shea; Stromme; Tallackson; Waldera

HB 1658 lost.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2042, SB 2093, SB 2152, SB 2153, and SB 2222 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2042: Sens. Maxson, Ingstad, Lodoen
 SB 2093: Sens. Keller, Krauter, Todd
 SB 2152: Sens. Dotzenrod, Robinson, Holmberg
 SB 2153: Sens. Dotzenrod, Maxson, Ingstad
 SB 2222: Sens. J. Meyer, Hanson, Holmberg

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2291, SB 2304, SB 2309, SB 2322, and SB 2376 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2291: Sens. J. Meyer, Mathern, Peterson
 SB 2304: Sens. Robinson, Holmberg, Lodoen
 SB 2309: Sens. Dotzenrod, Maxson, Ingstad
 SB 2322: Sens. Mathern, O'Connell, Freborg
 SB 2376: Sens. Robinson, Langley, Ingstad

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2389, SB 2459, and SB 2468 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2389: Sens. Maxson, Holmberg, Stenehjem
 SB 2459: Sens. Maxson, Stenehjem, Nalewaja

SB 2468: Sens. Hanson, Nalewaja, Stenehjem

SECOND READING OF HOUSE BILLS

HB 1668: A BILL for an Act to amend and reenact section 57-02-26 of the North Dakota Century Code, relating to the assessment of pipeline property; 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 47 YEAS, 0 NAYS, 6 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; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Nething; Shea; Stromme; Tallackson; Waldera

HB 1668 passed and the title was agreed to.

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.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 7 ABSENT AND NOT VOTING.

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

NAYS: Heinrich

ABSENT AND NOT VOTING: Lashkowitz; Nething; Richard; Shea; Stromme; Tallackson; Waldera

HB 1671 passed and the title was agreed to.

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.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 6 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.; Moore; Mushik; Mutch; Naaden; Nelson; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: Freborg; Nalewaja; Tennefos

ABSENT AND NOT VOTING: Lashkowitz; Nething; Shea; Stromme; Tallackson; Waldera

HB 1673 passed, the title was agreed to, and the emergency clause carried.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3046: A concurrent resolution to create a new section to article V of the Constitution of North Dakota, relating to the reorganization of executive and administrative offices, boards, bureaus, agencies, commissions, and instrumentalities of state government.

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 48 YEAS, 0 NAYS, 5 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; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Nething; Stromme; Tallackson; Waldera

HCR 3046 was declared adopted on a roll call vote.

HCR 3084: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of constructing a barge terminal in this state on the Missouri River to allow and encourage the shipment of Canadian grain through North Dakota.

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

HCR 3084 was declared lost on a voice vote.

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 1041: Sens. Kelsh, Heinrich, Peterson
HB 1089: Sens. Schoenwald, Krauter, Todd
HB 1134: Sens. J. Meyer, Mathern, Nalewaja
HB 1155: Sens. Schoenwald, Krauter, Nething
HB 1205: Sens. Mathern, J. Meyer, 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 1235: Sens. Kelsh, J. Meyer, Stenehjem
HB 1455: Sens. Mathern, O'Connell, Krebsbach
HB 1614: Sens. Hilken, O'Connell, Freborg

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3085: A concurrent resolution directing the Legislative Council to study the price level the State Forester should establish for seeds and planting stock from the state nursery.

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

HCR 3085 was declared adopted on a voice vote.

MOTIONS

SEN. SATROM MOVED that HB 1499 be further amended as follows:

Page 3, line 9, after "finalized" insert ", packaged,"

Page 3, line 16, replace "when the testing function" with "on the production line or at a site in the immediate location of production."

Page 3, remove line 17

Page 3, after line 19, insert:

"(5) To package the product for sale and shipment."

Page 5, line 10, after "finalized" insert ", packaged,"

Page 5, line 17, replace "when the testing function" with "on the production line or at a site in the immediate location of production."

Page 5, remove line 18

Page 5, after line 20, insert:

"(5) To package the product for sale and shipment."

Renumber accordingly

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

MOTIONS

SEN. TENNEFOS MOVED that HB 1499 be further amended as follows:

Page 1, line 3, remove "a reduced" and replace "rate" with "exemptions"

Page 1, line 4, replace "; and to amend and reenact section 57-40.2-02.1 of" with a period

Page 1, remove lines 5 and 6

Page 1, line 10, replace "Reduced rate" with "Sales tax exemption" and remove the underscore under the remainder of the line

Page 1, remove the underscore under line 11

Page 1, line 12, replace "is" with "are exempt from sales taxes" and remove the underscore under the remainder of the line

Page 1, remove line 13

Page 1, line 14, remove "price", replace "reduction" with "exemption", and remove the underscore under the remainder of the line

Page 1, remove the underscore under lines 15 through 22

Page 2, line 1, replace "reduction" with "exemption" and remove the underscore under the remainder of the line

Page 2, remove the underscore under lines 2 and 3

Page 2, line 4, replace "reduced rate" with "exemption" and remove the underscore under the remainder of the line

Page 2, remove the underscore under lines 5 and 6

Page 2, line 7, replace "reduced rate" with "exemption" and remove the underscore under the remainder of the line

Page 2, line 8, replace "six" with "full" and remove the underscore under the remainder of the line

Page 2, line 9, remove "percent", after "rate" insert "then in effect", and remove the underscore under the remainder of the line

Page 2, remove the underscore under lines 10 and 11

Page 2, line 12, replace "difference between the" with "tax" and remove the underscore under the remainder of the line

Page 2, line 13, remove "amount remitted by the contractor and the reduced rate" and remove the underscore under the remainder of the line

Page 2, remove the underscore under lines 14 through 19

Page 3, remove the underscore under lines 1 through 19

- Page 3, line 22, replace "Reduced rate" with "Use tax exemption" and remove the underscore under the remainder of the line
- Page 3, remove the underscore under line 23
- Page 3, line 24, replace "is" with "are exempt from use taxes" and remove the underscore under the remainder of the line
- Page 3, remove line 25
- Page 3, line 26, remove "price", replace "reduction" with "exemption", and remove the underscore under the remainder of the line
- Page 3, remove the underscore under lines 27 through 29
- Page 4, remove the underscore under lines 1 through 5
- Page 4, line 6, replace "reduction" with "exemption", remove "price", and remove the underscore under the remainder of the line
- Page 4, remove the underscore under lines 7 and 8
- Page 4, line 9, replace "reduced rate" with "exemption" and remove the underscore under the remainder of the line
- Page 4, remove the underscore under lines 10 and 11
- Page 4, line 12, replace "reduced rate" with "exemption" and remove the underscore under the remainder of the line
- Page 4, line 13, replace "six" with "full" and remove the underscore under the remainder of the line
- Page 4, line 14, replace "percent sales" with "use", after "rate" insert "then in effect", and remove the underscore under the remainder of the line
- Page 4, remove the underscore under lines 15 and 16
- Page 4, line 17, replace "difference between the" with "tax" and remove the underscore under the remainder of the line
- Page 4, line 18, remove "amount remitted by the contractor and the reduced rate" and remove the underscore under the remainder of the line
- Page 4, remove the underscore under lines 19 through 28
- Page 5, remove the underscore under lines 1 through 20
- Page 5, remove lines 21 through 29
- Page 6, remove lines 1 through 28
- Page 7, remove lines 1 through 5
- Renumber accordingly

SEN. TENNEFOS MOVED that the proposed amendments be adopted, which motion lost.

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1499, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1499, the roll was called and there were 16 YEAS, 32 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Krebsbach; Lips; Lodoen; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Streibel; Tennefos; Thane; Todd; Vosper

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

ABSENT AND NOT VOTING: Lashkowitz; Nething; Stromme; Tallackson; Waldera

The proposed amendments to HB 1499 lost.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2316, SB 2371.

HOUSE AMENDMENTS TO SB 2316

Page 2, line 1, replace "1989" with "1990"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2371

Page 3, remove lines 14 and 15

Page 3, line 22, after the second "screening" insert "under appropriate supervision"

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 2505.

MOTIONS

SEN. THANE MOVED that HB 1499 be further amended as follows:

Page 1, line 13, replace "four" with "three"

Page 3, line 25, replace "four" with "three"

ReNUMBER accordingly

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

SECOND READING OF HOUSE BILL

HB 1499: A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to a reduced sales and use tax rate for manufacturing equipment purchased by a new or expanding business; and to amend and reenact section 57-40.2-02.1 of the North Dakota Century Code, relating to a reduced use tax rate for manufacturing equipment purchased by a new business.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; 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; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: Hilken

ABSENT AND NOT VOTING: Lashkowitz; Nething; Stromme; Tallackson; Waldera

HB 1499 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1078, HB 1008, HB 1030, HB 1126, HB 1563, HB 1668, HB 1671, HB 1673, HB 1499, HCR 3046, and HCR 3085 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 HB 1078, HB 1008, HB 1030, HB 1126, HB 1563, HB 1668, HB 1671, HB 1673, HB 1499, HCR 3046, and HCR 3085 be messaged to the House immediately, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:45 p.m., which motion prevailed.

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

SEN. J. MEYER MOVED that SB 2321 and SB 2308, which are on the Twelfth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to SB 2079 as printed on page 1368 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2079: A BILL for an Act to amend and reenact subsection 1 of section 11-18-05 of the North Dakota Century Code, relating to fees for recording instruments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 0 NAYS, 13 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Keller; Krauter; Langley; Lashkowitz; Meyer, W.; Moore; Mutch; Nething; Stenehjem; Stromme; Tallackson; Waldera

SB 2079 passed and the title was agreed to.

MOTIONS

SEN. LANGLEY MOVED that SB 2129, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2172, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to SB 2220 as printed on page 1371 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2220: A BILL for an Act to create and enact a new subsection to section 53-06.1-15.1 and a new section to chapter 53-06.1 of the North Dakota Century Code, to allow the attorney general to enter into an agreement to exchange information with the internal revenue service; and to amend and reenact subsections 1, 3, and 7 of section 53-06.1-01, section 53-06.1-02, subdivision b of subsection 2 of section 53-06.1-03, sections 53-06.1-03.1, 53-06.1-03.2, 53-06.1-03.3, 53-06.1-04, 53-06.1-05, subsections 2 and 8 of section 53-06.1-06, sections 53-06.1-07, 53-06.1-07.1, 53-06.1-08, 53-06.1-08.1, 53-06.1-10, subsection 2 of section 53-06.1-14, subsections 3 and 4 of section 53-06.1-15.1, and section 53-06.1-16.2 of the North Dakota Century Code, relating to definitions, use of gaming funds to promote initiatives and referendums, the use of funds, rent for bingo sites, charitable gaming tickets, sports pools, lending gaming equipment, twenty-one players playing two hands, the attorney general seizing gaming materials without a court order, and sales by distributors and manufacturers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

60th DAY

FRIDAY, MARCH 31, 1989

1535

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krebsbach; 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; Streibel; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Krauter; Lashkowitz; Meyer, W.; Nething; Stenehjem; Stromme; Tallackson; Waldera

SB 2220 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to SB 2361 as printed on page 1445 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to establish a grant program for students enrolled in adult education and training programs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krebsbach; 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; Streibel; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Krauter; Lashkowitz; Meyer, W.; Nething; Stenehjem; Stromme; Tallackson; Waldera

SB 2361 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KRAUTER MOVED that the Senate do concur in the House amendments to SB 2365 as printed on page 1439 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to amend and reenact section 20.1-01-02 of the North Dakota Century Code, relating to the definition of hunt or hunting.

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, 1 NAY, 10 ABSENT AND NOT VOTING.

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

NAYS: Schoenwald

ABSENT AND NOT VOTING: David; Freborg; Krauter; Lashkowitz; Meyer, W.; Nething; Stenehjerm; Stromme; Tallackson; Waldera

SB 2365 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2398 as printed on page 1418 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2398: A BILL for an Act to amend and reenact sections 14-05-22 and 14-09-06.2 of the North Dakota Century Code, relating to the consideration of evidence of domestic violence by courts in determining rights to custody and visitation of children; 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 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Lashkowitz; Maixner; Nething; Stenehjerm; Stromme; Tallackson; Waldera

SB 2398 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do concur in the House amendments to SB 2410 as printed on page 1325 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2410: A BILL for an Act to provide gender balance in the appointment of members of state boards, commissions, committees, and councils; and to amend and reenact sections 15-39.1-05 and 23-14-04 of the North Dakota Century Code, relating to the appointment of members of the board of trustees of the teachers' fund for retirement and district boards of health.

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, 4 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: Moore; Mutch; Naaden; Nelson

ABSENT AND NOT VOTING: David; Lashkowitz; Maixner; Nething; Stenehjerm; Stromme; Tallackson; Waldera

SB 2410 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to SB 2416 as printed on page 1458 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2416: A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to mandated coverage for temporomandibular joint and craniomandibular disorders.

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, 4 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: Kinnoin; Robinson; Shea; Vosper

ABSENT AND NOT VOTING: David; Lashkowitz; Nething; Stenehjerm; Stromme; Tallackson; Waldera

SB 2416 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to SB 2440 as printed on page 1371 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2440: A BILL for an Act to amend and reenact section 53-06.1-07.1 of the North Dakota Century Code, relating to age limitations for participation in games of bingo.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Lashkowitz; Nething; Stenehjem; Stromme; Tallackson; Waldera

SB 2440 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to SB 2449 as printed on page 1458 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2449: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to creation of a board of counselor examiners and regulation of the practice of counselors; 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 41 YEAS, 5 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Axtman; 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.; Moore; Mushik; Nalewaja; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Streibel; Tennefos; Thane; Todd; Wogsland; Yockim

NAYS: Freborg; Mutch; Naaden; Nelson; Vosper

ABSENT AND NOT VOTING: David; Lashkowitz; Nething; Stenehjelm; Stromme; Tallackson; Waldera

SB 2449 passed and the title was agreed to.

MOTION

SEN. KELSH MOVED that SB 2454, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do concur in the House amendments to SB 2462 as printed on pages 1371-1372 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2462: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile registration and trail tax fees, and providing for an annual transfer of highway tax distribution fund moneys to the snowmobile fund; 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 36 YEAS, 9 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: Freborg; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Streibel; Tennefos

ABSENT AND NOT VOTING: David; Krebsbach; Lashkowitz; Nething; Stenehjelm; Stromme; Tallackson; Waldera

SB 2462 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2497 as printed on page 1439 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2497: A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to false or misleading information in political advertisements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Lashkowitz; Nething; Stenehjem; Stromme; Tallackson; Waldera

SB 2497 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to SB 2500 as printed on page 1459 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2500: A BILL for an Act to authorize the state board of higher education to accept a fossil and western history museum at Dickinson state university; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Lashkowitz; Nething; Stenehjem; Stromme; Tallackson; Waldera

SB 2500 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1008, HB 1030, HB 1126, HB 1668, HB 1671, HB 1673, HCR 3046, HCR 3085.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1078, HB 1499, HB 1563.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1321, HB 1421, and HB 1489 and subsequently passed the same.

The House does not concur in the Senate amendments to HB 1022 and HB 1191 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1022: Reps. Wald, Dalrymple, Stofferahn

HB 1191: Reps. Dorso, Tokach, Enget

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2173: Reps. Tollefson, Tokach, Gerhardt

SB 2187: Reps. Christman, Urlacher, B. Anderson

SB 2256: Reps. Dorso, Shide, Enget

SB 2291: Reps. Clayburgh, Haugland, J. DeMers

SB 2322: Reps. R. Berg, Gates, Wilkie

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do concur in the House amendments to SB 2532 as printed on page 1459 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2532: A BILL for an Act to authorize the state board of higher education to convey certain state-owned land; 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 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Lashkowitz; Mushik; Nething; Stenehjem; Stromme; Tallackson; Waldera

SB 2532 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to SCR 4041 as printed on page 1279 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4041: A concurrent resolution directing the Legislative Council to study the delivery of in-home and community-based services and to explore methods by which such services can be made more affordable.

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

SCR 4041 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to SCR 4047 as printed on page 1280 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4047: A concurrent resolution directing the Legislative Council to study the state's system of delivering various human services in light of recently enacted federal welfare reform legislation to determine the most efficient, effective, and responsible method of delivering public assistance to low income families and individuals, and to study the financial and other impacts on the state of implementing recently enacted federal Medicare catastrophic coverage legislation.

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

SCR 4047 was declared adopted on a voice vote.

MOTIONS

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

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Seventh order of business, and at the conclusion of the Seventh 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 HCR 3011, HB 1058, and HB 1337, the Senate stand adjourned until 10:00 a.m., Monday, April 3, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Engrossed HB 1006 has had the same under consideration and recommends by a vote of 13 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 3, after the semicolon insert "to provide for a statement of legislative intent;"

Page 2, line 3, replace "2,326,575" with "2,217,546"

Page 2, line 7, replace "2,821,594" with "2,712,565"

Page 2, line 9, replace "2,388,284" with "2,279,255"

Page 2, line 10, replace "5,974,217" with "5,865,188"

Page 2, line 12, replace "6,894,538" with "6,785,509"

Page 2, after line 12, insert:

"SECTION 2. LEGISLATIVE INTENT. It is the intent of the 1989 legislative assembly that a portion of the general fund appropriation included in subdivision 2 of section 1 of this Act may be used as matching funds for receipt of federal medicaid funds for services to eligible multihandicapped visually impaired persons. The payments shall be made to the human services joint medicaid payment account as directed by the department of human services."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 253 - SCHOOL FOR THE BLIND

Decreases salaries and wages by \$109,029 from the general fund, which was added by the House to provide for the phaseout of the adult deaf-blind program as of June 30, 1991. This amendment provides a June 30, 1990, phaseout of the program.

Adds a section of legislative intent that a portion of the general fund appropriation for the School for the Blind may be used to match federal Medicaid funds within the Department of Human Services for services to eligible multihandicapped visually impaired persons. It is estimated that \$485,000 from the general fund will be used to match \$1,015,000 in federal funds. This includes the placement of all residential students currently living at the School for the Blind and educational services provided by the School for the Blind for the multihandicapped visually impaired.

HB 1006 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 1058 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1058 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 1164 has had the same under consideration and recommends by a vote of 5 YEAS, 2 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 "to" insert "create and enact a new subdivision to subsection 1 of section 57-38-01.3 and a new subsection to section 57-38-01.3 of the North Dakota Century Code, relating to net operating loss deductions and special deductions; and to" and after "reenact" insert "subsection 4.2 of section 57-38-01,"

Page 1, line 4, after "to" insert "alternative minimum taxable income and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 4.2 of section 57-38-01 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 4.2. "North Dakota alternative minimum taxable income" in the case of corporations means alternative minimum taxable income as computed under the Internal Revenue Code provisions in effect at the close of the corporation's taxable year, reduced by any interest received from obligations of the United States included in alternative minimum taxable income or in the computation of alternative minimum taxable income on the federal return, ~~as~~ reduced by the federal income tax deduction computed under subdivision c of subsection 1 of section 57-38-01.3, and either increased or decreased by the adjustments provided in subdivisions a and b of subsection 3 of section 57-38-01 and subdivision g of subsection 1 of section 57-38-01.3 and section 2 of this Act, with the remaining amount apportioned to North Dakota by the same fraction computed under the provisions of chapter 57-38, 57-38.1, or 57-59. The sum calculated pursuant to this subsection must be reduced by the amount of any net operating loss that is attributable to North Dakota sources. If the net operating loss that is attributable to North Dakota sources exceeds the sum calculated pursuant to this subsection, the excess may be carried back or carried forward for the same time period that an identical federal net operating loss may be carried back or carried forward. If a corporation uses an apportionment formula to determine the amount of income that is attributable to North Dakota, the corporation must use the same formula to determine the amount of net operating loss that is attributable to North Dakota. In addition, no deduction may be taken for a carryback or carryforward when determining the amount of net operating loss that is attributable to North Dakota sources.

SECTION 2. A new subdivision to subsection 1 of section 57-38-01.3 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Increased by the amount of any special deductions and net operating loss deductions to the extent that these items were deducted in determining federal taxable income or federal alternative minimum taxable income.

SECTION 3. A new subsection to section 57-38-01.3 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The sum calculated pursuant to subsection 1 of section 57-38-01.3 must be reduced by the amount of any net operating loss that is attributable to North Dakota sources. If the net operating loss that is attributable to North Dakota sources exceeds the sum calculated pursuant to subsection 1 of section 57-38-01.3, the excess may be carried back or carried forward for the same time period that an identical federal net operating loss may be carried back or carried forward. If a corporation uses an apportionment formula to determine the amount of income that is attributable to North Dakota, the corporation must use the same formula to determine the amount of net operating loss that is attributable to North Dakota. In addition, no deduction may be taken for a carryback or carryforward when determining the amount of net operating loss that is attributable to North Dakota sources."

Re-number accordingly

HB 1164 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 rereferred Engrossed HB 1185 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. 1185 as printed on pages 1312-1313 of the Senate Journal, engrossed House Bill No. 1185 is amended as follows:

Page 1, line 1, after "enact" insert "a new section to chapter 53-06.1 and"

Page 1, line 2, after "to" insert "prohibiting organizations that derive revenue from games of chance from using any money in certain political activities and"

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

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

Page 8, line 14, replace "Expenses may" with "After December 31, 1989, cash"

Page 8, remove lines 15 through 17

Page 8, line 18, remove "who is or has been a candidate for public office. Cash"

Page 8, after line 23, insert:

"SECTION 7. A new section to chapter 53-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Eligible organizations not to use any money in certain political activities - Penalty. An eligible organization that derives any revenue from games of chance it conducts under this chapter may not use money from any source for the placing on the ballot of any initiated or referred measure or for any activities consisting of attempts to participate in any political campaign on behalf of or in opposition to any active official or person who is or has been a candidate for public office. Any funds expended by an eligible organization to promote or oppose an initiated or referred measure that has been placed on the ballot or for any activities that qualify as activities of a lobbyist under section 54-05.1-02, that are not compensation or expenses paid to a lobbyist, and that are not otherwise required to be reported under section 54-05.1-03 must be reported to the attorney general in the manner and at the times prescribed by the attorney general. An eligible organization that violates this section is subject to a mandatory one-year suspension of its license to conduct games of chance under this chapter."

Page 10, after line 14, insert:

"SECTION 10. EMERGENCY. Section 7 of this Act is declared to be an emergency measure."

Re-number accordingly

HB 1185 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 HB 1337 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1337 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was rereferred 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. As used in this section, "attempt" has the meaning provided in section 12.1-06-01.

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 Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred Engrossed HB 1667 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 14, replace "In lieu of" with "As an alternative to", remove "other", and after "procedures" insert "provided in subsections 1 and 2"

Renumber accordingly

HB 1667 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred HCR 3011 has had the same under consideration and recommends by a vote of 6 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HCR 3011 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred SB 2278 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1129-1130 of the Senate Journal and that SB 2278 be amended as follows:

That the House recede from its amendments and that Senate Bill No. 2278 be amended as follows:

Page 1, line 12, remove "making the required payment" and overstrike "within five years of initial eligibility or by"

Page 1, line 13, overstrike "July 1,", remove "1991", and overstrike ", whichever is later" and insert immediately thereafter "making the required payment"

Renumber accordingly

For the Senate: Sens. O'Connell, Kelsh, Peterson
For the House: Reps. Christman, Myrdal, L. Hanson

SEN. O'CONNELL MOVED that the report be adopted, which motion prevailed.

SB 2278 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2514 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1130 of the Senate Journal and that SB 2514 be amended as follows:

That the House recede from its amendments and that Senate Bill No. 2514 be amended as follows:

Page 4, line 5, after "device" insert "- Notice"

Page 5, after line 20, insert:

- "5. Within a reasonable time, but not later than one year after the termination of the period of an order or extension of an order, the judge to whom the application was presented shall cause to be served on the persons named in the order or application, and on any other party the notification of whom the judge determines is in the interest of justice, notice of:
 - a. The fact of the entry of the order.
 - b. The date of the entry and the period of authorized installation and use of the pen register or trap and trace device.
 - c. The fact that during the period of the order or extension information was obtained through use of the pen register or trap and trace device."

Renumber accordingly

For the Senate: Sens. J. Meyer, Maxson, Nalewaja
For the House: Reps. Stenehjem, Howard, Kolbo

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

SB 2514 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2213 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1384 of the House Journal:

For the Senate: Sens. Hilken, O'Connell, Krebsbach
For the House: Reps. R. Berg, V. Olson, Aarsvold

It was moved that the report be adopted, which motion prevailed.

SB 2213 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2394 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 923 of the Senate Journal:

For the Senate: Sens. Axtman, Kinnoin, David
For the House: Reps. Martinson, Lindgren, Gilmore

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

Engrossed SB 2394 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3011: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the missions of the institutions of higher education.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

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

PATRICIA CONRAD, Secretary