

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

Bismarck, January 30, 1991

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

The prayer was offered by Reverend Kerwin Sletto, Calvary Free Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled resolution: HCR 3025.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HCR 3025.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2083, SB 2063, SB 2290, SCR 4005, SCR 4011.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1022, HB 1050, HB 1053, HB 1091, HB 1106, HB 1133, HB 1140, HB 1142, HB 1192, HB 1224, HB 1272, HB 1294, HB 1366, HCR 3013.

REPORTS OF STANDING COMMITTEES

SB 2166: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after the first comma insert "65-12-02,"

Page 1, line 4, replace "sections 65-12-02 and" with "section"

Page 1, line 5, remove "the qualifications of boiler"

Page 1, line 6, remove "inspectors and"

Page 1, after line 14, insert:

"SECTION 2. AMENDMENT. Section 65-12-02 of the North Dakota Century Code is amended and reenacted as follows:

65-12-02. Qualifications of chief boiler inspector - Deputy inspectors. No person ~~shall be~~ is eligible to the office of chief boiler inspector unless ~~he~~ that person:

1. Has had at least ten years' experience in the construction, maintenance, or repair of high pressure boilers; as a mechanical engineer, steam engineer, boilermaker, or boiler inspector within five years immediately preceding his appointment the time of the appointment at least five years' experience in the construction, inspection, operation, maintenance, or repair of high pressure boilers and pressure vessels as a mechanical engineer, boilermaker, steam operating engineer, or boiler inspector. An applicant possessing a mechanical engineering degree from an accredited school may substitute that degree for two years of the five years' experience, at the discretion of the director.

2. ~~Shell hold~~ Holds a commission issued by the national board of boiler and pressure vessel inspectors or ~~shell obtain such~~ obtains the commission within one year after the date of appointment by the ~~bureau~~ director.
3. ~~Shell~~ Is not ~~be~~ directly or indirectly interested in the manufacture or sale of boilers or steam machinery or articles used in the construction or maintenance of engines or boilers.
4. The ~~workmen's~~ workers' compensation bureau shall establish qualifications for deputy inspectors which are not inconsistent with the requirements of the position.

Page 3, line 13, remove the overstrike over "~~Not more than~~", after "~~seventy-five~~" insert "one hundred", and remove the overstrike over "~~dollars may be charged or collected for any~~"

Page 3, line 14, after "~~inspections~~" insert "one inspection" and remove the overstrike over "~~of any boiler in any one year except for special~~"

Page 3, line 15, remove the overstrike over "~~inspections made upon request.~~", after the overstruck period insert "Not more than seventy-five dollars may be charged or collected for any one inspection of steam traction engines in any one year except for special inspections made upon request.", and remove the overstrike over "~~All other inspections made by the boiler~~"

Page 3, remove the overstrike over lines 16 through 20

Page 3, line 21, remove the overstrike over "~~of ten dollars~~"

Page 3, line 26, replace "Sections 65-12-02 and" with "Section"

Page 3, line 27, replace "are" with "is"

Renumber accordingly

SB 2248: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, remove "~~of divorce or decree of separation~~"

Page 2, line 5, remove "of divorce or a"

Page 2, remove lines 6 through 8

Page 2, line 9, remove "before the divorce or separation"

Renumber accordingly

SB 2419: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 16, replace "of" with "after"

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Kloubec, Schneider and Sens. Heigaard, Nelson introduced:

HCR 3028: A concurrent resolution urging Congress to extend veterans' benefits to National Guard and other reserve component personnel who

have been ordered to active federal duty for Operation Desert Shield and Operation Desert Storm.
Was read the first time.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended, that HCR 3028 not be printed, not be referred to committee, but be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Kloubec, Schneider and Sens. Heigaard, Nelson introduced:

HOUSE CONCURRENT RESOLUTION NO. 3028

A concurrent resolution urging Congress to extend veterans' benefits to National Guard and other reserve component personnel who have been ordered to active federal duty for Operation Desert Shield and Operation Desert Storm.

WHEREAS, the President of the United States, with the consent of the Congress, has engaged armed forces of the United States in Operation Desert Storm to liberate Kuwait and counter the threat of invasion to Saudi Arabia by Iraq; and

WHEREAS, units and personnel of the North Dakota National Guard along with other reserve component units and personnel have been ordered to active duty for an indefinite period for Operation Desert Shield and Operation Desert Storm; and

WHEREAS, additional National Guard and other reserve component units and personnel may be ordered to active duty for Operation Desert Storm; and

WHEREAS, National Guard and other reserve component personnel who have been ordered to active duty for Operation Desert Shield and Operation Desert Storm will be separated from families for an indefinite period, will incur business losses, will be absent from college study for one or more semesters, will suffer other personal hardships, and will be "in harm's way"; and

WHEREAS, all National Guard and other reserve component personnel should be commended for their voluntary membership in the armed forces of the United States; and

WHEREAS, this nation must properly and fairly assist all military personnel who have been ordered to active duty for Operation Desert Shield and Operation Desert Storm to return to civilian life when they are released from active duty; and

WHEREAS, many members of the National Guard and other reserve components may not be considered "veterans" upon their release from active duty for Operation Desert Shield and Operation Desert Storm and may be denied veterans' benefits because of discriminatory and outdated federal laws; and

WHEREAS, all members of the National Guard and other reserve components who have been ordered to active federal duty for Operation Desert Shield and Operation Desert Storm should be considered "veterans" for all veterans' benefit purposes; and

WHEREAS, the Legislative Assembly fully supports all military personnel serving in the Persian Gulf area;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-second Legislative Assembly urges Congress to amend all appropriate federal laws to extend veterans' benefits to all members of the National Guard and other reserve components who are ordered to active federal duty for Operation Desert Shield and Operation Desert Storm; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of Defense, the chairmen of the Senate and House Armed Services Committees, and each member of the North Dakota Congressional Delegation.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3028: A concurrent resolution urging Congress to extend veterans' benefits to National Guard and other reserve component personnel who have been ordered to active federal duty for Operation Desert Shield and Operation Desert Storm.

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

HCR 3028 was declared adopted.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Heigaard, Nelson and Reps. Kloubec, Schneider introduced:

SCR 4026: A concurrent resolution declaring Wednesday, February 13, 1991, as Higher Education Awareness Day.

Was read the first time.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended, that SCR 4026 not be printed, not be referred to committee, but be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Heigaard, Nelson and Reps. Kloubec, Schneider introduced:

SENATE CONCURRENT RESOLUTION 4026

A concurrent resolution declaring Wednesday, February 13, 1991, as Higher Education Awareness Day.

WHEREAS, the state of North Dakota has a tradition of supporting its institutions of higher education and of recognizing the students who attend those institutions; and

WHEREAS, students attending these institutions of higher education are visiting the Legislative Assembly to express their concerns about the future of higher education in this state; and

WHEREAS, the Legislative Assembly acknowledges the need to preserve the quality of higher education the state has enjoyed in the past; and

WHEREAS, the Legislative Assembly acknowledges the students at the institutions of higher education who would like to express their appreciation to the members of the Legislative Assembly for their hard work and the attention that they have given to the status of higher education in this state;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fifty-second Legislative Assembly declares Wednesday, February 13, 1991, to be North Dakota Higher Education Awareness Day.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4026: A concurrent resolution declaring Wednesday, February 13, 1991, as Higher Education Awareness Day.

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

SCR 4026 was declared adopted.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that HCR 3028 and SCR 4026 be messaged to the House immediately, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HCR 3028.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4026.

MOTIONS

SEN. WOGSLAND MOVED that SB 2491 and SCR 4021 be moved to the top of the Eleventh order, which motion prevailed.

SEN. STENEHJEM MOVED that the Senate reconsider its action on HB 1046, which motion prevailed.

SEN. WOGSLAND MOVED that HB 1046 be laid over one legislative day, which motion prevailed.

SEN. DOTZENROD MOVED that the Senate reconsider its action whereby SB 2174 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILLS

SB 2174: A BILL for an Act to amend and reenact section 5-02-04, subsection 2 of section 43-31-14, section 53-04-02, and section 57-36-02 of the North Dakota Century Code, relating to license reinstatement fees for state beer or liquor licenses, detection of deception examiner licenses, amusement game or device licenses, and tobacco distributor and dealer'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 30 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Goetz; Hanson, O.; Holmberg; Krebsbach; Lindgren; Marks; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Traynor; Vosper

SB 2174 passed and the title was agreed to.

SB 2491: A BILL for an Act to amend and reenact section 60-02-17 of the North Dakota Century Code, relating to warehouse storage rates; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin;

Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennesfos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2491 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2491 be messaged to the House immediately, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2491.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution requesting that the Congress of the United States propose for ratification by the states an amendment to the federal Constitution to provide that Congress and the states would have the power to prohibit the physical desecration of the flag of the United States.

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

REQUEST

SEN. STREIBEL REQUESTED a recorded roll call vote, which request was granted.

SEN. SCHOENWALD: Mr. President, as I read this resolution, it is a resolution that requests the Congress of the United States to propose an amendment to the federal Constitution that would make flag burning a crime in the United States.

Mr. President, members of the Senate, I am a Vietnam veteran. I did not request to go to Vietnam. I went there because my country asked me to. My Dad was a World War II veteran, and he did not ask to be involved in that conflict either. I cannot speak for the rest of the people in this Senate, but I can speak for myself. I do not burn the flag. I do not think the reason that I have resisted burning the flag, or sanctioning people that do, in the past is because there was a law that said we could not do it. I think the reason that I resisted it in the past, and that I stood up for my flag in the past, is because I loved it and I respected it. I do not believe this is something that we want to do - to force respect. I think it is something that has to come from the heart, and the soul, and the feelings of the body of the people of America. Not from a resolution from the state of North Dakota and not from a Constitutional amendment, but something that is genuinely heartfelt and genuinely supported. Without that, we lose the basic fiber of our country. That is what it is about. We are the people that like our flag, that are not forced to like it. That is what the freedom that we enjoy is for. I stand here before you in this body, probably going to be taken to task on a partisan basis. For your information, on the wall of my office in my house, I have a document signed by the President of the United States of the opposite political party, who was in office in the early seventies while I was in Vietnam, not questioning my patriotism but thanking me for it. I understand that there are several people in the United States that did not go to Vietnam for one reason or the other. I do not have a problem with it. But the fact of the matter is, ladies and gentlemen, I was there. I am of one political party and the President that said thank you for your patriotism is from another one. None of those things were done because it was constitutionally forced on us. They were done because we loved our country. I, therefore, as a citizen of the United States, as a former veteran, or as a veteran and a former member of the military, a person who has never had his patriotism questioned, cannot vote for this resolution.

REQUEST

SEN. HEIGAARD REQUESTED that Sen. Schoenwald's remarks be printed in the Journal, which request was granted.

The roll was called and there were 46 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Holmberg; Ingstad; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Heigaard; Heinrich; Kelly; Mathern; Mushik; Satrom; Schoenwald

SCR 4021 was declared adopted.

MOTIONS

SEN. WOGSLAND MOVED that SB 2085 be moved to the bottom of the calendar, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2297 be moved to the top of the calendar, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2297 be moved two bills down on the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2045: A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the protection of threatened and endangered plants and wildlife species; and to provide a penalty.

ROLL CALL

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

YEAS: Evanson; Kelly; Lips; Mushik; Robinson; Satrom; Wogsland

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Yockim

SB 2045 lost.

SB 2052: A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the game and fish commissioner; to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits; and to repeal chapter 20.1-12 of the North Dakota Century Code, relating to private shooting preserves.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Goetz; Graba; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Kinnoin; Lindaas; Lindgren; Lips; Mathern; Mushik; O'Connell; Redlin; Satrom; Stenehjem; Tallackson; Tennefos; Thane; Vosper

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Hanson, E.; Hanson, O.; Heigaard; Jerome; Keller; Krauter; Krebsbach; Langley; Marks; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Robinson; Schoenwald; Solberg; Streibel; Tomac; Traynor; Wogsland; Yockim

SB 2052 lost.

SB 2297: A BILL for an Act to create and enact a new section to chapter 32-15 of the North Dakota Century Code, relating to the use of eminent domain for coal slurry pipeline purposes; and to amend and reenact subsection 10 of section 32-15-02, subsection 5 of section 40-33.3-06, and section 49-19-12 of the North Dakota Century Code, relating to the use of eminent domain.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Heigaard; Heinrich; Ingstad; Kelly; Kelsh; Kinnoin; Lindaas; Marks; Mathern; Maxson; Mushik; Peterson; Robinson; Satrom; Schoenwald; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Holmberg; Jerome; Keller; Krauter; Krebsbach; Langley; Lindgren; Lips; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Traynor; Vosper

SB 2297 lost.

SB 2092: A BILL for an Act to amend and reenact subsections 3 and 5 of section 61-24-01 and section 61-24-02 of the North Dakota Century Code, relating to the Garrison Diversion Conservancy District.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, D.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Meyer

SB 2092 passed and the title was agreed to.

SB 2151: A BILL for an Act to amend and reenact subsection 3 of section 4-10.2-02 and sections 4-10.2-08 and 4-10.2-11 of the North Dakota Century Code, relating to designated handlers of certain crops, assessments, and penalties; to repeal sections 4-10.2-12 and 4-10.2-14 of the North Dakota Century Code, relating to penalties for nonpayment of assessment and violations of the chapter; and to provide a penalty.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Kelly; Mushik; O'Connell

SB 2151 passed and the title was agreed to.

SB 2191: A BILL for an Act to amend and reenact subsection 3 of section 4-10.3-02, sections 4-10.3-08, and 4-10.3-11 of the North Dakota Century Code, relating to the definition of a designated handler of edible beans and to assessments and penalties; and to repeal sections 4-10.3-12 and 4-10.3-14 of the North Dakota Century Code, relating to penalties; and to provide a penalty.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Kelly; Mushik; O'Connell

SB 2191 passed and the title was agreed to.

SB 2201: A BILL for an Act to amend and reenact section 54-52.2-03 of the North Dakota Century Code, relating to the administration of the deferred compensation program for public employees; and to provide for a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 53 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2201 was declared lost.

CONFLICT OF INTEREST

SEN. YOCKIM REQUESTED permission not to vote on SB 2233, as he has a conflict of interest, which request was granted.

SECOND READING OF SENATE BILLS

SB 2233: A BILL for an Act to amend and reenact subsection 2 of section 61-15-01 and section 61-15-02 of the North Dakota Century Code, relating to definitions for water conservation purposes.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 50 NAYS, 1 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Mushik

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Yockim

SB 2233 lost.

SB 2240: A BILL for an Act to amend and reenact section 21-10-02 of the North Dakota Century Code as amended by section 5 of chapter 667 of the 1989 Session Laws of North Dakota, and sections 21-10-04, 21-10-05, 21-10-06.1, and 21-10-08 of the North Dakota Century Code, relating to state investment board powers and duties, meetings, investment director, funds under management, investment reports, and reserves.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2240 passed and the title was agreed to.

SB 2251: A BILL for an Act to amend and reenact subsection 1 of section 39-21-41.2 of the North Dakota Century Code, relating to the required use of child restraint devices in motor vehicles.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 32 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Nalewaja; Redlin; Robinson

Satrom; Schoenwald; Stenehjelm; Tallackson; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, O.; Keller; Krauter; Maxson; Meyer; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Solberg; Streibel; Tennefos; Tomac

SB 2251 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2273, which is on the Eleventh order, be laid over one legislative day, which motion lost.

SECOND READING OF SENATE BILLS

SB 2273: A BILL for an Act to amend and reenact subsection 25 of section 57-15-06.7 and subsection 26 of section 57-15-10 of the North Dakota Century Code to provide an increase in the mill levy limit for city and county tax levies for services and programs for senior citizens; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Satrom; Schoenwald; Thane; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Goetz; Hanson, O.; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Robinson; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland

SB 2273 lost.

SB 2280: A BILL for an Act to amend and reenact sections 11-10-04 and 16.1-12-03 of the North Dakota Century Code, relating to prohibition of an individual seeking election or serving simultaneously as a county commissioner and a member of the legislative assembly.

ROLL CALL

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

YEAS: Bowman; David; Kinnoin; Krebsbach; Moore; Mutch; Naaden; Solberg; Streibel; Tennefos; Traynor; Vosper

NAYS: DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Tallackson; Thane; Tomac; Wogsland; Yockim

SB 2280 lost.

MOTIONS

SEN. WOGSLAND MOVED that SB 2357, SB 2563, SB 2453, and SB 2483 be returned to the Senate floor from the Committee on State and Federal Government and

that SB 2357 be rereferred to the Committee on Natural Resources; SB 2563 be rereferred to the Committee on Industry, Business and Labor; SB 2453 be rereferred to the Committee on Finance and Taxation; and SB 2483 be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2357, SB 2563, SB 2453, and SB 2483 were rereferred.

SEN. WOGSLAND MOVED that SB 2446, SB 2348, SB 2331, SB 2381, and SB 2434 be returned to the Senate floor from the Committee on Political Subdivisions and that SB 2446 be rereferred to the Committee on Judiciary; SB 2348, SB 2331, and SB 2381 be rereferred to the Committee on Finance and Taxation; and SB 2434 be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2446, SB 2348, SB 2331, SB 2381, and SB 2434 were rereferred.

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Ninth order of business, and at the conclusion of the Ninth 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, the Senate stand adjourned until 1:00 p.m., Thursday, January 31, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2025: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 21, after the underscored period insert "State agencies, when called upon, shall assist the commissioner in implementing the pilot project."

Renumber accordingly

SB 2053: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, replace lines 7 through 19 with:

"Benefits for pregnant women, infants, and children. The department of human services shall submit an amendment to the state plan for medical assistance, in a form that is consistent with and meets the requirements for such plans, which extends eligibility for medical assistance to:

1. Pregnant women and infants up to one year of age with family incomes not exceeding one hundred eighty-five percent of the federal poverty level; and
2. Children between the age of one year and eight years with family incomes not exceeding one hundred thirty-three percent of the federal poverty level.

SECTION 2. APPROPRIATION. There is hereby appropriated \$11,339,905, or so much thereof as may be necessary, \$2,686,563 of which is from any moneys in the general fund in the state treasury, not otherwise appropriated, and \$9,653,342 of which is from special funds derived from federal funds and from other income, to the department of human services for the purposes set forth in section 1 of this Act for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

SB 2084: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 25, after "vendee" insert "or to such other person as may be otherwise provided by law"

Renumber accordingly

SB 2123: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-44-04.6 of the North Dakota Century Code, relating to transfers of state surplus property."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-44-04.6 of the North Dakota Century Code is amended and reenacted as follows:

54-44-04.6. State surplus property - Department heads to inform director - Disposition of property - Proceeds - Exchange of property.

1. The person in charge of any department, agency, or institution of the state shall inform the director of the office of management and budget or the director's designee whenever that department, agency, or institution possesses surplus property surplus to its needs, whether originally obtained with state or federal other funds; and the person in charge believes that the state surplus property may be used by any other department, agency, institution, or political subdivision of the state.
2. The director of the office of management and budget shall dispose of the state surplus property in the following manner:
 - a. By transferring it to other state departments, institutions, or agencies without cost other than administrative expenses; which must be paid by the receiving agency. When the state surplus property was originally purchased under an appropriation other than from the general fund of the state, the agency receiving that state surplus property shall pay an amount equal to the fair market value of the property. Moneys received under this subdivision must be deposited in the fund from which the original purchases were made.
 - b. If not disposed of under subdivision a, title to the property must be transferred to political subdivisions without cost, except administrative expenses.
 - c. State surplus property must be transferred at fair market value to state agencies, political subdivisions, and nonprofit organizations eligible to receive federal surplus property under the Federal Property Administrative Services Act of 1949, as amended. Eligible organizations must be notified of the availability of property on a regular basis.

3. If not disposed of under ~~subdivision a or b~~ subsection 2, then by sale on sealed bids or at public auction to the highest and best bidder for property valued at more than three thousand dollars, with no money deposit required prior to sale, or by sealed bids, public auction, or negotiation at fair value for property valued at less than three thousand dollars.
- ~~3- 4.~~ All proceeds of property sold under this section, less sales costs, must be deposited in the general fund except as provided in subdivision a of subsection 2 received from the transfer or sale of state surplus property must be deposited into the fund from which the property was originally purchased, less administrative expenses.
- ~~4- 5.~~ No department, agency, or institution may exchange items as part of a purchase price of new items until a detailed statement of the value of the items to be exchanged and request for approval have been submitted to the director of the office of management and budget. The director shall approve the exchange only if the director has determined that the item has been valued at fair value."

Renumber accordingly

SB 2210: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "65-13-06" insert ", and two new sections to chapter 65-13"

Page 2, line 19, replace "compliancewith" with "compliance with"

Renumber accordingly

SB 2351: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Eleventh order on the calendar.

SB 2352: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2352 was placed on the Eleventh order on the calendar.

SB 2377: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, remove line 14

Page 1, line 15, remove "technology fund and may be"

Page 1, line 18, after the first "the" insert "termination of the levy and shall" and remove "of"

Renumber accordingly

SB 2408: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2408 was placed on the Eleventh order on the calendar.

SB 2425: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO

PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, after "order" insert "that has been reduced to writing in the patient's record"

Page 2, line 1, replace "directed and authorized" with "written and signed"

Renumber accordingly

SB 2432: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2432 was placed on the Eleventh order on the calendar.

SB 2449: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2449 was placed on the Eleventh order on the calendar.

SB 2450: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 12, after the period insert "A brand is defined as having the same characteristics as required by the bureau of alcohol, tobacco and firearms of the United States treasury department for certification of label or bottle approval. All sizes of a brand must be included in the registration fee for the brand."

Renumber accordingly

SB 2469: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 5, replace "forty" with "twelve"

Page 1, line 17, replace "\$250,000" with "\$50,000"

Renumber accordingly

SB 2475: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 18, replace "any other fund" with "capital projects funds including building funds"

Renumber accordingly

SB 2480: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2480 was placed on the Eleventh order on the calendar.

SCR 4014: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 4, after "rates" insert "to the statutory rate"

Page 2, line 6, replace "Open the farmer-owned reserve program for wheat and allow each" with "Negotiate the creation of international food reserves in which both importing and exporting nations share in the costs of

maintaining those reserves and in making necessary adjustments in times of surplus;"

Page 2, remove lines 7 and 8

Page 2, line 9, replace "Make" with "Maintain"

Page 2, line 10, replace "thereby increasing the availability of food" with "making the United States competitive with other grain exporting nations; and"

Page 2, remove line 11

Renumber accordingly

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Tomac, Freborg and Reps. DeWitz, Mahoney introduced:

SCR 4025: A concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan plan dams, including the Garrison Dam to Oahe Reservoir reach in North Dakota, and to begin an annual program of appropriating funds for the maintenance and construction of bank protection projects.

Was read the first time and referred to the Committee on Natural Resources.

Sens. Holmberg, Wogsland, Robinson and Reps. Coats, Anderson, Porter introduced:

SCR 4027: A concurrent resolution to create and enact a new section to the Constitution of North Dakota, relating to authorization for issuance of bonds of the state and the expenditure of the proceeds for the payment of adjusted compensation to North Dakota veterans of the Persian Gulf War.

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

Sens. Moore, O. Hanson, Naaden and Rep. Schimke introduced:

SCR 4028: A concurrent resolution urging the State Board of Higher Education to implement Report F - Academic programs.

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

Sens. Stenehjem, Robinson and Reps. DeMers, Oban introduced:

SCR 4029: A concurrent resolution directing the Legislative Council to study the Americans with Disabilities Act and its expected impact on state and local governments.

Was read the first time and referred to the Committee on Political Subdivisions.

Sens. Streibel, Solberg, Kinnoin and Reps. Dorso, Whalen introduced:

SCR 4030: A concurrent resolution creating a select legislative committee to investigate activities and operations of the North Dakota Insurance Reserve Fund and to report its findings and recommendations to each house of the Legislative Assembly within 30 legislative days of the passage of this resolution.

Was read the first time and referred to the Committee on Political Subdivisions.

Sen. Stenehjem introduced:

SCR 4031: A concurrent resolution directing the Legislative Council to study the desirability and feasibility of establishing a public guardianship program for indigent persons.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Sen. Stenehjem introduced:

SCR 4032: A concurrent resolution directing the Legislative Council to study the desirability and feasibility of enhancing and improving the ability of existing civil legal services programs to provide for the delivery

of civil legal services to the poor and developing equal access to civil legal services for the poor.

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

Sens. Nalewaja, Lindgren and Rep. Oban introduced:

SCR 4033: A concurrent resolution directing the Legislative Council to study the cost containment effect of the certificate of need law.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

FIRST READING OF HOUSE BILLS

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of job service North Dakota.

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

HB 1050: A BILL for an Act to amend and reenact subsection 7 of section 53-06.1-01 of the North Dakota Century Code, relating to the definition of eligible uses of net proceeds from charitable gaming.

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

HB 1053: A BILL for an Act to amend and reenact section 53-06.1-10 of the North Dakota Century Code, relating to the playing of twenty-one and pooling of tips received by twenty-one dealers.

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

HB 1091: A BILL for an Act to amend and reenact subsection 5 of section 37-19.1-01 of the North Dakota Century Code, relating to the definition of veteran for veterans' preference purposes.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1106: A BILL for an Act to amend and reenact section 37-18-04 of the North Dakota Century Code, relating to the duties of the commissioner of veterans' affairs.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1133: A BILL for an Act to prohibit the inhalation of vapors of certain volatile chemicals; to provide a penalty; and to declare an emergency.

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

HB 1140: A BILL for an Act to create and enact a new subsection to section 54-17-07.3 of the North Dakota Century Code, relating to the creation of a home improvement finance program.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1142: A BILL for an Act to amend and reenact section 37-19.1-04 of the North Dakota Century Code, relating to hearing procedures for veteran's preference grievance hearings.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1192: A BILL for an Act to create and enact chapter 26.1-34.1 of the North Dakota Century Code, relating to creating an exemption that may be granted by the commissioner of insurance for the issuance of charitable gift annuities.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1224: A BILL for an Act to amend and reenact subsection 1 of section 39-03-04 of the North Dakota Century Code, relating to age qualifications of appointees to the highway patrol.

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

HB 1272: A BILL for an Act to amend and reenact section 13 of chapter 404 of the 1987 Session Laws of North Dakota, relating to the repeal of North

Dakota Century Code sections 9-10-07 and 32-03-07 concerning comparative negligence and exemplary damages; and to repeal section 15 of chapter 404 of the 1987 Session Laws of North Dakota, relating to the expiration date of legislation concerning tort liability.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1294: A BILL for an Act to create and enact sections 26.1-34-01.1 and 26.1-36-02.1 of the North Dakota Century Code, relating to a "free-look" provision for annuity and accident and health policies and certificates.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1366: A BILL for an Act to amend and reenact section 44-08-06 of the North Dakota Century Code, relating to dimensions of the seal of a court or officer.

Was read the first time and referred to the Committee on State and Federal Government.

HCR 3013: A concurrent resolution directing the Legislative Council to study methods of funding higher education.

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

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

MARION HOUN, Secretary