

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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Bismarck, March 12, 1993

The Senate convened at 12:30 p.m., with President Pro Tem Mushik presiding.

The prayer was offered by Fr. Daniel Maloney, Annunciation Priory, Bismarck.

The roll was called and all members were present except Senators Maxson and Tallackson.

A quorum was declared by the President Pro Tem.

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has failed to pass: HB 1340.

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1307.

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has passed unchanged: HB 1080, HB 1094, HB 1109, HB 1129, HB 1144, HB 1257, HB 1268, HB 1276, HB 1277, HB 1324, HB 1388.

**POINT OF PERSONAL PRIVILEGE**

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

I rise on a point of personal privilege to pay tribute to Agnes Geelan, who passed away on Wednesday, March tenth in Fargo at the age of 96.

Agnes Geelan was well known to North Dakotans for her work in the political arena since 1945 when she first became involved in politics and government. The daughter of Norwegian immigrants, Agnes Geelan was elected mayor of Enderlin, North Dakota in 1946, serving until 1954. While serving as mayor of Enderlin, Agnes Geelan was elected to the North Dakota Senate where she served from 1950 to 1954. As the first woman elected to the North Dakota Senate, Agnes Geelan proved that women could secure and handle legislative leadership positions.

As an activist in the Nonpartisan League, she was endorsed by their nominating convention to run for Congress in 1948. Agnes Geelan was very instrumental in the merger of the Democratic party with the Nonpartisan League in North Dakota. In 1956 the merged Democratic-NPL convention endorsed her to run as their candidate for Congress.

Throughout her outstanding career in politics, she served with distinction in many other areas of government. In 1961 she was appointed to the Workmen's Compensation Bureau by Governor William L. Guy, and served as the bureau's chairman from 1966 to 1971 when she retired from that position. Upon her retirement as the first woman to serve as the chairman of the Workmen's Compensation Bureau, she devoted her efforts in 1971 and 1972 to the North Dakota Constitutional Convention. Following her work on the constitutional convention, Geelan was selected to represent the United States League of Women Voters at the United Nations General Assembly's Third Session on Disarmament. Her work as a devoted pacifist earned her the honor of being selected as one of 51 American heroes by Newsweek magazine in 1988.

In her outstanding career Agnes Geelan received many well-deserved honors for her years of service to her party, her state, and nation. We will long

remember her as a dedicated public servant who served her beloved North Dakota long and well.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Gene Hilken

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed unchanged: SB 2026, SB 2050, SB 2053, SB 2076, SB 2089, SB 2239, SB 2271, SB 2296, SB 2315, SB 2331, SB 2369, SB 2377, SB 2410, SB 2417, SB 2419, SB 2445, SB 2457, SB 2458, SB 2478, SB 2493, SB 2494, SB 2495, SB 2497.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has failed to pass: SB 2063, SB 2065.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended and subsequently failed to pass: SB 2422.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2022, SB 2068, SB 2174, SB 2289, SB 2305, SB 2359, SB 2415, SB 2472, SB 2476.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2022**

Page 1, line 11, replace "2,280,946" with "2,224,146"

Page 1, line 12, replace "63,120" with "56,808"

Page 1, line 15, replace "14,800,114" with "14,795,188"

Page 1, line 21, replace "500,000" with "250,000"

Page 2, line 3, replace "25,257,509" with "24,939,471"

Page 2, line 4, replace "11,027,505" with "10,998,127"

Page 2, line 5, replace "14,230,004" with "13,941,344"

Page 2, remove lines 6 through 12

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 270 - VOCATIONAL EDUCATION**

**HOUSE -** The salaries and wages line item is decreased by \$56,800, of which \$28,400 is from the general fund and \$28,400 from other funds, to reflect the Schafer salary increase recommendation.

The information services line item is reduced by \$6,312, \$5,334 of which is from the general fund and \$978 from other funds, to reflect a 10 percent reduction.

The grants line item is decreased by \$4,926 from the general fund for secondary education grants. The amount provided of \$14,795,188 is \$200,000 more than the level recommended by Governor Schafer.

The adult farm management line item is decreased by \$250,000, from \$500,000 to \$250,000, from the general fund, and Section 2 regarding the intent of the use of the \$250,000 is deleted. Section 2 stated it is the intent of the Legislative Assembly that \$250,000 of the \$500,000 be used in a cooperative program between vocational education, Farm Credit Review Board, and other

appropriate agencies. The Senate had added \$250,000 and the intent section. The remaining \$250,000 provides the amount recommended by both governors.

In total, the amendments reduce the general fund appropriation by \$288,660, other funds by \$29,378, and all funds by \$318,038.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2068

Page 3, line 1, after "assembly" insert "or that person's surviving spouse"

Page 3, line 5, replace "and" with "or, for a surviving spouse, upon the death of the member or former member of the legislative assembly. The member or former member of the legislative assembly or that person's surviving spouse"

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2174

Page 3, remove lines 19 through 27

Page 3, line 28, remove "3."

Page 5, line 20, remove "any measurable or detectable amount of alcohol in the person's system"

Page 5, line 21, remove "or"

Page 5, remove lines 25 through 29

Page 6, line 1, replace "2." with "1."

Page 6, line 11, replace "3." with "2."

Page 6, line 17, replace "2" with "1"

Page 6, line 27, replace "4." with "3."

Page 7, line 1, replace "2" with "1"

Page 7, line 2, replace "3" with "2"

Page 7, line 21, remove "a measurable or detectable amount of"

Page 7, line 22, remove "alcohol in the driver's system, or"

Page 7, remove lines 24 through 27

Page 7, line 28, replace "2." with "1."

Page 8, line 6, replace "3." with "2."

Page 8, line 12, replace "4." with "3."

Page 11, line 16, replace "4" with "3"

Page 15, line 2, replace "a" with "an alcohol concentration of at least four one-hundredths of one percent by weight"

Page 15, line 3, remove "measurable or detectable amount of alcohol in the person's system"

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2289

Page 2, line 1, replace "fifty" with "twenty"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2305**

Page 1, line 10, after "by" insert "setting a time and place for a public hearing, publishing at least ten days before the hearing notice of the hearing in the official newspaper of the county, and after the public hearing, approving establishment of the authority by"

Page 1, line 11, replace "such vote, the water resource district designated by" with "approval,"

Page 1, line 12, replace "act" with "designate a water resource district to serve" and replace "with" with ". The designated district has"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2359**

Page 1, line 2, replace "provide an expiration" with "create and enact a new subsection to section 43-25-04 of the North Dakota Century Code, relating to massage therapist licensure exemptions"

Page 1, line 3, remove "date"

Page 3, line 19, replace "may" with "shall"

Page 6, line 2, replace "EXPIRATION DATE. This Act is effective through August 1," with "A new subsection to section 43-25-04 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Reflexologists licensed under sections 1 through 13 of this Act."

Page 6, remove line 4

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2415**

Page 2, line 5, replace "requirments" with "requirements"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2472**

Page 1, line 16, remove "with a population of more than five thousand"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2476**

Page 1, line 18, replace "two" with "one"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3014.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

MADAM PRESIDENT: The Governor was unable to exercise his constitutional duty as to approval or disapproval of HB 1049 and HB 1243. Both were passed by the 53rd Legislative Assembly. HB 1049 and HB 1243 were not signed by the President and Secretary of the Senate as required. Therefore, the Governor must return the bills to the House of origin which is the House of Representatives. To follow correct procedure; the House of Representatives must return HB 1049 and HB 1243 to the Senate, and respectfully request the signatures of the President of the Senate and the Secretary of the Senate.

## CONSIDERATION OF AMENDMENTS

HB 1212: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ page 882 be adopted and then be placed on the Fourteenth order with DO PASS.

## REQUEST

SEN. TENNEFOS REQUESTED that the question of the adoption of the amendments to Engrossed HB 1212 be divided to have the sections voted on separately in the following manner, which request was granted.

## DIVISION A

Page 1, line 1, remove "to create and enact a new section to chapter 41-09 of the"

Page 1, remove line 2

Page 1, line 3, remove "Uniform Commercial Code central filing system;"

Page 1, line 6, remove "; and to provide an expiration date"

Page 1, remove lines 8 through 15

Page 3, remove lines 8 and 9

## DIVISION B

Page 2, line 10, remove "Two dollars of the fees charged by the register"

Page 2, remove lines 11 and 12

Page 2, line 15, remove "Two"

Page 2, remove lines 16 through 19

Page 2, line 22, remove "Two dollars of"

Page 2, remove lines 23 through 26

Page 2, line 29, remove "Two"

Page 3, remove lines 1 through 3

Page 3, line 5, remove "Two dollars of the fees"

Page 3, remove lines 6 and 7

Renumber accordingly

The question being on the adoption of Division A of the proposed amendments to Engrossed HB 1212.

Division A of the proposed amendments to Engrossed HB 1212 failed on a verification vote.

The question being on the adoption of Division B of the proposed amendments to Engrossed HB 1212.

Division B of the proposed amendments to Engrossed HB 1212 was adopted on a voice vote.

The proposed amendments to Engrossed HB 1212, including Division B and excluding Division A, were adopted.

## CONSIDERATION OF AMENDMENTS

SCR 4011: SEN. MARKS (Joint Constitutional Revision Committee) MOVED that

the amendments on SJ pages 899-900 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SCR 4017: SEN. O'CONNELL (Joint Constitutional Revision Committee) MOVED** that the amendments on SJ page 900 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1111: SEN. W. STENEHJEM (Judiciary Committee) MOVED** that the amendments on SJ pages 900-901 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1219: SEN. B. STENEHJEM (Transportation Committee) MOVED** that the amendments on SJ pages 901-902 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### MOTION

**SEN. MATHERN MOVED** that HB 1238 and HB 1239, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1247: SEN. JEROME (Political Subdivisions Committee) MOVED** that the amendments on SJ page 903 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### MOTION

**SEN. MATHERN MOVED** that HB 1286, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1306: SEN. W. STENEHJEM (Judiciary Committee) MOVED** that the amendments on SJ pages 904-905 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1337: SEN. SOLBERG (Judiciary Committee) MOVED** that the amendments on SJ page 906 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1417: SEN. MARKS (Judiciary Committee) MOVED** that the amendments on SJ page 906 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1462: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 906 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1479: SEN. SAND (Judiciary Committee) MOVED** that the amendments on SJ pages 906-907 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1484: SEN. ANDRIST (Judiciary Committee) MOVED** that the amendments on SJ page 907 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### MOTION

**SEN. MATHERN MOVED** that HB 1104 and HCR 3013 be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HCR 3044:** SEN. GRINDBERG (Education Committee) MOVED that the amendments on SJ pages 907-908 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1134:** A BILL for an Act to amend and reenact subsection 6 of section 60-03-01 of the North Dakota Century Code, relating to the definition of roving grain and hay buyer.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1134 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1155:** A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to the requirements for audits of political subdivisions; and to provide 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1155 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1168:** A BILL for an Act to amend and reenact section 26.1-02-02 and subsections 2, 3, and 5 of section 26.1-03-17 of the North Dakota Century Code, relating to the penalty for failure of an insurance company to pay the renewal fee for a certificate of authority and to insurance premium tax credits, penalties, and refunds; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson; Wogsland

HB 1168 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1175:** A BILL for an Act to amend and reenact sections 6-01-02, 6-03-13.1, 6-03-17, and 6-03-19 of the North Dakota Century Code, relating to the definition of paying and receiving activity conducted at separate facilities and paying and receiving stations, and to publishing a notice to discontinue a paying and receiving station.

#### 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 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

**NAYS:** Holmberg

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson; Wogsland

HB 1175 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1181:** A BILL for an Act to create and enact a new section to chapter 14-09, a new subsection to section 14-09-08.6, and a new section to chapter 50-09 of the North Dakota Century Code, relating to provisions for child support; to amend and reenact sections 14-09-08.1, 14-09-08.2, 14-09-08.3, subsection 3 of section 14-09-08.4, sections 14-09-08.5, 14-09-08.8, 14-09-08.11, 14-09-08.12, if House Bill No. 1021 of the fifty-third legislative assembly does not become effective, subsection 3 of section 14-09-09.7, sections 14-09-09.13, 14-09-09.16, 14-09-09.17, subsection 2 of section 14-12.1-19, section 14-12.1-24, subsection 1 of section 14-12.1-40, sections 14-17-09, 14-17-18, and 50-09-02.1 of the North Dakota Century Code and subsection 3 of section 16 of chapter 148 of the 1989 Session Laws of North Dakota, as amended by section 1 of chapter 152 of the 1991 Session Laws of North Dakota, relating to provisions for child support; and to provide 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern;

Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson; Wogsland

HB 1181 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1222:** A BILL for an Act to create a North Dakota workers' compensation insurance company; to amend and reenact section 54-17-07 of the North Dakota Century Code, relating to the duties of the industrial commission; and to provide 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1222 passed and the title was agreed to.

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#### MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3071.

#### SECOND READING OF HOUSE BILL

**HB 1225:** A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to care of an elderly adult; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1225 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1228:** A BILL for an Act to create and enact nine new sections to chapter 43-04 of the North Dakota Century Code, relating to barber continuing education requirements; and to amend and reenact sections 43-04-01 and

43-04-39 of the North Dakota Century Code, relating to the registration of barbers by the board of barber examiners.

#### 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 23 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Evanson; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindgren; Lips; Marks; Mathern; Mushik; Malewaja; Nething; Schoenwald; Tomac; Traynor; Urlacher; Wogsland

**NAYS:** Andrist; Bowman; DeMers; Dotzenrod; Freborg; Holmberg; Kinnoin; Langley; Lindaas; Mutch; Naaden; Nelson; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1228 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1256:** A BILL for an Act to amend and reenact subsection 1 of section 54-03-19.1 and sections 54-03-19.2 and 54-03-20 of the North Dakota Century Code, relating to the legislative compensation commission and travel reimbursement; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**NAYS:** Andrist

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1256 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1264:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 28-32-01 and section 54-21.3-03 of the North Dakota Century Code, relating to exclusions from the definition of administrative agency and the state building code; and to provide 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern;

Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1264 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1281:** A BILL for an Act relating to a waiver from the federal government to allow employment incentives for recipients of aid to families with dependent children benefits; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1281 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to amend and reenact section 15-40.2-03 of the North Dakota Century Code, relating to the tuition calculations for school districts educating pupils in other districts.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1291 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1302:** A BILL for an Act to amend and reenact section 40-38-03 of the North Dakota Century Code, relating to compensation of the board of directors of a public library.

**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 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**NAYS:** Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1302 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1332:** A BILL for an Act to create and enact a new section to chapter 26.1-26.4 of the North Dakota Century Code, relating to health care utilization review; and to amend and reenact subsection 5 of section 26.1-26.4-02 and sections 26.1-26.4-03 and 26.1-26.4-04 of the North Dakota Century Code, relating to health care service utilization review.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson

HB 1332 passed and the title was agreed to.

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#### MOTION

**SEN. MATHERN MOVED** that HB 1336, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1345:** A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 12.1-23-10 of the North Dakota Century Code, relating to the definition of deception.

#### 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

**ABSENT AND NOT VOTING:** Maxson; Scherber; Tallackson; Wogsland

HB 1345 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1356:** A BILL for an Act to amend and reenact sections 28-32-02, 28-32-02.2, subsection 5 of section 28-32-03, and section 28-32-21.1 of the North Dakota Century Code, relating to administrative agency rulemaking procedures.

**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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

**ABSENT AND NOT VOTING:** Maxson; Naaden; Scherber; Tallackson; Wogsland

HB 1356 passed and the title was agreed to.

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**MOTION**

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

**MOTION**

**SEN. MATHERN MOVED** that the Senate be on the Fourth, Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 15, 1993, which motion prevailed.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 3:01 p.m., March 12, 1993: SB 2032, SB 2081, SB 2107, SB 2248, SB 2338, SB 2368, SB 2404, SB 2416, SB 2420, SB 2455, SB 2477, SB 2509, SB 2517.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 3:01 p.m., March 12, 1993: SB 2055, SB 2066, SB 2071, SB 2080, SB 2150, SB 2164, SB 2166, SB 2208, SB 2408, SB 2443, SB 2454, SB 2456, SB 2463.

**REPORT OF STANDING COMMITTEE**

**HB 1039: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1039 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1040: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1040 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1044: Judiciary Committee (Sen. Maxson, Chairman)** recommends DO PASS

(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1044 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1085: Appropriations Committee (Sen. Tallackson, Chairman)** recommends **DO PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1085 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1140: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1140 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1164: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1164 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1170: Human Services Committee (Sen. Mathern, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1170 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1217: Transportation Committee (Sen. Schoenwald, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1217 was placed on the Sixth order on the calendar.

Page 1, remove lines 19 and 20

Page 2, remove lines 1 and 2

Page 2, remove lines 17 through 20

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1224: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1224 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1240: Finance and Taxation Committee (Sen. Dotzenrod, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1240 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1278: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1278 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1296: Political Subdivisions Committee (Sen. Graba, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1296 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1309: Judiciary Committee (Sen. Maxson, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1309 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1310: Industry, Business and Labor Committee (Sen. Langley, Chairman)**

recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1310 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1365: Education Committee (Sen. Heinrich, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1365 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1367: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1367 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1397: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1397 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1416: Judiciary Committee (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1416 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1422: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1422 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1455: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1455 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1460: Human Services Committee (Sen. Mathern, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1460 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1489: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1489 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1509: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1509 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3017: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3017 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3018: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3018 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3031: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3031 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HCR 3032: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends DO NOT PASS (7 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3032 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HCR 3034: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3034 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HCR 3046: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3046 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HCR 3056: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3056 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HCR 3058: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3058 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HCR 3061: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3061 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HCR 3066: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3066 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HCR 3070: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO NOT PASS and BE PLACED ON THE CONSENT CALENDAR (3 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HCR 3070 was placed on the Tenth order on the calendar.

## FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3014: A concurrent resolution for the amendment of subsections 2 and 4 of section 6 of article VIII of the Constitution of North Dakota, relating to the appointment of a student member to the state board of higher education.

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

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

CAROL SIEGERT, Secretary