

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, April 3, 1989

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

The prayer was offered by Rev. Klaus Raab, Trinity Bethany Lutheran Church, Harvey.

Almighty God, our heavenly Father, bless those who hold office in the government of North Dakota, that they may do their work in a spirit of wisdom, kindness, and justice. Help them use their authority to serve faithfully and to promote the general welfare, through Your Son, Jesus Christ our Lord.

The roll was called and all Senators were present, except Senators Dotzenrod, Lashkowitz, Maixner, Moore, Robinson, Satrom, and Tennefos.

A quorum was declared by the President.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 3, 1989

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

Dear Mr. President:

This is to inform you that on March 31, 1989, I signed the following: SB 2007, SB 2047, SB 2049, SB 2059, SB 2119, SB 2146, SB 2175, SB 2203, SB 2219, SB 2223, SB 2246, SB 2268, SB 2307, SB 2336, SB 2356, SB 2363, SB 2428, SB 2464, SB 2473, SB 2486, SB 2493.

Sincerely,

GEORGE A. SINNER
Governor

DOCTOR OF THE DAY SCHEDULE

April 3:	David S. Akkerman, MD - FP Resident	Fargo
April 4:	Craig F. Kuhlmann, MD - FP Resident	Fargo
April 5:	Randall M. Silver, DO - FP Resident	Fargo
April 6:	M. Farrukh Khan, MD - General Surgery	Lisbon
April 7:	Dennis E. Wolf, MD - Family Practice	Dickinson

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

MR. PRESIDENT: The House has passed unchanged: SB 2189, SB 2247, SB 2252, SB 2269.

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

MR. PRESIDENT: The House has failed to pass: SB 2077.

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 3022, HCR 3056, HCR 3071.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4033, SCR 4055, SCR 4059, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4067, SCR 4072.

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 Sixtieth 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 1558 as recommended by the Committee on Finance and Taxation as printed on pages 1503-1504 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1558: A BILL for an Act to create and enact three new sections to chapter 10-24 and a new section to chapter 57-38 of the North Dakota Century Code, relating to certification of nonprofit development corporations and providing income tax credits for purchase of memberships, payment of dues, or making contributions by individuals and corporations to certified nonprofit development corporations; and to provide an effective date.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Meyer, D.

HB 1558 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that HB 1006 and HB 1164, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

SEN. RICHARD MOVED that HB 1337, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1185 as recommended by the Committee on Judiciary as printed on pages 1545-1546 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1185: A BILL for an Act to create and enact a new section to chapter 53-06.1 and a new subsection to section 53-06.1-06 of the North Dakota Century Code, relating to prohibiting organizations that derive revenue from games of chance from using any money in certain political activities and prohibiting certain people from gaming; to amend and reenact sections 53-06.1-03, 53-06.1-05, 53-06.1-06.1, subsection 4 of section 53-06.1-07.2, subsections 1 and 3 of section 53-06.1-11, sections 53-06.1-16.1, and 53-06.1-17 of the North Dakota Century Code, relating to fees for local authorization, monetary fines, the removal of a tax credit, the clarification of expense restrictions, and prohibited gaming activity; to provide a penalty; 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1185 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to HB 1446 as recommended by the Committee on Judiciary as printed on pages 1546-1548 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS.

REQUEST

SEN. OLSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1446, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to HB 1446, the roll was called and there were 29 YEAS, 23 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Hanson; Hilken; Holmberg; Keller; Krauter; Langley; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; O'Connell; Richard; Robinson; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Vosper; Waldera; Wogsland; Yockim

NAYS: Ewen; Freborg; Heigaard; Heinrich; Ingstad; Kelsh; Kinnoin; Krebsbach; Lips; Lodoen; Mathern; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Satrom; Streibel; Tennefos; Thane; Todd

ABSENT AND NOT VOTING: Lashkowitz

The motion to adopt the amendments to HB 1446 passed.

SECOND READING OF HOUSE BILL

HB 1446: A BILL 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.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Hanson; Hilken; Holmberg; Keller; Krauter; Langley; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; O'Connell; Richard; Robinson; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Vosper; Waldera; Wogsland; Yockim

NAYS: Ewen; Freborg; Heigaard; Heinrich; Ingstad; Kelsh; Kinnoin; Krebsbach; Lips; Lodoen; Mathern; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Satrom; Streibel; Tennefos; Thane; Todd

ABSENT AND NOT VOTING: Lashkowitz

HB 1446 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. STORME MOVED that the amendments to HB 1667 as recommended by the Committee on Political Subdivisions as printed on page 1548 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1667: A BILL for an Act to amend and reenact sections 40-23-09, 40-23-10, and 40-23.1-07 of the North Dakota Century Code, relating to preparation of assessment lists and methods of notice of assessments of benefits for improvements by special assessment.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz

HB 1667 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1558, HB 1185, HB 1446, and HB 1667 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 1558, HB 1185, HB 1446, and HB 1667 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1185, HB 1446, HB 1558, HB 1667.

MOTION

SEN. HEIGAARD MOVED that HCR 3011 be moved to the top of the calendar, which motion prevailed.

SECOND 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.

ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 34 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Freborg; Heinrich; Holmberg; Keller; Krebsbach; Lodoen; Maxson; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Shea; Stenehjem; Tennefos; Todd

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

ABSENT AND NOT VOTING: Lashkowitz

HCR 3011 was declared lost on a roll call vote.

MOTION

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

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

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: SB 2043, SB 2045, SB 2048, SB 2098, SB 2121, SB 2141, SB 2176, SB 2178, SB 2218, SB 2231, SB 2251, SB 2296, SB 2306, SB 2314.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2043, SB 2045, SB 2048, SB 2098, SB 2121, SB 2141, SB 2176, SB 2178, SB 2218, SB 2231, SB 2251, SB 2296, SB 2306, SB 2314.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1254, and subsequently passed the same.

The House does not concur in the Senate amendments to HB 1449, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1449: Reps. A. Olson, Schindler, Halmrast

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 2042: Reps. Haugen, Lindgren, Carlson
- SB 2152: Reps. V. Olson, Gorman, Enget
- SB 2222: Reps. D. Larson, Stenehjem, Kolbo
- SB 2304: Reps. Lindgren, Wentz, Enget
- SB 2309: Reps. A. Hausauer, R. Anderson, W. Williams
- SB 2376: Reps. Shaft, Howard, Flaagan
- SB 2389: Reps. Aas, Shaft, Ring
- SB 2459: Reps. Wentz, Shaft, Nelson
- SB 2468: Reps. Wentz, Stenehjem, Kaldor

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2129 as printed on page 1437 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2129: A BILL for an Act to amend and reenact section 26.1-01-07 and subsection 1 of section 26.1-01-07.1 of the North Dakota Century Code, relating to fees charged by the commissioner of insurance.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Mushik

SB 2129 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HILKEN MOVED that the Senate do concur in the House amendments to SB 2172 as printed on pages 1437-1438 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2172: A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code, relating to priority in the sale and use of abandoned railroad right of way.

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, 10 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; Keller; Kelsh; Mathern; Maxson; Meyer, D.; Meyer, J.; Redlin; Schoenwald; Shea

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Mushik

SB 2172 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 2308 as printed on pages 1456-1457 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to create and enact a new section to chapter 31-04 of the North Dakota Century Code, relating to the inadmissibility of evidence obtained during mediation.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Mushik

SB 2308 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 2316 as printed on page 1532 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2316: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 and a new section to chapter 39-21 of the North Dakota Century Code, relating to the required use of safety belts in certain motor vehicles; 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 27 YEAS, 23 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Ewen; Hanson; Heinrich; Holmberg; Ingstad; Kelsh; Krebsbach; Lips; Lodoen; Mathern; Nalewaja; Nething; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Tennefos; Thane; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Freborg; Hilken; Kinnoin; Krauter; Langley; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; O'Connell; Richard; Stenehjem; Streibel; Todd; Vosper

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Mushik

SB 2316 passed and the title was agreed to.

ANNOUNCEMENT

THE PRESIDENT ANNOUNCED that Sen. Todd was appointed to replace Sen. Nething on the Conference Committee on SB 2032.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. MEYER MOVED that the Senate do concur in the House amendments to SB 2321 as printed on page 1457 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2321: A BILL for an Act to amend and reenact section 22-01-14 of the North Dakota Century Code, relating to revocation of a continuing guaranty.

ROLL CALL

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

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

NAYS: Maxson

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

SB 2321 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 2454 as printed on page 1458 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2454: A BILL for an Act to create and enact sections 14-07.1-10, 14-07.1-11, 14-07.1-12, 14-07.1-13, 14-07.1-14, 14-07.1-15, 14-07.1-16, 14-07.1-17, and 14-07.1-18 of the North Dakota Century Code, relating to the consolidation of statutes concerning procedures for handling domestic violence and the domestic violence prevention fund; to amend and reenact sections 14-03-22, 14-07.1-01, 14-07.1-02, 14-07.1-03, 14-07.1-04, 14-07.1-05, 14-07.1-06, 14-07.1-07, 14-07.1-08, subsection 8.1 of section 27-07.1-17, and subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to the supplemental marriage license fee, domestic violence protection orders, jurisdiction of county courts, and warrantless arrests in domestic violence cases; to repeal chapters 12-64 and 14-07.2 of the North Dakota Century Code, relating to procedures for handling domestic violence and the domestic violence prevention fund; 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

SB 2454 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEES

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 1191, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1191: Sens. Keller, Krauter, Mutch.

SEN. J. MEYER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1320, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1320: Sens. Maxson, J. Meyer, Stenehjøm.

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 1504, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1504: Sens. Heinrich, Peterson, Nalewaja.

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 1191: Sens. Keller, Krauter, Mutch
 HB 1320: Sens. Maxson, J. Meyer, Stenehjøm
 HB 1504: Sens. Heinrich, Peterson, Nalewaja

REPORTS OF CONFERENCE COMMITTEES

SEN. HILKEN MOVED that the conference committee report on SB 2213 as printed on page 1549 of the Senate Journal be adopted, which motion prevailed.

SEN. O'CONNELL MOVED that the conference committee report on SB 2278 as printed on page 1548 of the Senate Journal be adopted, which motion prevailed.

SB 2278, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2278: A BILL for an Act to amend and reenact section 15-39.1-15 of the North Dakota Century Code, relating to withdrawal from the teachers'

fund for retirement and return to teaching by a previously withdrawn teacher.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

SB 2278 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2129, SB 2172, SB 2308, SB 2316, SB 2321, and SB 2454 and subsequently passed the same.

REPORT OF CONFERENCE COMMITTEE

SEN. AXTMAN MOVED that the conference committee report on Engrossed SB 2394 as printed on page 1549 of the Senate Journal be adopted.

REQUEST

SEN. NALEWAJA REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2394, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on SB 2394, the roll was called and there were 29 YEAS, 21 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Hanson; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Nelson; Nething; Olson; Robinson; Schoenwald; Shea; Streibel; Stromme; Tallackson; Vosper; Wogsland

NAYS: Dotzenrod; Ewen; Freborg; Holmberg; Ingstad; Langley; Moore; Mushik; Mutch; Naaden; Nalewaja; O'Connell; Peterson; Redlin; Richard; Satrom; Stenehjem; Tennefos; Thane; Todd; Yockim

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Waldera

The motion to adopt the conference committee report SB 2394 was adopted.

REPORT OF CONFERENCE COMMITTEE

SEN. J. MEYER MOVED that the conference committee report on SB 2514 as printed on pages 1548-1549 of the Senate Journal be adopted, which motion prevailed.

SB 2514, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2514: A BILL for an Act relating to pen registers and trap and trace devices.

ROLL CALL

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

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

NAYS: Maxson

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

SB 2514 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. KRAUTER MOVED that the conference committee report on Engrossed HB 1144 as printed on page 1508 of the Senate Journal be adopted, which motion prevailed.

HB 1144, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1144: 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 fees.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz

HB 1144 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 4:30 p.m., which motion prevailed.

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1245, HB 1267, HB 1499, HB 1554, and HB 1634 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

- HB 1245: Reprs. Goetz, A. Hausauer, J. DeMers
- HB 1267: Reprs. Haugen, A. Olson, P. DeMers
- HB 1499: Reprs. Goetz, A. Hausauer, Tomac
- HB 1554: Reprs. Aas, Martin, G. Berg
- HB 1634: Reprs. Gorman, Knell, Scherber

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1283, HB 1302, HB 1323, HB 1352, and HB 1353 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1370, HB 1372, HB 1375, HB 1379, and HB 1387 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1389, HB 1424, HB 1451, HB 1462, and HB 1475 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1476, HB 1481, HB 1483, HB 1494, and HB 1495 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1498, HB 1526, HB 1527, HB 1538, and HB 1539 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1540, HB 1559, HB 1580, HB 1585, and HB 1621 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1631, HB 1657, HB 1666, and HB 1667 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: SB 2043, SB 2045, SB 2048, SB 2098, SB 2121, SB 2141, SB 2176, SB 2178, SB 2218, SB 2231, SB 2251, SB 2296, SB 2306, SB 2314.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2026 as printed on page 1456 of the Senate Journal, which motion prevailed.

MOTION

SEN. HEIGAARD MOVED that SB 2026, which is on the Twelfth order, be laid over two legislative days, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to SB 2097 as printed on page 1114 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2097: A BILL for an Act to create and enact a new section to chapter 43-18 and a new subsection to section 43-18-18 of the North Dakota Century Code, relating to continuing education requirements for persons licensed by the state plumbing board; and to amend and reenact subsection 4 of section 43-18-01, section 43-18-12, subsection 3 of section 43-18-21, subsections 2 and 4 of section 43-18.2-01, and sections 43-18.2-03 and 43-18.2-09 of the North Dakota Century Code, relating to plumbing, examination notice, grounds for revocation of license, apprenticeship credits, continuing education, and sewer and water contractor's and installer's licenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 3 NAYS, 4 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.; Mushik; Mutch; Naaden; Nalewaja; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogslund; Yockim

NAYS: David; Moore; Tennefos

ABSENT AND NOT VOTING: Lashkowitz; Meyer, W.; Nelson; Nothing

SB 2097 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. MEYER MOVED that the Senate do concur in the House amendments to SB 2206 as printed on page 1371 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to create and enact a new subsection to section 51-05.1-04 and a new section to chapter 51-05.1 of the North Dakota Century Code, relating to auctioneers and auction clerks and related definitions; to amend and reenact subdivision b of subsection 1 of section 51-05.1-03 and section 51-05.1-07 of the North Dakota Century

Code, relating to auctioneers and auction clerks; 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 46 YEAS, 3 NAYS, 4 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, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: Maixner; Meyer, D.; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Meyer, W.; Nelson; Nothing

SB 2206 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. MEYER MOVED that the Senate do concur in the House amendments to SB 2360 as printed on page 1371 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2360: A BILL for an Act to amend and reenact subsection 2 of section 4-35-21 and section 4-35-21.1 of the North Dakota Century Code, relating to reports of loss through pesticide application.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Meyer, W.; Nelson; Nothing

SB 2360 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. MEYER MOVED that the Senate do concur in the House amendments to SB 2508 as printed on pages 1278-1279 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2508: A BILL for an Act to amend and reenact subsection 4 of section 4-35-05, section 4-35-09, subsection 2 of section 4-35-13, section 4-35-19, and subsection 1 of section 4-35.1-01 of the North Dakota Century Code, relating to eliminating direct supervision of the application of pesticides by commercial applicators and the definition of chemigation.

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, 4 NAYS, 4 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.; Moore; Mushik; Mutch; Naaden; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Nalewaja; Redlin; Schoenwald; Shea

ABSENT AND NOT VOTING: Lashkowitz; Meyer, W.; Nelson; Nothing

SB 2508 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 2418 as printed on page 1278 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2418: A BILL for an Act to create and enact a new section to chapter 48-02 of the North Dakota Century Code, relating to bid requirements and acceptance for building and repair contracts; and to amend and reenact sections 48-02-04 and 48-02-06 of the North Dakota Century Code, relating to the contents of bid advertisements and awarding contracts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 20 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Lips; Maixner; Mathern; Maxson; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Kinnoin; Krebsbach; Langley; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nalewaja; Olson; Peterson; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Meyer, W.; Nelson; Nothing

SB 2418 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2463 as printed on page 1279 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2463: A BILL for an Act making an appropriation for defraying the expenses of noxious weed control on the Little Missouri River and state-owned Burlington project.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 1 NAY, 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, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Shea

ABSENT AND NOT VOTING: Lashkowitz; Meyer, D.; Meyer, W.; Nelson; Nothing

SB 2463 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2523 as printed on page 1250 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2523: A BILL for an Act to appropriate revenue from operation of the aerospace science training facility at the university of North Dakota to repay a loan from the Bank of North Dakota taken to construct the facility; and to declare an emergency.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Meyer, W.; Nelson; Nothing

SB 2523 passed, the title was agreed to, and the emergency clause carried.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1369 and HB 1558 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1369: Reps. D. Olsen, Stenehjem, A. Williams

HB 1558: Reps. Goetz, A. Hausauer, Tomac

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1381 and subsequently failed to pass the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1262, HB 1415, HCR 3040, HCR 3058, and HCR 3076 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 2153: Reps. Clayburgh, Schatz, Carlson

MOTION

SEN. WOGSLAND MOVED that the vote by which SB 2418 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2014 as printed on pages 1455-1456 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 COMMITTEES

THE PRESIDENT APPOINTED as a Conference Committee on SB 2014: Sens. Mushik, Waldera, Thane.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1005, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1005: Sens. Tallackson, Wogsland, Thane.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1022, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1022: Sens. Shea, Stromme, Lips.

SEN. KRAUTER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1449, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1449: Sens. Maixner, O'Connell, David.

MOTIONS

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

SEN. MAIXNER MOVED that the vote by which SB 2213, SB 2278, SB 2394, SB 2514, and HB 1144 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the vote by which HCR 3011 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and the SB 2213, SB 2278, SB 2394, SB 2514, HB 1144, and HCR 3011 be messaged to the House immediately, which motion prevailed.

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the 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 3022, HCR 3056, and SB 2535, the Senate stand adjourned until 10:00 a.m., Tuesday, April 4, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2535 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2535 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred Engrossed HB 1007 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 15, replace "1,010,000" with "1,064,000"

Page 1, line 16, replace "3,272,275" with "3,326,275"

Page 1, line 18, replace "2,326,252" with "2,380,252"

Page 1, line 20, replace "960,000" with "1,014,000"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 250 - STATE LIBRARY

The grants line item is increased by \$54,000 from the general fund, from \$960,000 to \$1,014,000, for state aid to public libraries.

HB 1007 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 1158 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after "programs" insert "; and to provide an appropriation"

Page 1, line 10, replace "consulting actuarial firm" with "consultant"

Page 1, after line 14, insert:

"SECTION 2. APPROPRIATION. The amount of \$100,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the public employees retirement system for conducting nondiscrimination testing required by section 89 of the Internal Revenue Code."

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

This amendment provides the Public Employees Retirement System \$100,000 from the general fund to conduct nondiscrimination testing for health and life insurance programs required under Section 89 of the Internal Revenue Code.

HB 1158 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 Engrossed HB 1578 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

In lieu of the amendments to engrossed House Bill No. 1578 adopted by the Senate as printed on page 1355 of the Senate Journal, engrossed House Bill No. 1578 is amended as follows:

Page 1, line 2, after "administration" insert "development"

Page 1, line 5, after "administration" insert "development"

Page 1, line 6, after "administration" insert "development"

Page 1, line 9, after "administration" insert "development"

Page 1, line 11, after "administration" insert "development"

Page 1, line 19, after "administration" insert "development"

Page 1, line 22, after "administration" insert "development"

Page 2, line 2, after "administration" insert "development"

Page 2, line 6, after "administration" insert "development"

Page 2, line 8, after "administration" insert "development"

Page 2, line 11, after "administration" insert "development"

Page 2, line 13, after "administration" insert "development"

Page 2, line 16, after "administration" insert "development"

Renumber accordingly

HB 1578 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 Engrossed HB 1626 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 0 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. 1626 adopted by the Senate as printed on pages 1241-1242 of the Senate Journal, engrossed House Bill No. 1626 is amended as follows:

Page 1, line 3, replace "provide an appropriation" with "amend and reenact subsection 4 of section 63-01.1-06.2 of the North Dakota Century Code, relating to expenditures for leafy spurge control"

Page 1, after line 13, insert:

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

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

Page 1, remove lines 14 through 19

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE DEPARTMENT

This amendment deletes the \$500,000 general fund appropriation for noxious weed control since there are other bills providing for noxious weed control and amends current law to provide that state appropriations for leafy spurge control cannot be used on land that is owned or leased by a nondomestic corporation. House Bill No. 1001, Agriculture Department, contains a \$540,000 general fund appropriation for noxious weed control and Senate Bill No. 2274 contains a \$1.2 million special fund appropriation for noxious weed control.

HB 1626 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 3022 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3022 was placed on the Fourteenth 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 3056 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3056 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2032 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 922 of the Senate Journal and that SB 2032 be further amended as follows:

That the House recede from its amendments and that Senate Bill No. 2032 be amended as follows:

Page 1, line 16, overstrike "Such" and insert immediately thereafter "The state" and overstrike "councils" and insert immediately thereafter "council"

Page 1, line 19, after the period insert "Local advisory councils may be reimbursed for any necessary expenses but must serve without further compensation."

Renumber accordingly

For the Senate: Sens. Keller, Krauter, Todd

For the House: Reps. Dorso, Tollefson, Oban

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

SB 2032 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 2212 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on pages 1439-1444 of the Senate Journal:

For the Senate: Sens. Maxson, Stenehjem, Hanson
For the House: Reps. Aas, D. Larson, Shockman

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

Engrossed SB 2212 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2497, SB 2500, SB 2532, SCR 4041, and SCR 4047 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2410, SB 2416, SB 2440, SB 2449, and SB 2462 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2079, SB 2220, SB 2361, SB 2365, and SB 2398 and subsequently passed the same.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3022: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota to provide that the resources trust fund is a constitutional trust fund; to provide for transfer of funds to the resources trust fund; and to provide an effective date.

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

HCR 3056: A concurrent resolution urging Congress to pass and present to the states for ratification a constitutional amendment limiting federal taxation of state and local obligations.

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

HCR 3071: A concurrent resolution directing the Legislative Council to study the adequacy and enforcement of motor vehicle dealer licensing laws.

Was read the first time and referred to the Committee on Transportation.

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

PATRICIA CONRAD, Secretary