

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, March 6, 1991  
The Senate convened at 1:00 p.m., with President Omdahl presiding.

The prayer was offered by Deacon David L. Vaughn, Spirit of Life Catholic Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1074, HB 1080, HB 1109, HB 1239, HB 1447, HB 1459.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1411, HB 1412.

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

MR. SPEAKER: The Senate has failed to pass: HB 1071.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4042.

## SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2068, SB 2081, SB 2098, SB 2110, SB 2124, SB 2128, SB 2137, SB 2140, SB 2150, SB 2185, SB 2186, SB 2190, SB 2220, SB 2269, SB 2291, SB 2322, SB 2367, SB 2368, SB 2369, SB 2380, SB 2412.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2068, SB 2081, SB 2098, SB 2110, SB 2124, SB 2128, SB 2137, SB 2140, SB 2150, SB 2185, SB 2186, SB 2190, SB 2220, SB 2269, SB 2291, SB 2322, SB 2367, SB 2368, SB 2369, SB 2380, SB 2412.

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

MR. PRESIDENT: The House has passed unchanged: SB 2046, SB 2047, SB 2048, SB 2050, SB 2051, SB 2071, SB 2072, SB 2074, SB 2101, SB 2105, SB 2107, SB 2116, SB 2123, SB 2129, SB 2130, SB 2192, SB 2194, SB 2208, SB 2241, SB 2242, SB 2287, SB 2290, SB 2301, SB 2303, SB 2317, SB 2318, SB 2325, SB 2334, SB 2342, SB 2396, SB 2459, SB 2496, SB 2513, SB 2553, SCR 4014.

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

MR. PRESIDENT: The House has failed to pass: SB 2314.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2023, SB 2180.

## HOUSE AMENDMENTS TO ENGROSSED SB 2023

Page 1, line 3, remove "15-20.2-06, 15-20.2-13,"

Page 1, remove lines 4 through 6

Page 1, line 7, remove "15-51-22,"

Page 1, line 10, remove "school district, Fargo board of education, and" and remove "to repeal"

Page 1, remove lines 11 and 12

Page 1, remove lines 15 through 22

Remove pages 2 through 16

Page 17, remove lines 1 through 21

Page 26, remove lines 23 through 26

Page 26, line 27, replace "Sections 1 through 39 of this Act become" with "This Act becomes"

Page 26, line 28, remove ", and section 40 of this Act becomes effective on"

Page 26, line 29, remove "July 1, 1995"

Renumber accordingly

#### HOUSE AMENDMENTS TO SB 2180

Page 1, line 7, replace "within" with "a special fund in the state treasury called" and remove "a"

Renumber accordingly

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3066.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1057, HB 1066, HB 1076, HB 1088, HB 1089, HB 1090, HB 1097, HB 1121, HB 1129, HB 1134, HB 1142, HB 1144, HB 1147, HB 1149, HB 1171, HB 1183, HB 1184, HB 1197, HB 1220, HB 1238, HB 1241, HB 1254, HB 1315, HB 1335, HB 1359, HB 1397, HB 1429, HB 1442, HB 1557.

#### REPORTS OF STANDING COMMITTEES

HB 1086, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1086 was placed on the Fourteenth order on the calendar.

HB 1294, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1294 was placed on the Fourteenth order on the calendar.

HB 1491, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1491 was placed on the Fourteenth order on the calendar.

#### CONSIDERATION OF AMENDMENTS

HB 1167: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ pages 861-862 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1431: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 862 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion prevailed.

#### MOTION

SEN. WOGSLAND MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

## REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Satrom, Chairman) appointed to consider the nomination for the State Board of Higher Education, do advise and consent to the appointment of:

Patricia Hill

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

## ROLL CALL

The question being "will the Senate advise and consent to the nomination of Patricia Hill for the State Board of Higher Education" and the roll was called and there were 52 YEAS, 0 NAYS, 1 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; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Moore

The Senate advises and consents to the nomination of Patricia Hill for the State Board of Higher Education.

## MOTIONS

SEN. WOGSLAND MOVED that the Confirmation Session be dissolved, which motion prevailed.

SEN. TOMAC MOVED that the Senate reconsider its action whereby HB 1390 passed.

## REQUEST

SEN. TOMAC REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1390 passed, which request was granted.

## ROLL CALL

The question being on the motion to reconsider the action whereby HB 1390 passed, the roll was called and there were 13 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeKrey; Heigaard; Kelly; Kelsh; Krauter; Mathern; Meyer; Moore; Mushik; Peterson; Stenehjem; Tomac; Wogsland

NAYS: Bowman; David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Yockim

So the motion to reconsider the action whereby HB 1390 passed, failed.

## MOTIONS

SEN. WOGSLAND MOVED that the Senate reprint 150 copies each of Engrossed SB 2054 and Engrossed SB 2206, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate reprint 200 copies of Engrossed SB 2058, which motion prevailed.

SEN. WOGSLAND MOVED that HB 1110 and HB 1525 be returned to the Senate floor from the Committee on Human Services and Veterans Affairs and be rereferred to the Committee on Education, which motion prevailed. Pursuant to Sen. Wogsland's motion, HB 1110 and HB 1525 were rereferred.

## SECOND READING OF HOUSE BILL ON CONSENT CALENDAR

HB 1163: A BILL for an Act to repeal section 54-14-04.2 of the North Dakota Century Code, relating to the use of an electronic funds transfer system by the office of the budget for payment of departmental payrolls.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Redlin

So the bill passed and the title was agreed to.

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## MOTION

SEN. WOGSLAND MOVED that Joint Rule 206, subsection 6, be suspended for SCR 4052, SCR 4053, and HCR 3023, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4052: A concurrent resolution directing the Legislative Council to study North Dakota family foster home fire and safety codes.

SCR 4053: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the Department of Human Services contracting with the private sector for the treatment of alcohol and drug dependent persons.

The question being on the final adoption of the resolutions, which have been read.

The resolutions were declared adopted on a voice vote.

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SECOND READING OF HOUSE CONCURRENT RESOLUTIONS  
ON CONSENT CALENDAR

HCR 3007: A concurrent resolution urging the North Dakota Congressional Delegation to assure fairness in student aid programs.

HCR 3024: A concurrent resolution urging the federal government to fully fund, simplify, and improve the federal crop insurance program.

HCR 3057: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring a unified budget.

HCR 3023: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of various methods for redesigning the administration of education in North Dakota.

The question being on the final adoption of the resolutions, which have been read.

The resolutions were declared adopted on a voice vote.

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## MOTIONS

SEN. WOGSLAND MOVED that the vote by which SCR 4052 and SCR 4053 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SCR 4052 and SCR 4053 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: SCR 4052, SCR 4053.

## MOTIONS

SEN. WOGSLAND MOVED that HB 1593 be placed at the top of the Fourteenth order, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate vote on HB 1593 no later than 2 p.m., which motion prevailed.

SEN. FREBORG MOVED that Engrossed HB 1593 be amended as follows:

Page 1, line 5, after the semicolon insert "to provide for submission to the electors;"

Page 3, line 15, after the underscored comma insert "provided final offer resolution is available in the school district,"

Page 7, after line 6, insert:

"SECTION 2. Submission to electors of district. Before final offer resolution as set forth in section 15-38.1-13 may be used to resolve an impasse, the school board of the district in which final offer resolution is to be used shall place the question of whether final offer resolution may be used by the school district to the qualified electors of the district at the next annual election of school board members. If a majority of the qualified electors voting on the question vote in favor of final offer resolution, the district may use final offer resolution until the question is again placed on the ballot by the school board, upon its own motion, or upon a filing with it of a petition signed by twenty percent of the qualified electors of the district as determined by the number of ballots cast at the last annual election of school board members of the district, and a majority of the qualified electors voting on the question reject the question. If initially a majority of the qualified electors voting on the question reject final offer resolution, it is unavailable to the district until the question is again placed on the ballot by the school board, upon its own motion, or upon a filing with it of a petition signed by twenty percent of the qualified electors of the district as determined by the number of ballots cast at the last annual election of school board members of the district, and a majority of the qualified electors voting on the question vote in favor of final offer resolution."

Renumber accordingly

## REQUEST

SEN. FREBORG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1593, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1593, the roll was called and there were 26 YEAS, 27 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Freborg; Goetz; Hanson, O.; Jerome; Kinnoin; Krebsbach; Langley; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland

NAYS: Dotzenrod; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Thane; Yockim

The proposed amendments to Engrossed HB 1593 lost.

## SECOND READING OF HOUSE BILL

HB 1593: A BILL for an Act to amend and reenact section 15-38.1-13 of the North Dakota Century Code, relating to teachers' representation and negotiation; to repeal sections 15-38.1-03, 15-38.1-04, 15-38.1-05, and 15-38.1-06 of the North Dakota Century Code, relating to the education factfinding commission and the cost of factfinding; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 28 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Graba; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Traynor; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Goetz; Hanson, E.; Hanson, O.; Jerome; Kinnoin; Krauter; Langley; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Streibel; Tennefos; Tomac; Vosper; Wogsland

HB 1593 passed and the title was agreed to.

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## MOTION

SEN. YOCKIM MOVED that the vote by which HB 1593 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4020: A concurrent resolution for the amendment of section 6 of article IX of the Constitution of North Dakota, relating to certain exchanges of land and mineral rights.

## ROLL CALL

The question being on the final adoption of the amended resolution, 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

SCR 4020 was declared adopted.

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## SECOND READING OF SENATE BILL

SB 2572: A BILL for an Act making an appropriation for foundation aid per-pupil payments by the superintendent of public instruction; providing legislative intent; 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; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2572 passed, the title was agreed to, and the emergency clause carried.

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## MOTIONS

SEN. WOGSLAND MOVED that the vote by which SCR 4020 and SB 2572 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SCR 4020 and SB 2572 be messaged to the House immediately, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1108: A BILL for an Act to amend and reenact section 54-44-04.9 of the North Dakota Century Code, relating to financial report for any state department, agency, board, commission, college, university, or institution.

## 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 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; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

HB 1108 passed and the title was agreed to.

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HB 1152: A BILL for an Act to amend and reenact section 39-24-11 of the North Dakota Century Code, relating to penalties for failure to register ownership of snowmobiles and for trespassing with a snowmobile on posted land.

## 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 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

HB 1152 passed and the title was agreed to.

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HB 1157: A BILL for an Act to amend and reenact section 39-29-12 of the North Dakota Century Code, relating to penalties for failure to register ownership of all-terrain vehicles and for trespassing with an all-terrain vehicle on posted land.

#### 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 51 YEAS, 2 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; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; 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

NAYS: Langley; Meyer

HB 1157 passed and the title was agreed to.

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HB 1159: A BILL for an Act to amend and reenact subsections 1 and 3 of section 24-02-01.4, section 24-02-42, and subsections 1, 2, and 4 of section 57-15-06.3 of the North Dakota Century Code, relating to the organization of the department of transportation, the amount of department of transportation educational financial aid, and the elimination of federal highway administration approval of county farm-to-market road programs.

#### 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; 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

ABSENT AND NOT VOTING: Freborg

HB 1159 passed and the title was agreed to.

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HB 1313: A BILL for an Act to create and enact three new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits.

## 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 50 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; 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; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Marks; Solberg

ABSENT AND NOT VOTING: David

HB 1313 passed and the title was agreed to.

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HB 1317: A BILL for an Act to amend and reenact sections 51-18-02 and 51-18-04 of the North Dakota Century Code, relating to the time period for cancellation of a home solicitation sale agreement by a person sixty-five years of age or older.

## 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 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

HB 1317 passed and the title was agreed to.

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## MOTIONS

SEN. MUSHIK MOVED that HB 1161 be amended as follows:

Page 1, line 12, after "November" insert "eighth for the judicial branch and November", remove the overstrike over "~~fifteenth~~", replace "eighth" with "for the legislative branch", and after "each" insert "even-numbered"

Renumber accordingly

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

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1161 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1161: A BILL for an Act to amend and reenact section 54-44.1-13 of the North Dakota Century Code, relating to the date the budget requests for the legislative and judicial branches are submitted.

## 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 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; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

HB 1161 passed and the title was agreed to.

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## MOTIONS

SEN. WOGSLAND MOVED that HCR 3015, HCR 3019, HCR 3020, HCR 3026, HCR 3027, HCR 3042, HCR 3047, and HCR 3052 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

SEN. WOGSLAND MOVED that HCR 3015, HCR 3019, HCR 3020, and HCR 3026 be rereferred to the Committee on Transportation, which motion prevailed. Pursuant to Sen. Wogsland's motion, HCR 3015, HCR 3019, HCR 3020, and HCR 3026 were rereferred.

SEN. WOGSLAND MOVED that HCR 3027, HCR 3042, and HCR 3052 be rereferred to the Committee on Natural Resources, which motion prevailed. Pursuant to Sen. Wogsland's motion, HCR 3027, HCR 3042, and HCR 3052 were rereferred.

SEN. WOGSLAND MOVED that HCR 3047 be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Sen. Wogsland's motion, HCR 3047 was 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 Seventh order of business, and at the conclusion of the Seventh 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, March 7, 1991, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

HB 1042: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1042 was placed on the Fourteenth order on the calendar.

HB 1091, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was placed on the Fourteenth order on the calendar.

HB 1092: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1092 was placed on the Fourteenth order on the calendar.

HB 1100: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1100 was placed on the Fourteenth order on the calendar.

HB 1101: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1101 was placed on the Fourteenth order on the calendar.

- HB 1102: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1102 was placed on the Fourteenth order on the calendar.
- HB 1130, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1130 was placed on the Fourteenth order on the calendar.
- HB 1155: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1155 was placed on the Fourteenth order on the calendar.
- HB 1192, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1192 was placed on the Fourteenth order on the calendar.
- HB 1213, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1213 was placed on the Fourteenth order on the calendar.
- HB 1226: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1226 was placed on the Fourteenth order on the calendar.
- HB 1229, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1229 was placed on the Fourteenth order on the calendar.
- HB 1249, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1249 was placed on the Fourteenth order on the calendar.
- HB 1276, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1276 was placed on the Fourteenth order on the calendar.
- HB 1282: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 1 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 create and enact a new section to chapter 15-21 of the North Dakota Century Code, relating to the waiver of conditions for accreditation and approval; and to repeal section 15-41-26 of the North Dakota Century Code, relating to the waiver of conditions for accreditation and approval.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-21 of the North Dakota Century Code is created and enacted as follows:

Waiver of conditions for accreditation and approval. The superintendent of public instruction may waive any conditions for accreditation and approval imposed by statute for a reasonable length of time, provided the waiver encourages innovation or permits experimentation and provided the plans and purposes document the potential for an improved program. The superintendent may waive the conditions only upon the concurrence of a majority of a waiver committee composed of one person appointed by the North Dakota education association, one person appointed by the North Dakota council

of school administrators, and one person appointed by the North Dakota school boards association.

SECTION 2. REPEAL. Section 15-41-26 of the North Dakota Century Code is repealed."

Renumber accordingly

HB 1277: Committee on Human Services and Veterans Affairs (Sen. Mathern, 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, line 4, after "facility" insert "; to provide a statement of legislative intent; and to declare an emergency"

Page 1, after line 7, insert:

"SECTION 2. LEGISLATIVE INTENT - IN-HOME AND COMMUNITY-BASED SERVICES. It is the intent of the legislative assembly that the department of human services, through senior agencies and senior centers, provide information to the elderly on available in-home and community-based services.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HB 1290, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1290 was placed on the Fourteenth order on the calendar.

HB 1293: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).

HB 1304: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1304 was placed on the Fourteenth order on the calendar.

HB 1314: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove "leasehold or possessory interests in"

Page 1, line 4, replace "use" with "providing housing for"

Page 1, line 5, remove "by"

Page 1, line 9, remove "leasehold or possessory interest in residential"

Page 1, line 11, replace "use by" with "providing housing for"

Renumber accordingly

HB 1319, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1319 was placed on the Fourteenth order on the calendar.

HB 1353, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1353 was placed on the Fourteenth order on the calendar.

HB 1402, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1402 was placed on the Fourteenth order on the calendar.

HB 1426, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1426 was placed on the Fourteenth order on the calendar.

HB 1458: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1458 was placed on the Fourteenth order on the calendar.

HB 1479, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1479 was placed on the Fourteenth order on the calendar.

HB 1503: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1503 was placed on the Fourteenth order on the calendar.

HB 1508, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, after line 11, insert:

"SECTION 2. APPLICATION. Section 1 of this Act does not apply to any evidence of indebtedness or the refinancing of any evidence of indebtedness issued before the effective date of this Act and does not apply to any evidence of indebtedness payable in full during the biennium in which it is issued."

Renumber accordingly

HB 1539: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1539 was placed on the Fourteenth order on the calendar.

HB 1553, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1553 was placed on the Fourteenth order on the calendar.

HCR 3014: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3014 was placed on the Tenth order.

#### SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2037, SB 2042, SB 2043, SB 2086, SB 2122, SB 2127, SB 2131, SB 2141, SB 2195, SB 2251, SB 2295, SB 2299, SB 2302, SB 2482.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2037, SB 2042, SB 2043, SB 2086, SB 2122, SB 2127, SB 2131, SB 2141, SB 2195, SB 2251, SB 2295, SB 2299, SB 2302, SB 2482.

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

MR. SPEAKER: The President has signed: HB 1057, HB 1066, HB 1076, HB 1088, HB 1089, HB 1090, HB 1097, HB 1121, HB 1129, HB 1134, HB 1142, HB 1144, HB 1147, HB 1149, HB 1171, HB 1183, HB 1184, HB 1197, HB 1220, HB 1238, HB 1241, HB 1254, HB 1315, HB 1335, HB 1359, HB 1397, HB 1429, HB 1442, HB 1557.

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

MR. PRESIDENT: The Speaker has signed: SB 2068, SB 2081, SB 2098, SB 2110, SB 2124, SB 2128, SB 2137, SB 2140, SB 2150, SB 2185, SB 2186, SB 2190, SB 2220, SB 2269, SB 2291, SB 2322, SB 2367, SB 2368, SB 2369, SB 2380, SB 2412.

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

MR. PRESIDENT: The Speaker has signed: SB 2114, SB 2156, SB 2157, SB 2216, SB 2222, SB 2268, SB 2286, SB 2292, SB 2392, SB 2535, SCR 4024.

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a bill for an act to create and enact a new subsection to section 15-29-08 of the North Dakota Century Code, relating to school board meetings.

It shall be numbered SB 2593.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

#### FIRST READING OF SENATE BILL

Sens. Kelsh, Freborg and Reps. Wardner, Stofferahn introduced:  
(Approved by the Committee on Delayed Bills)

SB 2593: A BILL for an Act to create and enact a new subsection to section 15-29-08 of the North Dakota Century Code, relating to school board meetings.

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

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a bill to provide an appropriation for additional compensation to North Dakota state employees; to amend and reenact sections 4-01-21, 15-21-02, 26.1-01-09, 27-02-02, 27-05-03, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, superintendent of public instruction, commissioner of insurance, supreme court justices, district court judges, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner; and to provide an effective date.

It shall be numbered SB 2594.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

#### FIRST READING OF SENATE BILL

Sens. Satrom, Lips, Lindaas and Reps. Rydell, DeMers introduced:  
(Approved by the Committee on Delayed Bills)

SB 2594: A BILL for an Act to provide an appropriation for additional compensation to North Dakota state employees; to amend and reenact sections 4-01-21, 15-21-02, 26.1-01-09, 27-02-02, 27-05-03, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, superintendent of public instruction, commissioner of insurance, supreme court justices, district court judges, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner; and to provide an effective date.

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

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a bill for an act to establish a child sexual abuse investigation and prosecution team; to provide an appropriation; and to provide an effective date.

It shall be numbered SB 2595.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

## FIRST READING OF SENATE BILL

Sen. Freborg introduced:

(Approved by the Committee on Delayed Bills)

SB 2595: A BILL for an Act to establish a child sexual abuse investigation and prosecution team; to provide an appropriation; and to provide an effective date.

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

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Yockim and Rep. Schmidt introduced:

SCR 4067: A concurrent resolution directing the Legislative Council to study workers' compensation, insurance, and contract issues that may arise when an employer or insurer requires subrogation, additional insured coverage, or indemnification of an employee or contractor.

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

Sen. Mushik, Nething and Reps. Myrdal, Stofferahn introduced:

(Approved by Committee on Delayed Bills)

SCR 4068: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of coordinating the activities or consolidating the functions of state agricultural product promotion entities and the budgeting methods used for those entities.

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

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

MARION HOUN, Secretary