

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, March 7, 1991

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

The prayer was offered by Rev. Darrel Aleson, St. Alexius Medical Center, Bismarck.

The roll was called and all members were present except Senators E. Hanson and Moore.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2572, SCR 4020.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1154, HB 1181, HB 1209, HB 1307, HB 1366, HB 1371, HB 1390, HB 1398, HB 1399, HB 1501, HB 1580.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1035, HB 1203, HB 1424, HB 1497.

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

MR. SPEAKER: The Senate has failed to pass: HB 1174.

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

MR. PRESIDENT: The House has passed unchanged: SB 2084, SB 2153, SB 2160, SB 2218, SB 2248, SB 2304, SB 2330, SB 2343, SB 2408, SB 2452, SB 2566.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2115, SB 2134, SB 2333.

HOUSE AMENDMENTS TO SB 2115

Page 1, line 8, after "controlled" insert "at the township's or county's expense"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2134

Page 1, line 1, replace "54-44.4" with "54-44.5"

Page 1, line 6, replace "54-44.4" with "54-44.5"

Page 1, line 10, replace "54-44.4" with "54-44.5"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment corrects the North Dakota Century Code chapter reference regarding the Office of Intergovernmental Assistance.

HOUSE AMENDMENTS TO SB 2333

Page 1, line 12, replace "The" with "If the proposed charter has been submitted to a vote of the qualified electors of the county, the" and replace "submit" with "resubmit"

Page 1, line 13, replace "plan" with "charter" and remove "before the"

Page 1, line 14, remove "next primary or general election", replace "but" with "and", and replace "may not" with "must"

Page 1, line 15, replace "within" with "at least" and replace "publication" with "the call for the special election"

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 3035.

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 1030, HB 1034, HB 1038, HB 1055, HB 1056, HB 1065, HB 1096, HB 1104, HB 1107, HB 1115, HB 1118, HB 1198, HB 1267.

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

MR. PRESIDENT: The Speaker has signed: 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 SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1074, HB 1080, HB 1109, HB 1239, HB 1447, HB 1459.

REPORTS OF STANDING COMMITTEES

HB 1051, as engrossed: 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 section 53-06.1-16"

Page 2, remove lines 22 through 29

Page 3, remove lines 1 through 16

ReNUMBER accordingly

HB 1165, as engrossed: 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 1, replace "subsections" with "subsection" and remove "and 2"

Page 1, line 2, replace "12-44.1-06" with "12-44.1-24", replace "grades of" with "the removal of the requirement that the Administrative Agencies Practice Act be complied with in adopting", and after "jail" insert "rules"

Page 1, line 3, remove "facilities"

Page 1, line 5, replace "Subsections" with "Subsection", remove "and 2", and replace "12-44.1-06" with "12-44.1-24"

Page 1, line 6, replace "are" with "is"

Page 1, replace lines 8 through 13 with:

- "1. Prescribe rules and regulations pursuant to chapter 28-32 establishing minimum standards for the construction, operation, and maintenance of public or private juvenile detention centers, county and city jails, and regional corrections centers."

Renumber accordingly

HB 1291, as engrossed: 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 1, after the comma insert "a new subsection to section 43-12.1-04,"

Page 1, line 7, after the semicolon insert "to provide an expiration date;"

Page 2, line 10, after "or" insert "nursing"

Page 2, line 17, remove ", including persons who render assistance pursuant to"

Page 2, line 18, remove "chapter 23-27"

Page 2, line 27, after the second "or" insert "nursing"

Page 2, line 28, replace "or a person who is not" with an underscored period

Page 3, replace lines 1 and 2 with:

"6. A person who is not licensed under this chapter and who renders assistance pursuant to chapter 23-27.

SECTION 4. A new subsection to section 43-12.1-04 of the North Dakota Century Code is created and enacted as follows:

A person who is not licensed under this chapter and who provides nursing services in a hospital as defined in section 23-30-01."

Page 3, after line 25, insert:

"SECTION 7. EXPIRATION DATE. Section 4 of this Act is effective through June 30, 1993, and after that date is ineffective."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

HB 1277: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ page 886 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1282: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ pages 885-886 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1282 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 1282: A BILL 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.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; 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; Stenehjelm; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore; Streibel

HB 1282 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1314: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 886 be adopted and then be placed on the Fourteenth order with DO NOT PASS, which motion prevailed.

HB 1508: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 887 be adopted and then be placed on the Fourteenth order with DO NOT PASS, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1434: A BILL for an Act to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to gun dog permits and permit fees.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; 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; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1434 passed and the title was agreed to.

HB 1167: A BILL for an Act to amend and reenact sections 39-01-02, 39-06-21, 39-06-22, 39-06-32, subsections 1 and 2 of section 39-06-33, and subsection 3 of section 39-08-01 of the North Dakota Century Code, relating to the display of official number plates and window decals on state vehicles, the filing of application records for drivers' licenses and related actions, the maintenance of driving records of licensees and the deletion of record retention requirements, the authority to suspend operator licenses and to provide an effective date for such suspensions, and to have number plates impounded by courts returned to the director.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson;

Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tennefos;
Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; Hanson, O.; Mutch; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1167 passed and the title was agreed to.

HB 1010: A BILL for an Act making an appropriation for defraying the expenses of the department of banking and financial institutions.

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, 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: Hanson, E.; Moore

HB 1010 passed and the title was agreed to.

HB 1012: A BILL for an Act making an appropriation for defraying the expenses of the milk stabilization board.

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 49 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Lindgren; Nalewaja

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1012 passed and the title was agreed to.

HB 1052: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-14 of the North Dakota Century Code, relating to license fees for manufacturers of charitable gaming tickets and paper bingo cards.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; 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; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1052 passed and the title was agreed to.

HB 1077: A BILL for an Act to provide a one-time credit against insurance premium tax liability for certain taxpayers; to provide an expiration date; 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 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; 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; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1077 passed, the title was agreed to, and the emergency clause carried.

HB 1084: A BILL for an Act to amend and reenact subsection 3 of section 26.1-42-02 of the North Dakota Century Code, relating to the definition of covered claim under the Property and Casualty Insurance Guaranty Association Act.

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, 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; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1084 passed and the title was agreed to.

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.

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, 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; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1106 passed and the title was agreed to.

HB 1206: A BILL for an Act to amend and reenact sections 43-23-05, subsection 6 of section 43-23-06.1, sections 43-23-07, 43-23-08, 43-23-08.1, 43-23-08.2, and 43-23-09, subsection 1 of section 43-23-11.1, sections 43-23-12, 43-23-13, 43-23-13.1, subsection 2 of section 43-23-15, section 43-23.1-17, subsection 1 of section 43-23.1-18, subsections 1 and 2 of section 43-23.2-02, and section 43-23.2-09 of the North Dakota Century Code, relating to real estate licensing, license standards, continuing education, investigations, designation of a real estate broker's place of business, real estate continuing education courses, civil remedies, and the real estate education, research, and recovery fund.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; EVANSON; Freborg; Goetz; Graba; 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; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1206 passed and the title was agreed to.

HB 1253: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the issuance of conditional licenses to conduct games of chance; 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 42 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, O.; Heigaard; Heinrich; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Meyer; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Satrom; Schoenwald; Stenehjerm; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Graba; Holmberg; Ingstad; Kelly; Marks; Mushik; Redlin; Solberg; Tennefos

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1253 passed, the title was agreed to, and the emergency clause carried.

HB 1258: A BILL for an Act to amend and reenact sections 20.1-02-23, 20.1-02-24, and 20.1-02-25 of the North Dakota Century Code, relating to appointments to the game and fish advisory board; and to provide an effective date.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; 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; Nothing; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1258 passed and the title was agreed to.

HB 1264: A BILL for an Act to amend and reenact section 26.1-24-10 of the North Dakota Century Code, relating to insurance audits by insurers.

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, 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; Nothing; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1264 passed and the title was agreed to.

HB 1308: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases by a nonprofit medical research institute; 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 31 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Kelly; Krebsbach; Langley; Lindgren; Mathern;

Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Satrom; Solberg; Stenehjøm; Streibel; Tennefos; Thane; Traynor

NAYS: Graba; Heigaard; Heinrich; Jerome; Keller; Kelsh; Kinnoin; Krauter; Lindaas; Lips; Marks; Maxson; Meyer; Robinson; Schoenwald; Tallackson; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1308 passed and the title was agreed to.

MOTION

SEN. DOTZENROD MOVED that HB 1565, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1469: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for sales of recapped tires.

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, 50 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Hanson, E.; Lindgren; Moore

HB 1469 lost.

HB 1042: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to providing basic health insurance coverage for individuals and certain employers; to provide for reports to the legislative council; 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 41 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Marks; Maxson; Meyer; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Robinson; Satrom; Solberg; Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

NAYS: Graba; Heigaard; Heinrich; Kelsh; Lindaas; Mathern; O'Connell; Redlin; Schoenwald; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Moore

HB 1042 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1503 be placed at the top of the calendar.

SECOND READING OF HOUSE BILL

HB 1503: A BILL for an Act to provide for rural enterprise zones; to create and enact three new sections to chapter 6-09, chapters 6-09.13, 6-09.14, and 10-30.4 of the North Dakota Century Code, relating to a state development grant fund, a state development loan fund, on-farm loan programs, business loan programs, and the creation of the science and technology corporation; to amend and reenact sections 4-14.1-03, 6-09-01, 6-09-02.1, 6-09-04, 10-24-40, subsection 6 of section 10-30-04, sections 10-30.2-02, 10-30.2-05, 15-12-25, 21-11-02, 21-11-03, 21-11-04, 21-11-05, 21-11-06, 24-02-37.1, 24-03-21, subsection 6 of section 26.1-05-19, subsection 1 of section 28-32-01, sections 52-01-03, 54-34-06.1, 54-34-12, 54-34-15, 54-36-01, 54-40.1-01, subsection 7 of section 54-40.1-02, sections 54-40.1-05, 54-53-02, 55-06-01, and 55-08-02.1 of the North Dakota Century Code, relating to the Bank of North Dakota assuming the duties of the economic development commission; to repeal sections 54-34-01, 54-34-02, 54-34-03, 54-34-03.1, 54-34-04, 54-34-05.1, 54-34-06, and 54-34-08 of the North Dakota Century Code, relating to the economic development commission; to provide a transition; to provide for transfer of the assets and earnings of the Bank of North Dakota; to provide a continuing appropriation; to provide an appropriation; 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 9 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Hanson, O.; Mutch; Naaden; Nalewaja; Solberg; Streibel; Vosper

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

ABSENT AND NOT VOTING: Hanson, E.; Moore; Yockim

HB 1503 lost.

MOTIONS

SEN. WOGSLAND MOVED that HB 1215 be returned to the Senate floor from the Committee on Natural Resources and be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Wogsland's motion, HB 1215 was rereferred.

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

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 12:30 p.m., Friday, March 8, 1991, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The President has signed: 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 President has signed: HB 1030, HB 1034, HB 1038, HB 1055, HB 1056, HB 1065, HB 1096, HB 1104, HB 1107, HB 1115, HB 1118, HB 1198, HB 1267.

REPORTS OF STANDING COMMITTEES

HB 1049, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1049 was placed on the Fourteenth order on the calendar.

HB 1053, as engrossed: 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 14, remove the overstrike over "~~and~~" and remove "The licensee or eligible organization may also set any"

Page 1, remove line 15

Page 1, line 16, remove "one-half of the tables at each authorized site must accept"

Page 1, line 17, remove the overstrike over "~~must be accepted~~"

ReNUMBER accordingly

HB 1094, as engrossed: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1094 was placed on the Fourteenth order on the calendar.

HB 1123: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1123 was placed on the Tenth order.

HB 1138, as engrossed: 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 19, replace "consumer protection" with "refund"

Page 4, line 24, remove "and"

Page 4, line 26, after "division" insert "; and

5. To pay the actual costs of a background investigation of applicants for a gaming employee work permit"

Page 4, line 28, remove "and" and after "3" insert ", and 5"

ReNUMBER accordingly

HB 1145, as engrossed: 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 1, replace "repeal" with "amend and reenact"

Page 1, line 4, replace "REPEAL" with "AMENDMENT"

Page 1, line 5, replace "repealed." with "amended and reenacted as follows:

27-13-01. Duties of attorneys. Every attorney and counselor at law shall:

1. Maintain ~~the respect due to the~~ for courts of justice and to judicial officers;
2. Counsel ~~and or maintain no actions, proceedings, or defenses other than those which appear~~ claim that appears to him legal and just, except the defense of a person charged with a public offense the attorney to be unjust, nor any defense except one the attorney believes to be honestly debatable under the law;
3. Perform faithfully the attorney's responsibilities as an officer of the court and protector of individual rights;
4. Support the provision of legal services for indigent persons, public service, and public education about the law;
5. Work to make the legal system more accessible, responsive, and just;
- 3- 6. Employ, for the purpose purposes of maintaining the causes confided to him the attorney, such those means only as are consistent with truth and honor, and never seek to mislead the judges judge or jury by any artifice or false statement of fact or law;
- 4- Maintain inviolate the confidence, and at any peril to himself, preserve the secret, of his client;
- 5- Abstain from all offensive personalities and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged;
- 6- Refrain from encouraging either the commencement or continuance of an action or proceeding from any motive of passion or interest; and
7. Never reject for , from any consideration personal to himself the attorney, the cause of the defenseless or the oppressed, or delay anyone's cause for profit or malice."

Renumber accordingly

HB 1150: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1150 was placed on the Fourteenth order on the calendar.

HB 1164: 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 10, after "investigation" insert "and following appropriate standards of due process"

Renumber accordingly

HB 1218: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1218 was placed on the Fourteenth order on the calendar.

HB 1234, as engrossed: 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, line 17, after "nonrenewal" insert "and reasons for it"

Renumber accordingly

HB 1245, as engrossed: 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 12, replace "parent or legal guardian" with "person"

Page 1, line 14, replace the third "the" with "a"

Page 1, line 16, after "parent" insert "entitled to legal custody of the minor"

Page 1, line 16, after the period insert "This section does not apply to persons providing temporary sanctuary to minors accompanied by a parent or legal guardian in a domestic violence shelter or safe home."

Renumber accordingly

HB 1309: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO 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 1, after "chapter" insert "43-12.1, a new section to chapter" and after "43-17" insert ", and a new section to chapter 43-28"

Page 1, line 3, after "of" insert "nursing, the board of" and after "examiners" insert ", and the board of dental examiners"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

National practitioner data bank reports - Confidentiality. Reports that are submitted to the board pursuant to 42 U.S.C. 11131 through 11137 are confidential and may only be used for proper functions of the board. If the board determines that a report discloses a possible violation of state or federal criminal law, the board shall provide a copy of the report to the appropriate law enforcement agency."

Page 1, line 9, remove "The"

Page 1, remove line 10

Page 1, line 11, replace "evidence in any civil action. However, if" with "if"

Page 1, line 13, replace "may" with "shall"

Page 1, after line 13, insert:

"SECTION 3. A new section to chapter 43-28 of the North Dakota Century Code is created and enacted as follows:

National practitioner data bank reports - Confidentiality. Reports that are submitted to the board pursuant to 42 U.S.C. 11131 through 11137 are confidential and may only be used for proper functions of the board. If the board determines that a report

discloses a possible violation of state or federal criminal law, the board shall provide a copy of the report to the appropriate law enforcement agency."

Renumber accordingly

HB 1316: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1316 was placed on the Fourteenth order on the calendar.

HB 1336, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1336 was placed on the Fourteenth order on the calendar.

HB 1337, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1337 was placed on the Fourteenth order on the calendar.

HB 1373, as engrossed: Committee on Judiciary (Sen. Maxson, 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 16, replace "an expense" with "a deduction" and overstrike "the"

Page 1, line 17, overstrike "expense limitation." and insert immediately thereafter "computing adjusted gross proceeds."

Page 1, line 18, after "limitation" insert "unless the attorney general authorizes the organization to deduct cash shorts toward computing adjusted gross proceeds based on certain conditions and limitations prescribed in administrative rules"

Renumber accordingly

HB 1409, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 4, after "section" insert "5-01-08," after "19-03.1-23" insert ", 39-08-01," and replace "5-01-08" with "39-08-18"

Renumber accordingly

HB 1410, as engrossed: 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 1, after "Act" insert "to create and enact a new section to chapter 25-04 of the North Dakota Century Code, relating to accreditation of the developmental center at Grafton; and"

Page 2, after line 2, insert:

"SECTION 3. A new section to chapter 25-04 of the North Dakota Century Code is created and enacted as follows:

Accreditation of developmental center. The department of human services shall request appropriations and resources sufficient to ensure maintenance of the developmental center's accreditation by the accreditation council on services for people with developmental disabilities and certification by the health care financing administration or by similar accrediting and certifying organizations and agencies possessing standards applicable to handicapped individuals

and disciplines needed to provide quality services to individuals served."

Renumber accordingly

HB 1415: Committee on Judiciary (Sen. Marks, Vice Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1415 was placed on the Tenth order.

HB 1427: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1427 was placed on the Fourteenth order on the calendar.

HB 1482, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1482 was placed on the Fourteenth order on the calendar.

HB 1484: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1484 was placed on the Fourteenth order on the calendar.

HB 1492, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1492 was placed on the Fourteenth order on the calendar.

HB 1523: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 17, remove the third "the"

Page 1, remove lines 18 through 22

Page 2, line 1, replace "negotiation process under chapter 15-38.1. Until" with "until"

Page 2, line 19, remove "The school board shall also post"

Page 2, remove line 20

Page 2, line 21, remove "any county affected by the reorganization."

Renumber accordingly

HB 1551, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1551 was placed on the Tenth order.

HB 1588: 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). HB 1588 was placed on the Tenth order.

HCR 3045: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3045 was placed on the Tenth order.

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 section to chapter 57-39.2, a new section to chapter 57-40.2, a new section to chapter 57-40.3, and a new section to chapter 57-40.5 of the North Dakota Century Code, relating to a separate and additional sales, use, motor vehicle excise, and aircraft excise tax to fund water projects in this state; to amend and reenact section 57-39.2-08.2, relating to the bracket system for application of sales, use, motor vehicle excise, and aircraft excise taxes; to provide an

appropriation; to provide an effective date and an expiration date; and to declare an emergency.

It shall be numbered SB 2580.

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. Langley, Traynor, Streibel and Reps. Wentz, Kaldor introduced:

(Approved by the Committee on Delayed Bills)

SB 2580: A BILL for an Act to create and enact a new section to chapter 57-39.2, a new section to chapter 57-40.2, a new section to chapter 57-40.3, and a new section to chapter 57-40.5 of the North Dakota Century Code, relating to a separate and additional sales, use, motor vehicle excise, and aircraft excise tax to fund water projects in this state; to amend and reenact section 57-39.2-08.2, relating to the bracket system for application of sales, use, motor vehicle excise, and aircraft excise taxes; to provide an appropriation; to provide an effective date and an expiration date; and to declare an emergency.

Was read the first time and referred to the Committee on Finance and Taxation.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3066: A concurrent resolution urging the Governor and all North Dakotans to join in welcoming home all North Dakota personnel called to active military duty in the Persian Gulf War.

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

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

MARION HOUN, Secretary